

1 STATE OF NEW JERSEY  
2 COUNTY OF HUDSON  
3 SEPTEMBER 23, 2014  
4 SPECIAL MEETING  
5 COMMENCING AT 7:10 P.M.

6 HOBOKEN ZONING BOARD OF : TRANSCRIPT  
7 ADJUSTMENT : OF  
8 ----- PROCEEDINGS

9 B O A R D M E M B E R S P R E S E N T:  
10 JAMES AIBEL, CHAIRMAN  
11 ELLIOT GREENE, VICE CHAIRMAN  
12 PHIL COHEN, COMMISSIONER  
13 ANTONIO GRANA, COMMISSIONER  
14 DIANE FITZMYER MURPHY, COMMISSIONER  
15 JOHN BRANCIFORTE, COMMISSIONER  
16 TIFFANIE FISHER, ALT. #2  
17 RICHARD TREMITIEDI, ALT. #4

DENNIS M. GALVIN, ESQUIRE  
Attorney for the Board

18 A L S O P R E S E N T:  
19 EILEEN BANYRA, P.P.,  
20 Board Planner  
21 JEFF MARSDEN, P.E.,  
22 Board Engineer

PATRICIA CARCONE,  
Board Secretary

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1                   CHAIRMAN AIBEL: Good evening, everyone.  
2 I would like to advise all those present that notice  
3 of the meeting has been provided to the public, in  
4 accordance with the provision of the open Public  
5 Meeting Act, and that notice was published in The  
6 Jersey Journal and city Web site.

7                   Copies were provided in the Star Ledger,  
8 The Record, and also placed on the bulletin board of  
9 the lobby of City Hall.

10                  Would you please all join me for a  
11 salute?

12                  (Flag salute.)

13                  CHAIRMAN AIBEL: We're at a special  
14 meeting of the Hoboken Zoning Board. Pat, roll call.

15                  (Roll call.)

16                  CHAIRMAN AIBEL: I don't believe we have  
17 any minutes?

18                  MADAM SECRETARY: No.

19                  CHAIRMAN AIBEL: We have no  
20 memorialization of resolutions?

21                  MADAM SECRETARY: No resolutions.

22                  CHAIRMAN AIBEL: I guess, Jeff, we have  
23 some waiver requests?

24                  MR. MARSDEN: Yes. 722-730 Jefferson  
25 Street, it's a new, five-story residential building,

1 they are requesting a waiver for location of catch  
2 basins and existing storm drainage. I feel although  
3 it's preliminary approval, that that's necessary in  
4 order to properly evaluate it if it's going to be a  
5 fatal flaw. So I don't feel at this point it's  
6 complete until he submits that.

7 CHAIRMAN AIBEL: Is that the only  
8 waiver?

9 MR. MARSDEN: That's the only waiver  
10 he's requesting.

11 MR. GALVIN: Is that the only waiver we  
12 have to approve?

13 MR. MARSDEN: No. 729-733 Clinton, I  
14 think the applicant was a little confused because  
15 this involves a subdivision and he wants certain  
16 things waived for final. But it's a minor sub, so  
17 therefore there's no final. It's just when you  
18 approve minor subdivision, you're approved.

19 So, therefore, there were Items 18, 21,  
20 26, 27 and 28, they have to be addressed and I think  
21 that's just a matter of paperwork by the applicant to  
22 fix that information. But until they do that, I  
23 believe that would be deemed incomplete.

24 834 Park, they want a waiver for soil  
25 erosion sediment control, and other agency approvals,

1 and in the discussion I had with Dennis and Eileen,  
2 we feel that there must be other agency approvals in  
3 place before I sign off on the plans. So I think  
4 that's incomplete unless they provide that  
5 information.

6 MR. GALVIN: Say that again. What were  
7 they missing?

8 MR. MARSDEN: They wanted a waiver for  
9 soil erosion sediment control, the approval.

10 MR. GALVIN: I think we can grant them  
11 the -- that's a subject to.

12 MR. MARSDEN: Also other agencies.

13 MR. GALVIN: Those are subjects to. So  
14 we could deem them complete without those. All  
15 right?

16 MR. MARSDEN: Okay. But they'll be  
17 deemed complete but they have to provide a set of  
18 plans.

19 MR. GALVIN: Exactly.

20 MR. MARSDEN: Then I'm good with that.

21 So that would be complete. 834 Park  
22 would be deemed complete. That's it.

23 MR. GALVIN: We need a motion to accept  
24 our engineer's recommendations as to waivers.

25 COMMISSIONER GREENE: I'll move it.

1 COMMISSIONER BRANCIFORTE: I'll second.

2 MR. GALVIN: All in favor?

3 Any opposed?

4 CHAIRMAN AIBEL: Great, thanks.

5 Mr. Matule, I guess you're up. We're  
6 going to start with 720 Clinton. We'll go as far as  
7 we think appropriate, given the time and the other  
8 application that is pending, and decide where we want  
9 to cut off.

10 MR. MATULE: Very well.

11 CHAIRMAN AIBEL: The current is to hear  
12 501 Washington second.

13 MR. MATULE: I had a conversation with  
14 Mr. Galvin and I thought perhaps when we're done, at  
15 whatever point we can on 720, we could see what the  
16 balance of the time available looks like before we  
17 start 501. Because it may make sense at that point  
18 to make an announcement that 516 is being carried.  
19 We'll play it by ear.

20 CHAIRMAN AIBEL: Excellent, thanks.

21 (Whereupon, this portion of the meeting  
22 is concluded.)

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

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HOBOKEN ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 23, 2014  
SPECIAL MEETING

IN THE MATTER OF: : TRANSCRIPT  
720 CLINTON STREET : OF  
----- PROCEEDINGS

B O A R D M E M B E R S P R E S E N T:  
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2 GALVIN LAW FIRM

3 By: DENNIS M. GALVIN, ESQUIRE

4 Attorney for the Board

5

6 ROBERT C. MATULE, ESQUIRE

7 Attorney for the Applicant

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1 MR. MATULE: Good evening, Mr. Chairman,  
2 Board Members. Robert Matule, appearing on behalf of  
3 the applicant, 720 Clinton Street, known to most as  
4 the Wonder Bread Building, and this is an application  
5 to repurpose that building from an industrial use to  
6 a mixed use residential building, primarily  
7 residential. There's some commercial space on the  
8 ground floor. As part of our application, the  
9 applicant indicated that he would be providing  
10 affordable housing as required by the ordinance.

11 One of the things that is a little  
12 different in this case is that we're requesting,  
13 under Section 3-A of the affordable housing  
14 ordinance, the board that has jurisdiction has the  
15 authority to allow the affordable housing to be built  
16 offsite and we are requesting permission to build the  
17 affordable housing offsite.

18 As a matter of fact, one of the  
19 applications Mr. Marsden discussed on the waivers,  
20 729-733 Clinton, which is directly across the street  
21 from this site, the intention of the applicant is to  
22 build a standalone building across the street, for  
23 the affordable housing, which would be a rental  
24 property.

25 For a lot of reasons, the applicant and

1 I feel that rental is a more workable and viable way  
2 to provide the affordable housing, and that's the  
3 plan. Obviously, it would be interrelated with this  
4 application in the sense that assuming we were  
5 granted preliminary approval for this application,  
6 one of those conditions, I guess a condition I guess  
7 of final approval, would be to get our approvals for  
8 the other site and to build the affordable housing.

9           Tonight, I have several witnesses.  
10 We'll be providing the testimony of Donald Friedman,  
11 who is a P.E. and specializes in old structures. We  
12 have our architect, Frank Minervini; Edward Kolling,  
13 our planner; Tom Chartier, our LEED consultant; and  
14 Andrew Jafolla, from Dynamic Traffic. Obviously, I  
15 don't plan on getting through all those witnesses  
16 this evening but that would be the order we're  
17 presenting them in.

18           Before I start, is there --

19           CHAIRMAN AIBEL: I'll ask you to field a  
20 question from Mr. Cohen.

21           COMMISSIONER COHEN: With respect to the  
22 affordable housing, do you have a number of units  
23 that you're planning on building?

24           MR. MATULE: Yes. Under the  
25 ordinance -- the proposed density for this project

1 that's presently before the board is 121 units. The  
2 way the ordinance is structured, when you are  
3 repurposing and rehabbing a building, you deduct the  
4 first 10 units, so that would bring the number, for  
5 purposes of doing the math for the affordable housing  
6 10 percent, to 111, which would be 11 units, it's 10  
7 percent of 111 would be 11 units, and that's what  
8 we're proposing to build. Obviously, if between now  
9 and wherever this application ends up, that density  
10 number changes, that affordable number could change  
11 accordingly, but the spirit and intent of the  
12 application is that whatever the ordinance, the  
13 affordable housing ordinance requires, vis-a-vis the  
14 ultimate density that's approved, that's what the  
15 applicant is intending to provide.

16 COMMISSIONER COHEN: One other. Can you  
17 tell me the address for the location of that other  
18 property where you would plan on building?

19 MR. MATULE: Yes, 729 -- well, actually  
20 that's the subject of a separate application, but  
21 it's actually 729-731-733 Clinton. It's the corner  
22 building right across the street. I guess it's the  
23 southeast corner of the intersection of Eighth and  
24 Clinton. That's presently four lots. The intention  
25 is to re-subdivide it into two lots and put two

1 buildings in and depending on what the ultimate  
2 number of the affordable is, that would be in one  
3 building, then there will be a separate building next  
4 to it.

5 COMMISSIONER COHEN: Thank you.

6 CHAIRMAN AIBEL: Okay.

7 MR. MATULE: All right. I would like to  
8 then call Donald Friedman, my first witness.

9 Just by way of background, it is my  
10 understanding that Mr. Friedman has testified before  
11 this board before. I don't know if any of the  
12 current members were here. He was the expert witness  
13 for the objectors in the Newman Leather matter.

14 MR. GALVIN: Oh, okay.

15 MR. MATULE: I have Mr. Friedman's CV  
16 here, I could pass around to the board members, but I  
17 can certainly have him sworn and qualified.

18 D O N A L D F R I E D M A N, having been duly sworn,  
19 was examined and testifies as follows:

20 MR. GALVIN: State your full name for  
21 the record, spell your last name.

22 THE WITNESS: Donald Friedman,  
23 F-R-I-E-D-M-A-N.

24 MR. GALVIN: What's your licensure?

25 THE WITNESS: I'm a professional

1 engineer licensed in the State of New Jersey.

2 MR. GALVIN: And your special expertise  
3 is historic structures; is that what you'll be  
4 testifying to?

5 THE WITNESS: Structural engineering and  
6 in general my practice is almost entirely historic  
7 buildings and older buildings.

8 MR. GALVIN: Mr. Chairman, do you accept  
9 his credentials?

10 CHAIRMAN AIBEL: Yes, we do.

11 MR. GALVIN: Go ahead, Mr. Matule.

12 MR. MATULE: Thank you.

13 EXAMINATION BY MR. MATULE:

14 Q. Mr. Friedman, you have been retained by  
15 the applicant, in this matter, to study the physical  
16 structure of the building, that's the subject of the  
17 application, and the feasibility of the repurposing  
18 it to residential use?

19 A. Yes, I have.

20 Q. Did you conduct such a study?

21 A. A preliminary study, yes.

22 Q. Could you give us the results of that  
23 study, perhaps describe the building, give us a brief  
24 history of the building and describe the condition  
25 you found it to be in?

1           A.           Sure. The building is an industrial  
2 building, three wings, one on Eighth Street, one on  
3 Clinton, one on Grand. The Eighth Street wing is the  
4 oldest portion and is a little bit over 100 years  
5 old. It replaced a one-year-old temporary building  
6 that replaced a 10-year-old building that had burned  
7 down, all by the same owner. Presumably in reaction  
8 to that fire, the building is nonflammable  
9 construction, it's a concrete frame with brick  
10 exterior walls. It's not exactly a steel frame  
11 building, there are portions of the concrete  
12 supporting on the brick. It's a little funny, which  
13 I think relates to the sequence of construction. I  
14 believe the temporary building, that was built in  
15 1909, was incorporated into the building we see  
16 today. It's just sort of a peculiarity of this  
17 building. Two wings were extensions, the Grand  
18 Street and Clinton Street wings were extensions of  
19 this building. They are mixed construction, some  
20 steel construction, some Green Forest concrete.  
21 Again brick exterior walls.

22                       The building being built is an  
23 industrial building. It was built very heavy and as  
24 a result it survived reasonably well. The fact that  
25 it was designed for very heavy has good points and

1 bad points.

2           The good point is that you can add to  
3 the building, it survived lack of -- an apparent lack  
4 of maintenance with relatively little damage. The  
5 bad part is that to alter the building is a lot of  
6 work because it is very heavy construction. An older  
7 building that had width construction is somewhat  
8 easier to alter, although we have other problems with  
9 that obviously.

10           Looking at the building, there are signs  
11 of water damage in various portions. There's some  
12 facade damage. The worst of which are some badly  
13 damaged parapets. There are a number of large cracks  
14 at the lower floors, there's some spalling brick.  
15 All the things you see go wrong with a brick wall  
16 building, over time are starting to go wrong here.

17           In the two smaller wings there's that  
18 kind of damage and there's also some water  
19 infiltration through the roofs that in a few areas  
20 has damaged the interior concrete structure. A  
21 number of this damage is particularly bad at this  
22 time. The building is a viable building as it  
23 stands, it could be reused right now with repairs  
24 exactly as is, it can also be altered, of course.  
25 The problem with this kind of damage is that it's

1 worse overtime, it's water infiltration gradually  
2 damaging the brick, both through effective water  
3 slowly deteriorating and mortaring the brick and also  
4 through freeze/thaw cycles. This damage gets worse  
5 and worse as time goes on and intends to accelerate.  
6 Right now the damage is in the relatively early  
7 stages. It's all fixable. The longer you wait with  
8 a building like this, the worse it's going to get.  
9 After a certain point, I can't tell you if that's 10  
10 years or 15 years, 20 years, the damage will reach a  
11 point where it's really no longer feasible to repair.

12                 So, we're sort of in the early-to-mid  
13 stages of weather and damage that has not been  
14 repaired, that has not been treated.

15                 Other than that, the interior structure  
16 is pretty solid, and it will need to be altered to  
17 convert from industrial use to a residential use.  
18 There are double height spaces that make sense for a  
19 bakery that don't make sense for an apartment. New  
20 floors would need to be put in those areas and as I  
21 said, it's a very heavy structure so it has the  
22 capacity to accept the new floors.

23                 That's a summary I guess.

24                 Q.         So basically the building -- would it be  
25 fair to say the building has good bones?

1 A. Yes.

2 Q. But it's at a point where it needs some  
3 work to keep it from further deteriorating?

4 A. I think that's an accurate summary,  
5 yeah.

6 Q. What would the nature of that work be?

7 A. Some brick rebuilding, a lot of brick  
8 repair, pointing, toothing the new brick in areas  
9 where there's concrete deterioration, the limited  
10 number of areas right now. There's damaged rebar in  
11 the concrete that would have to be supplemented.

12 Where it's just the concrete that's damaged and the  
13 rebar is still intact, the rebar needs to be cleaned  
14 and new packaging material put in place. It's like  
15 dentistry, it's a lot of little work all over the  
16 place, it's not one big thing in one location.

17 Q. You mentioned, in particular, the  
18 parapets are severely -- relatively speaking, the  
19 worst part of the building?

20 A. The parapets are badly deteriorated.  
21 They're not yet, what I would say, an immediate  
22 hazard but they are heading in that direction.  
23 Parapets trend to age faster than the rest of the  
24 wall because they weather on both sides. But they  
25 are

1 definitely --

2 Q. What would need to be done to stabilize  
3 them?

4 A. Portions would need to be rebuilt, but a  
5 lot of pointing and some brick replacement.

6 Q. Just as an aside, as someone who studies  
7 old structures for a living, do you find this  
8 building particularly interesting or unusual?

9 A. It's more interesting than most  
10 industrial buildings, architecturally and also it's  
11 historically. It's not just a box.

12 MR. MATULE: Thank you.

13 MR. GALVIN: I just want to get my  
14 bearings on this case. The Wonder Bread was a  
15 complex; isn't there several buildings that were  
16 involved there?

17 THE WITNESS: I'm referring to them as  
18 three wings. They were built as three separate  
19 buildings.

20 MR. GALVIN: It seems to me that I have  
21 some notes from a couple years ago on 715 Grand.

22 MR. MATULE: I think that's a different  
23 site, I don't believe that's -- Mr. Minervini may  
24 have been involved in that. If we could call him up,  
25 perhaps he can shed some light on things.

1 MR. GALVIN: You'll see that there's  
2 someplace where I'm going on this.

3 F R A N K M I N E R V I N I, having been duly sworn,  
4 was examined and testifies as follows:

5 MR. GALVIN: State your full name for  
6 the record, spell your last name.

7 THE WITNESS: Frank Minervini,  
8 M-I-N-E-R-V-I-N-I.

9 MR. GALVIN: Mr. Chairman, do you accept  
10 Mr. Minervini's credentials?

11 CHAIRMAN AIBEL: Yes, we do.

12 THE WITNESS: 715 Grand was part of this  
13 project, separate owners it's been constructed, has  
14 approvals from this board. It was destable for the  
15 Bakery, it was Continental bakery at the time but it  
16 was destable for these buildings.

17 MR. GALVIN: Right. In that case we  
18 were told that it had a certain architectural flare,  
19 historical flare and then when the building -- if I  
20 got it right, then when we were out in the field, it  
21 didn't work out right.

22 So I think we need to know that. If  
23 we're going to base the premise of the decision on  
24 the good bones and the existing structure, we want to  
25 know that we're getting what we're paying for.

1 THE WITNESS: That's a part of my  
2 testimony will be when I actually get to testify.

3 MR. GALVIN: I thought it went to the  
4 historical person because he's got to tell me if the  
5 structure is going to -- when we get out there -- you  
6 know, I see this in other communities, and I'm not  
7 casting aspersions on anybody but you get proofs from  
8 someplace that it's a Victorian home and the Floor  
9 Area Ratio has got to be what it is because it's got  
10 all the high ceilings. They get out in the field and  
11 they take the whole building down and brand a  
12 brand-new Victorian home as opposed to they could  
13 have complied with the ordinance or done something  
14 else. We want to make sure that we're getting what  
15 we're promised.

16 THE WITNESS: It's a question I've heard  
17 before, an obvious one I think.

18 MR. GALVIN: Thank you. I like to talk  
19 about the obvious.

20 THE WITNESS: It's an obvious concern  
21 that I'm not saying something just because you want  
22 to hear. Part of the problem with that concern is  
23 it's almost impossible for me to prove that I'm not  
24 doing this.

25 MR. GALVIN: If this facade comes down,

1 you're going to have a serious problem, or somebody  
2 is.

3 THE WITNESS: Fair enough. I guess one  
4 way of looking at it is that this building I believe  
5 has not been considered to be a problem. This is not  
6 a building that the City of Hoboken says, well, this  
7 is a dangerous building and, you know, it needs to be  
8 addressed before it kills somebody.

9 The reason that's true is that the  
10 building is in relatively good condition as it  
11 stands. That's what I was trying to get at, is that  
12 the time to fix what's wrong with it is before it  
13 gets to the point where it is so damaged that it has  
14 to be torn down. And I can't say that that time is  
15 today, it may very well be true a couple years from  
16 now but it's getting worse.

17 So right now, yes, you've got good  
18 bones, it's showing in places a little bit but it's  
19 still a good and viable building, which it will not  
20 indefinitely into the future if it's not maintained  
21 and it has not been in recent years from what I was  
22 able to see.

23 MR. GALVIN: I just wanted it so we all  
24 know what we're talking about.

25 CHAIRMAN AIBEL: Board Members,

1 questions for Mr. Friedman?

2                   COMMISSIONER COHEN: I'm wondering maybe  
3 this is for Mr. Minervini but maybe it's for you. Do  
4 you have a sense as to what aspects of the building,  
5 which you find interesting, are going to remain  
6 intact or is that not your area?

7                   MR. FRIEDMAN: I mean I could answer it  
8 as far as I know what the plan for reuse is.

9                   COMMISSIONER COHEN: Yes.

10                  MR. FRIEDMAN: I sort of find the  
11 history of Wonder Bread interesting and that will not  
12 be maintained but that's a different issue.

13                  Building has, as I said before, sort of  
14 a complicated exterior appearance. It's not just a  
15 box. Which a lot of factories are. You don't often  
16 see factories with multiple setbacks and symmetrical  
17 top of the building as you've got here. I'm not sure  
18 how that was done. I'd like to do more research on  
19 this to find out why the original owners built such a  
20 fancy building when it didn't have to and really was  
21 not to their benefit. That massing is being  
22 maintained. The appearance of the Eighth Street  
23 wing, and you'll see when Mr. Minervini gives his  
24 presentation, maintains the architectural  
25 characteristics of it. Things that I found

1 interesting, the part of the plan that you're going  
2 to be seeing from the architect.

3 COMMISSIONER COHEN: Is there anything  
4 particularly distinctive about that architecture  
5 or -- I mean you're an expert in old structures. I'm  
6 wondering if there's anything in particular in your  
7 expertise?

8 MR. FRIEDMAN: It's not unique, if  
9 that's what you're asking. It is a fancier, more  
10 thoroughly -- architecturally planned building than  
11 most industrial buildings, certainly of that year.  
12 So it's rare but it's not unique I guess is the best  
13 way of phrasing it.

14 COMMISSIONER COHEN: Thanks.

15 COMMISSIONER TREMITIEDI: Regarding the  
16 parapet wall, how relatively safe is that? You said  
17 that's in the probably worse condition?

18 MR. FRIEDMAN: Well, as a licensed  
19 engineer, if I thought it was unsafe, I actually do  
20 tell my client immediately, this is unsafe and you  
21 need to do something.

22 COMMISSIONER TREMITIEDI: It doesn't  
23 face -- does it have cobblestones?

24 MR. FRIEDMAN: Yes.

25 COMMISSIONER TREMITIEDI: I have not

1 done testing of any kind, visual inspection. That  
2 would be the process.

3 MR. FRIEDMAN: They're not unsafe today.  
4 We're getting into the winter; it may very well be  
5 that by spring they are unsafe. They're not in good  
6 condition.

7 COMMISSIONER TREMITIEDI: Thank you.  
8 Because there great kill for firefighters when they  
9 collapse. That's why I ask that. But thank you.

10 CHAIRMAN AIBEL: Any questions?

11 COMMISSIONER GREENE: I have a question.  
12 You said that the Eighth Street structure date is  
13 from about 1909?

14 MR. FRIEDMAN: I think it was completed  
15 in 1910 as far as I can see.

16 COMMISSIONER GREENE: The other two  
17 structures?

18 MR. FRIEDMAN: Teens or early twenties.

19 COMMISSIONER BRANCIFORTE: I don't know  
20 if this is your area or not, but have you done any  
21 environmental studies on that building to make sure  
22 that it's safe to remain there?

23 MR. FRIEDMAN: It's not my area. I'm  
24 sure other people can speak to that.

25 CHAIRMAN AIBEL: Board members?

1 Professionals?

2 MR. MARSDEN: Do you anticipate that a  
3 portion of the existing structure, structural support  
4 and stuff have to be moved to use the building the  
5 way you want to or are you just proposing adding  
6 floors and stuff and using the existing structure?

7 MR. FRIEDMAN: I would expect that  
8 there -- well, there certainly will be portion of  
9 slab, for example, that will be removed, to create  
10 duplex apartments to create a new stair and things  
11 like that, more like supporting columns and things  
12 like that.

13 Based on where we are in design, I don't  
14 think so but I can't say with certainty.

15 COMMISSIONER GRANA: Can we gauge what  
16 percentage of the original structure is actually  
17 going to be kept and be reused, or is that maybe Mr.  
18 Minervini's testimony?

19 MR. MATULE: I think Mr. Minervini could  
20 speak to that point.

21 COMMISSIONER GRANA: I'll save that for  
22 the architect.

23 MS. BANYRA: I have a question. You  
24 indicated there's three principal structures.

25 MR. FRIEDMAN: Yes.

1 MS. BANYRA: And so the dates that one  
2 of the other commissioners just asked were 1909 and  
3 1920s?

4 MR. FRIEDMAN: The Eighth Street wing is  
5 1909 or more likely 1910. The Grand Street and  
6 Clinton Street wings are late teens or early twenties  
7 as far as I can figure out.

8 MS. BANYRA: Are they all in equal  
9 quality?

10 MR. FRIEDMAN: You say quality.  
11 Condition?

12 MS. BANYRA: Condition, excuse me, yes.

13 MR. FRIEDMAN: No, the Eighth Street  
14 wing is in somewhat better condition at this time.  
15 All three portions are viable for a use. The Grand  
16 Street wing is probably the worst condition right  
17 now.

18 CHAIRMAN AIBEL: Let me open it up to  
19 the public. Does anybody have questions for the  
20 engineer?

21 COMMISSIONER GREENE: Seeing no one,  
22 move to close the public portion for the engineer.

23 COMMISSIONER COHEN: Second.

24 CHAIRMAN AIBEL: All in favor?

25 A MEMBER OF THE AUDIENCE: Can I ask a

1 question? Based on Mr. Matule's introductory  
2 remarks, it sounds as if 501 may not be heard  
3 tonight.

4 MR. GALVIN: No. That's true. We're  
5 going to go into that one next. We gave an hour and  
6 a half for the 720 matter first.

7 A MEMBER OF THE AUDIENCE: The full hour  
8 and a half will take place before we get to 501? I'm  
9 just trying to gauge.

10 MR. GALVIN: I'm not 100 percent sure it  
11 will be hour and a half. We'll have to weigh it out.  
12 We don't want to go beyond an hour and a half. If we  
13 get close we might move into 501 sooner.

14 A MEMBER OF THE AUDIENCE: All right.  
15 F R A N K M I N E R V I N I , having been previously  
16 sworn, was examined and testifies as follows:

17 EXAMINATION BY MR. MATULE:

18 Q. Just for the record, Mr. Minervini,  
19 you've previously been sworn?

20 A. Yes.

21 Q. And qualified. To the extent Mr.  
22 Friedman hadn't done so, could you describe the  
23 existing building, buildings as it were, wings?

24 A. Yes. I can answer some of the questions  
25 that came up. I guess the first one would be

1 percentage of what we're proposing. Let's get that  
2 out of the way.

3 I would estimate 95 percent of the  
4 building as exists will be reused. There are some  
5 floor levels that have to be replaced in order to  
6 accommodate residential ceiling heights, but in terms  
7 of exterior walls, structural systems, which is  
8 columns, roof, majority of the slab, that is all  
9 remaining.

10 Another one of the questions was, and  
11 Mr. Galvin had it, what are we proposing to change or  
12 not.

13 This proposal, this project in front of  
14 you and everything I'll be describing as part of my  
15 testimony is to keep this existing building. We're  
16 keeping it. We're not knocking down facades, we're  
17 going to rebuild facades where needed in portions,  
18 because obviously there are new windows. It's  
19 adaptive reuse. It's not a historic preservation.  
20 Adaptive reuse is a compromise between preservation  
21 and raising the building. That's what we're  
22 proposing here.

23 But I think it's a good time to start  
24 with some of the history and we have heard a bit of  
25 the history but going very far back. 1867, the Josh

1 Schmalz's Sons Bakery moved to Hoboken, Fifth and  
2 Park, and successful.

3 MR. MATULE: We'll mark this exhibit  
4 A-1.

5 (Exhibit A-1 marked into evidence.)

6 Q. Can you describe what it is?

7 A. This is an exhibit of photographs that  
8 I've gotten from the Hoboken Historical Museum. It's  
9 very nice archive and I'll go through all of them  
10 because they are somewhat relevant.

11 So, 1967, bakery was built on Fifth and  
12 Park and Fifth and Sixth and Park. In 1899 they  
13 moved to the current site. That's what this  
14 photograph shows. This is the building in 1899, this  
15 is Eighth Street, that's Grand Street and  
16 that's Clinton Street. Ten years later this building  
17 burned down and that's what these are photographs  
18 are.

19 In response to that, the building as we  
20 know it was constructed, and this is one of the  
21 original photographs of the building when it was  
22 first constructed.

23 What is special about the building was  
24 even today it was incredibly advanced in terms of  
25 fireproof technology. It was one of the first

1 buildings in the Northeast, and I'll go through all  
2 the list of all the things, really in reaction to the  
3 previous building burn and may have been overkill but  
4 it had a lot of technology that is still used today.  
5 So not a combustible structure. The structure, all  
6 slabs are concrete, the columns are concrete-encased  
7 steel and all the exterior walls are brick,  
8 noncombustible.

9 All the windows were metal frame.  
10 Windows that had shared areas had wire mesh in them,  
11 which is equivalent of a fire-rated window today.  
12 The building had a sprinkler system. Very new  
13 technology at the time. And this photograph  
14 specifically shows the water tower on the building,  
15 which is no longer there. That served as the supply  
16 for the sprinkler system. There was also one of the  
17 first buildings to have a chemical fire extinguisher  
18 system throughout. Very similar to what we know  
19 today, but throughout the buildings. It was one of  
20 the first buildings to have separate areas broken off  
21 to fire separation areas. So if a fire did start, it  
22 was contained within a small area as opposed to  
23 bouncing from one, next, to the next. That was  
24 achieved with fire-rated walls which in this case  
25 were hollow clay block and doors that were made of

1 metal so they wouldn't burn, wouldn't transmit fire.

2 I think that's the extent of all the  
3 fire safety. And again, there was nothing like it at  
4 the time, certainly not in Hoboken. This building is  
5 a very sound building. As Mr. Friedman described it,  
6 in terms of the fire technology, it really was  
7 something special.

8 So that was 1909's construction --

9 COMMISSIONER GREENE: I want to ask you  
10 a question regarding the fire rating. Was there any  
11 asbestos used in fire protection of the building?

12 THE WITNESS: I don't know. I didn't  
13 read that in any of my research. Probably was in  
14 terms of steam pipes, very common in this day. I  
15 think one of the questions Mr. Branciforte had about  
16 the environmental status. It's received phase I and  
17 phase II studies and cleared both. That way, it also  
18 answers that question.

19 First of all, so we went through the  
20 firewalls. So again it was -- also, it had a fire  
21 watchman. So a fire watchman would, all day and all  
22 night, walk from one fire separation area to another  
23 and describe what he had saw.

24 So every -- this building was constantly  
25 monitored for fire. Commissioner Tremittedi I think

1 would appreciate a lot of this, but remember, it's  
2 1909 technology. That's when this building was  
3 built. When I say this building, I'm talking about  
4 the corner section at Eighth between Clinton and  
5 Grand. The two wings, one on Grand Street and one on  
6 Clinton Street, were built 10 years or so after, also  
7 with noncombustible materials and most of the same  
8 technology applied to that, including the automatic  
9 sprinkler system.

10           If I could pass this around, if anyone  
11 is interested in seeing more closely the photographs.

12           What you've got there are photographs of  
13 the original building -- if I may, I take it back one  
14 second. I thought this was interesting as well.

15           So this is a photograph of the first  
16 design, first building that was raised due to fire.  
17 This is the design and drawing of that building. So  
18 their initial intention was to build this building  
19 completely down the street between Eighth and Seventh  
20 Street. That's what the drawing shows. Again,  
21 courtesy of the Hoboken Historical Museum.

22           We recognize that of course we're asking  
23 for several variances, but we recognize that the one  
24 that really stands out amongst the others is the  
25 density. What I'm going to try to do tonight is

1 justify that density by explaining what's actually  
2 involved in converting this building from its  
3 industrial use to a residential use.

4           Again I mentioned, we used adaptive  
5 reuse concept. It's not a historic preservation,  
6 it's a compromise between a preservation and knocking  
7 down the building. These particular clients, we  
8 first met them, that was one of our options. We  
9 really looked at what would be the ramifications of  
10 knocking this building down. It's certainly easier,  
11 in terms of construction, to knock this building down  
12 and build new. You're working with known, as opposed  
13 to the unknown. What we're working with here are  
14 still many, many unknowns. We know that the bones  
15 are good, as Mr. Friedman had mentioned, but there  
16 are so many unknowns when it comes to construction,  
17 that this is going to be a very difficult build. And  
18 I have a lot more detail, with regards to that, that  
19 I can describe.

20           So the building was destroyed in 1909.  
21 1920s, Continental bakery company bought the entire  
22 structure, as well as the business, from the  
23 Schmalz's company. Continental bakery is the company  
24 that actually built -- sorry, made Wonder Bread. So  
25 that's the connection between Wonder and Schmalz,

1 Wonder Bread. We all know it as the Wonder Bread  
2 Building. But it was because the Continental bakery  
3 bought it from the Schmalz company and that is one of  
4 the products they produced here.

5 I would point to that, in the 1930s the  
6 Continental bakery company expanded and built the  
7 building that we know as the Hostess Building on 14th  
8 and between Park and Garden. So that building is no  
9 longer used, obviously for industrial, that was --  
10 that received adaptive reuse as well.

11 After the Continental bakery company  
12 went out of business, it had several owners. Its  
13 most recent use has been for the Atlantic Tropical  
14 Company. It is really a tropical fruit, warehouse  
15 and distribution center. That's what it's used for  
16 now. There was some illegal apartments up on the  
17 upper floors, that's been remedied prior to these  
18 contract owners purchasing it. So right now it is  
19 used solely for the distribution and warehousing of  
20 tropical fruit.

21 So I discussed the adaptive reuse.

22 So when we looked at the building and  
23 whether to raise it or go through this extensive  
24 effort in adapting it and reusing it, some of the  
25 things that we had to deal with were, for example,

1 the existing structure. Mr. Friedman described that  
2 all the bones are good and the building is not  
3 falling down. There is an enormous amount of work  
4 required to make this building completely sound.  
5 There's exposed reinforcing in lots of areas.

6 I've got a photo board describing some  
7 of the conditions that are of concern but not of  
8 concern in terms of the building --

9 MR. MATULE: I'm going to mark this A-2.

10 (Exhibit A-2 marked into evidence.)

11 Q. These are photos you took, your office?

12 A. Photos taken by me, yeah. The chimney  
13 stack, that's an existing chimney stack. It's got  
14 vertical cracks, lot of the brick has vertical  
15 cracks, cracks on all the lintel conditions. The  
16 north wall, both on the east side and the west side  
17 of the building, on Eighth Street, has vertical  
18 cracks. All of this will be remedied, all of this  
19 will be repaired, all of this will be repaired,  
20 assuming of course the project is approved, repaired  
21 within the context of providing new window openings.  
22 That's another one of the reasons why a building like  
23 this is very difficult to reuse. The window openings  
24 that are there now in no way relate to what's  
25 required for residential use.

1           So, compare the existing building,  
2 here's another board.

3           (Exhibit A-3 marked into evidence.)

4           Satellite photographs from Internet  
5 site. Most of the photographs show, at least two of  
6 them do, the windows on both the Eighth Street sides  
7 and that's the Grand Street side. Window openings  
8 very rarely work for what we need in terms of  
9 residential use. If anyone is interested, I can pass  
10 that around as well.

11           CHAIRMAN AIBEL: Frank, one second. If  
12 anybody in the public wants to look at the exhibit,  
13 perhaps I can suggest, Frank, that you pull them to  
14 the side. Give people access to them.

15           THE WITNESS: Sure.

16           (Pause.)

17           So another one of the major hurdles we  
18 have to deal with, in terms of converting this to  
19 residential use, is the column locations. Column  
20 locations are not in a location that make sense for  
21 residential use. When this building was designed as  
22 a bakery, the columns were placed to work around  
23 ovens, to work around different uses and different  
24 processes within the bakery use. None of them work  
25 for our use.

1           So what that meant was as opposed to  
2 removing columns, which this is not really feasible,  
3 it meant working a floor plan around existing  
4 columns. Sounds easy. It's not.

5           Parking, very difficult, and I'll go  
6 through the parking plans when I go through all the  
7 drawings. The parking, very, very difficult and you  
8 wind up with, and the columns are one reason, very,  
9 very, inefficient space in terms of applying it to  
10 residential use.

11           So that's -- I talked about the repair  
12 costs -- the amount of repair required on the  
13 existing structure, I talked about the column  
14 locations.

15           The bigger hurdle, in terms of adapting  
16 this for residential use, and I'm specifically  
17 talking about the residential use because we have got  
18 120 residential units and commercial space, but  
19 that's on the ground floor on the Eighth Street  
20 corner of Clinton street.

21           The bigger hurdle has been -- I have  
22 drawings for this point but I will go back to each  
23 drawing and describe what they are.

24           The biggest hurdle has been the depth of  
25 the floor plan. Standard residential building, and

1 there's a reason for these dimensions, standard  
2 residential building, 60 and 70 feet in the width.  
3 That assumes a center corridor with apartments on  
4 both the front, apartments on the back and windows on  
5 the front and back sides. What we have got -- the  
6 bigger of the building, what we have got is 100 feet  
7 in depth. What that results in are very, very long  
8 spaces without windows. So although we've got 720  
9 square feet for the studio, we've got no room, in  
10 terms of the width, for a bedroom. So this 720  
11 square feet, which anywhere else in Hoboken could be  
12 very easily be a very nice one-bedroom, in this case  
13 has to be a studio. If you look at it, your first  
14 reaction would be, well, then just combine these two  
15 units. That's not a viable alternative either.  
16 Because if you combine them, you've got a 1,440  
17 square foot apartment with one bedroom. Because  
18 remember, bedrooms as well as living rooms need  
19 natural light and ventilation. If we were to combine  
20 these, instead of having two studios, you'd have one  
21 one-bedroom, bedroom here, living room here and 1,440  
22 square feet for one bedroom. It just doesn't -- it's  
23 not rentable, it's not sellable and the majority of  
24 that space, 60, 70 percent of it is without natural  
25 light or ventilation.

1           So the other results of these very long  
2 spaces, that weren't designed for residential use, is  
3 amenity space. Again although that sounds wonderful,  
4 amenity space for the building, 4,000 square feet is  
5 an enormous amount of space. It's probably  
6 proportionately much bigger than would be required  
7 for a building of this size. But we've got these  
8 long spaces and you wind up with lots of amenity  
9 space, you wind up with lots of storage space. All  
10 these spaces that take up volume, take up floor area  
11 but have no residential value.

12           I'm trying to show the point, the  
13 difficulties in making this residential. It's  
14 difficult to build, it's very, very expensive, and  
15 efficiencies and the amount of space you build,  
16 relative to what you can sell or rent, are very, very  
17 small.

18           I talked about the window penetrations,  
19 how the difficulty in that.

20           The floor-to-floor heights.  
21 Floor-to-floor heights, in some cases were too small,  
22 in some cases too large. Where they were too large  
23 we will provide a mezzanine level to break it up, so  
24 we have two levels within it. Where they are too  
25 small, we would use it for a garage space. Again

1 that creates inefficiencies because you probably have  
2 garage space where you wouldn't want to, you'd have  
3 double -- instead of having double height space,  
4 you'd have residential space, wasted residential  
5 space, and we don't want that either.

6 Now it's probably a good time to look at  
7 the plan set.

8 MR. MARSDEN: Can I ask a question?

9 CHAIRMAN AIBEL: Yes.

10 MR. MARSDEN: You didn't talk about the  
11 actual foundation for the building. How is the  
12 building founded, is it founded on spread footings or  
13 it's founded on piles?

14 THE WITNESS: It's on a pile. It's  
15 definitely on a pile system and I should speak to  
16 that.

17 MR. MATULE: Timber piles.

18 THE WITNESS: Timber piles. Because  
19 Sandy, storm that you're all familiar with, really  
20 created a lot of havoc on this structure. What it  
21 did was our ground floor slab and our basement slab,  
22 as I guess to the drawings I'll describe all those  
23 heights, all the soil that was supporting that was  
24 washed away. That's a very common condition and it  
25 happened here.

1           So now we've got self-supporting slabs  
2 that weren't designed to be self-supporting slabs.  
3 Again it's one of the difficulties, another one of  
4 the difficulties that this project and this kind of  
5 conversion creates.

6           Z-1, I'll start with the property within  
7 200 feet, it's good for discussing context. As well  
8 as these photographs.

9           Here's a shot looking from the north to  
10 the south. This is Eighth Street, this is the  
11 building that's 200 feet by approximately 100 feet  
12 deep. Then we have the two wings, one on Grand  
13 Street, one on Clinton Street. Context, to the north  
14 of us, we've got Hoboken High School, three stories.  
15 To the west of us, we've got what was the General  
16 Electric Building. It's since been raised due to  
17 environmental issues. There's a new five-story  
18 building under construction right here in this site  
19 where I'm pointing to, that wasn't yet -- when this  
20 photograph was taken wasn't built. There's a new  
21 five-story building, 715, which we just talked about,  
22 which was the stable for the bigger bakery. That is  
23 95 percent complete. That's a five-story building.  
24 There's a two-story building on Clinton Street side,  
25 that will be the subject of an application to this

1 board. As we go down the street, the two other  
2 five-story residential buildings. It's unique that  
3 there's no open space on the street on this block.  
4 This block has no open space.

5           It's 100 percent lot coverage,  
6 (indicating.) Although this looks like an alleyway,  
7 it's a ramp in the space below it. 710 Clinton  
8 Street, 100 percent lot coverage. This building,  
9 704, 100 percent lot coverage, at the ground floor.  
10 Same with this residential building at Grand and  
11 Seventh Street. 715 Grand, 100 percent lot coverage,  
12 as well as our building we discussed. It's unique,  
13 because it was really, in its entirety, an industrial  
14 building at one time. Hence there's no donut as we  
15 often talk about here.

16           Back to the drawings.

17           Photograph of existing conditions. This  
18 is taken from the Northeast. You get a sense of  
19 what's going on here.

20           As Mr. Friedman described, one of the  
21 very interesting things about this building is that  
22 it's unlike other industrial buildings that we have  
23 become familiar with, and he has much more experience  
24 than me, because it's not a big box like the building  
25 that was there before. For whatever reason the

1 owners decided and the architects decided at the time  
2 to have setbacks. We think it's a great feature and  
3 we have included that and continue that in our  
4 design, which I will certainly get to.

5 121 apartments, 124 parking spaces, one  
6 ground floor commercial space, are all part of this  
7 proposal.

8 Z-2 is a site plan describing all the  
9 different heights of the various components of the  
10 building. This box right here, although says seven  
11 stories, is existing, right now it's used for six  
12 stories but again the volume was so much that we were  
13 able to put another floor in there. That did help  
14 us, in terms of deficiencies, because there isn't 100  
15 feet in depth. Then we've got five stories on the  
16 Grand Street side, which is that wing we discussed,  
17 five stories on the Clinton Street side. This  
18 building was most recently used as a dog daycare  
19 facility. So that backs up -- that is adjacent to a  
20 two-story building, that will be an application in  
21 front of this board. This five-story is adjacent to  
22 a five-story brick building -- concrete building that  
23 is just about finished in terms of construction. You  
24 see three stories, four stories, five and six. Again  
25 that goes to kind of the "wedding cake" theme, that

1 we continued, which was there originally.

2 MS. BANYRA: I didn't hear what you said  
3 about the one-story one.

4 THE WITNESS: One-story is a coverage of  
5 the garage. What it will be used for is outdoor  
6 space for this. But it's common space, exterior  
7 space. I've got more drawings and I can better  
8 describe it than I can here.

9 Z-3, Circulation and Lighting Plan, but  
10 it's a floor plan that will be good to describe  
11 everything that we had in mind and when design was  
12 completed, Clinton Street, Eighth Street, Grand  
13 Street. Clinton Street from south to north, very,  
14 very busy. It's really the only bus line left that  
15 goes -- it contains -- has the only bus line left  
16 that goes really from one side of Hoboken to another.  
17 It's also very busy because people use that to drop  
18 off their children at the Hoboken High School. So  
19 with that in mind, we decided to put our vehicular  
20 entry and exits on Eighth Street as well as Grand  
21 Street. And there are two separate entries and exits  
22 and I'll describe why. Eighth Street entry takes you  
23 to this space parking, which is about 2 feet or so  
24 above grade, as well, it takes you up around to our  
25 second floor apartment, which is this (indicating.)

1           So I've got drawing sections that better  
2 describe these elevation changes, but because of the  
3 existing conditions, we were able to, in this case,  
4 although we lost a lot of volume here, we're able to  
5 have two stories of parking here.

6           Anyway, parking here, electric car  
7 charging stations, we've got a lot of bicycle  
8 storage. This is the way you go up to the second  
9 level of parking. The second entry for parking is  
10 off of Grand Street. It's a much less trafficked  
11 route. Grand Street is cut off by Columbus Park so  
12 cars can't drive through. So this access is both an  
13 ingress and egress, it is at our southern corner of  
14 the Grand Street facade and accesses this amount of  
15 parking, which is below here (indicating.) This is  
16 approximately 2 feet below grade. What we have done  
17 here is we have gone below grade here, above grade  
18 and here a story above grade. All these various  
19 levels have helped us provide the amount of parking  
20 that's required. The amount of space here, if you  
21 were doing the math, the efficiencies are then very,  
22 very low in terms of amount of parking we get versus  
23 the amount of space. That's the result of a building  
24 that wasn't designed for parking. For example,  
25 column lines, these column lines cannot change but

1 they don't work very well for parking, so that makes  
2 enormous amount of manipulation, an enormous amount  
3 of space that could be used otherwise. We have a  
4 minor residential entry on Clinton Street, the larger  
5 is the large branch. You've got a lobby, concierge,  
6 trash compactor. We provided a pet spa. If people  
7 want to take their dog for a walk, they can enter,  
8 exit through there, they can wash the dog in case of  
9 bad weather. So that's an interesting amenity.

10           Also, we're calling this "amenity space"  
11 in this corner, which is on Clinton Street. Our  
12 thought now, and this has come up since this project  
13 has been submitted, but I petitioned city council for  
14 a loading zone here and then use this for loading.  
15 Not necessarily putting trucks back into it, but the  
16 loading zone would be a place where a truck or pickup  
17 or a car or truck can temporarily park and move  
18 furniture or whatever.

19           So that's something that we have come to  
20 learn that is important to this board and we have  
21 provided here with help from the city council.

22           There are numerous -- there are seven or  
23 eight garage openings on the building as it exists  
24 and, with that, curbcuts. We're closing off the  
25 majority of those curbcuts. In effect, and that's

1 not including these three, we'll be providing eight  
2 parking spaces back to the street relative to what's  
3 there now.

4                   So, we're losing one here, we're gaining  
5 with these two. Nine spaces. City council gives us  
6 the approval for a loading dock, my estimation is  
7 we'll lose two parking spaces there. In the  
8 worst-case scenario --

9                   MR. GALVIN: Did you say what street  
10 you're losing the two spaces on?

11                   THE WITNESS: This is on Clinton.

12                   COMMISSIONER MURPHY: We're gaining nine  
13 spaces because there aren't any there now.

14                   THE WITNESS: No. Right now you can't  
15 park on these portions of the street, because of the  
16 curbcuts. With this design, no longer those garage  
17 doors will be used for these vehicles and a normal  
18 curb will be built and we'll gain those spaces back.

19                   So I think that describes what we're  
20 proposing on the ground floor. There's a 3,050  
21 square foot commercial space, I'm not sure what it  
22 would be. We think, of course, it would be some  
23 business that will service the building as well as  
24 service the immediate neighborhood. We have charging  
25 stations. We've got an abundance of those. This is

1 the base of the chimney and we have to work our  
2 design and our vehicular entry and exits as well as  
3 transportation ramp around that. We're providing  
4 space for it. I'll get to the second plan.

5 MR. MARSDEN: What's the distance  
6 between the outside of the chimney and that center  
7 column, the driveway?

8 THE WITNESS: Here (indicating)?

9 MR. MARSDEN: Yes. I thought your plan  
10 showed -- is that a column in the center; or no?

11 THE WITNESS: That's a column, because  
12 we have got one-way traffic this way, one-way traffic  
13 that way and you've got 10 feet minimally in all  
14 cases. It's one-way traffic and that's the minimum  
15 we worked with.

16 MR. MARSDEN: Okay.

17 THE WITNESS: You notice that there are  
18 no meters or anything mechanical on this floor and  
19 that's simply because we're within the floodplain,  
20 we're not permitted. Second floor of the garage,  
21 we're proposing our gas here, electric meter room, as  
22 well as one of the proposals, in terms of our green  
23 sustainability, is a cogeneration plant. So they'll  
24 be put on this floor and reuse the existing chimney.  
25 Tom will give you much more detail and I'll give you

1 a brief synopsis of what we're proposing in the green  
2 spectrum.

3 Floor plan, there's a Landscaping Plan.  
4 Obviously it's the same as the other layouts.  
5 Landscaping at grade level. We're proposing planters  
6 along these sections shown here, here, here, here,  
7 with city council approval of course, as well as  
8 street trees. Right now the sidewalk is pretty wide  
9 but it's a very bare connection between the concrete  
10 and the brick and we have the planters and details  
11 showing trees and planters. We think these planters  
12 would be a nice way to soften up that physical  
13 connection between the wall and the sidewalk. Again  
14 it's with council approval.

15 Z-4A. So above the garage, and to  
16 backtrack a second -- actually it's a good time to  
17 pull out another --

18 MR. MATULE: I don't think they have  
19 Z-4A of the plans. You may not because Z-4 plan is  
20 just a design plan for green and I'll certainly give  
21 that to everyone.

22 THE WITNESS: Some have it and some  
23 don't? Instead of using that, I've got an exhibit  
24 that Bob can mark A-4.

25 (Whereupon, Exhibit A-4 marked into

1 evidence.)

2           THE WITNESS: So what Z-4A shows is our  
3 courtyard terrace area. So remember, the buildings,  
4 here's Eighth Street, here's Clinton Street, here's  
5 Grand Street. The building is U-shaped. Here is the  
6 building from 1909, these are the subsequent wings.  
7 This, the chimney stack which I discussed, this area  
8 is one story above grade. We're proposing it to be  
9 outdoor space, so there's private decks here for the  
10 apartments that are adjacent to it on either side.  
11 This is a large terrace attached to that 4,000 square  
12 foot amenity space that I discussed, and a pool.  
13 Again it's an interesting amenity, something I think  
14 that people like in Hoboken. There have been several  
15 projects that have been successful. It shows all the  
16 outdoor spaces.

17           Now to the two main routes. This is the  
18 main route for the Clinton Street, this is the main  
19 route for the Grand Street wing and this is the upper  
20 roof of the building along Eighth Street. Outdoor  
21 space, common roof deck, unit. Extensive green roof  
22 areas. The majority of the roof we're proposing to  
23 use as outdoor space. The outdoor space for the  
24 common use of the building, outdoor space for the  
25 apartments that are adjacent to it and the spaces

1 that are not used will be green roofs, the extensive  
2 green roof type which I described to this board,  
3 which are the tray types that cannot be walked on but  
4 still provide some water retention.

5           And there's several views here. This is  
6 a view looking from the south to the north. This is  
7 a building from the north to the south. There's  
8 Eighth Street, there's Grand, and here's shown from  
9 the east, Clinton Street, Eighth Street, Grand  
10 Street.

11           I should continue through the plans --

12           COMMISSIONER GREENE: Frank, if I could  
13 ask you one question? On the high roof in the  
14 middle, what is that object; is that the water?

15           THE WITNESS: I was just going to get to  
16 that. It's perfect timing.

17           The photo board, are the historical  
18 photos, and I mention this as part of the advanced  
19 technology discussion, it had an automatic sprinkler  
20 system. That was fed by this water tower, right  
21 there. The water tower is -- it no longer exists.  
22 It wasn't part of our plan, to reconstruct it, but  
23 however, we had last Monday a neighborhood meeting,  
24 invited people within 200 feet. Actually much more  
25 than that because I was the person handing out the

1 flyers and taping them to the doors.

2                   So we had a neighborhood meeting at a  
3 local restaurant and at the end of the meeting, I  
4 went through all the same things we're talking about  
5 today. And one of the things we took out of it,  
6 after I had some discussions with some of the  
7 neighbors afterwards, was that they thought it would  
8 be a great idea to reintroduce this water tower.  
9 With that in mind, the developers and I spoke and  
10 surprisingly they agreed to that.

11                   So although it's not in your plan set, I  
12 did add it to these roof drawings.

13                   So there's a water tower here, here and  
14 here, and I revised just the elevation sheet showing  
15 what it would look like when it's actually rebuilt.  
16 This is an approximate. We approximated that the  
17 last one was about 114 feet high off of grade, about  
18 33 feet high off of the roof. It's an approximation  
19 and we're thinking that we could somehow use it as  
20 part of our greywater system. That hasn't been  
21 completely established but we're trying to find some  
22 other use for it. Because it certainly, in terms of  
23 architecture, ties the building back to the original  
24 use as a bakery and industry, but without a use it's  
25 just some very expensive industrial object. We're

1 going to use it for something.

2 COMMISSIONER GREENE: What are you  
3 proposing it would be constructed of? It doesn't  
4 look to be wood.

5 THE WITNESS: It will be wood, yeah.  
6 Still, these days it's not uncommon for a water tank  
7 size or style to be made out of wood. The  
8 super-structure will have to be steel. It's going to  
9 require a lot of reinforcing of the base structure  
10 because the structural report specifically points out  
11 that all the base locations have completely rusted  
12 through the concrete. I say that because it's a nice  
13 giveback, I think from the developers, at a very  
14 difficult price in terms of what it takes to build.  
15 Not dollars but what it takes to build it.

16 I'll pass this around if anyone is  
17 interested.

18 (Pause.)

19 CHAIRMAN AIBEL: Go ahead.

20 COMMISSIONER MURPHY: Do we know when  
21 that water tower came down?

22 THE WITNESS: I have no idea,  
23 unfortunately. I've done as much research as  
24 possible, went to the Hoboken Historical Museum,  
25 checked online, Google has been great and I could not

1 find any information when that came down. I could  
2 have talked to some, as we call them, old-time  
3 Hobokeners, maybe they had a sense but I don't know  
4 when it came down.

5 Utilities Plan, Parking Plan. What it's  
6 showing is most of the utilities come off of Grand  
7 Street. The concept here is that it's an easier  
8 street to disturb because there's less traffic.  
9 Clinton Street is very busy. Do it on Grand Street  
10 if we're going to have any disturbance in the street.

11 There's an existing sub-basement here.  
12 I described that sub-basement before when I said that  
13 the foundation, the soil that was supporting it was  
14 swept away by Sandy, which has to be rebuilt, but  
15 that in essence will become our stormwater retention  
16 tank, below the parking site. We've got this void  
17 and we thought what better use for it than a  
18 requirement anyway, stormwater retention.

19 Plans of the existing building. I'm  
20 calling it a building although there's three separate  
21 wings. They are one, connected building.

22 So here's that basement section that I  
23 talk about that is used for storage now, that will be  
24 the water retention system. Atlantic Tropical is  
25 here. They've got the majority of the entire of the

1 building. That's the tropical food storage and  
2 distribution. Dog daycare center was here. It's no  
3 longer in business. You can see how the building  
4 steps back as you go taller.

5 Larger plan, the garage, I've already  
6 described most of this. This shows the storage area,  
7 very large. That's a result of having depth of space  
8 that can't be used for residential use. I recognize  
9 that bicycle storage is a good thing so I'm not  
10 complaining. This is the upper deck.

11 Residential floors.

12 MR. GALVIN: You've already described  
13 that.

14 THE WITNESS: The residential floor  
15 plans?

16 MR. GALVIN: Yeah, you talked to us  
17 about those rooms.

18 THE WITNESS: I specifically talked  
19 about, in that case, the narrow apartments which I'm  
20 calling live/work. Ms. Banyra had asked our  
21 definition of live/work. I don't know if there's one  
22 that Hoboken has. Our thought was home/occupation.  
23 The reason for that is again we've got these very  
24 long spaces that cannot be used for bedrooms or  
25 living rooms. So we thought again, it's appropriate

1 to use them for home/occupation. Hence we call them  
2 "live/work."

3 COMMISSIONER GRANA: Just so, if we look  
4 at units down that are centered around the amenity  
5 space, the inner ones.

6 THE WITNESS: Yes, here (indicating.)

7 COMMISSIONER GRANA: No, right here  
8 (indicating.) So is the amenity space then the  
9 primary source of light and air for those units?

10 THE WITNESS: These units?

11 COMMISSIONER GRANA: Yes.

12 THE WITNESS: These units, this is an  
13 open courtyard.

14 COMMISSIONER GRANA: So that's the  
15 source.

16 THE WITNESS: They've got light in there  
17 this way.

18 COMMISSIONER GRANA: And the outer is to  
19 the street?

20 THE WITNESS: Correct. We got them on  
21 one wall and not two. Still deeper than normal.  
22 Condition is not as bad as it is along Eighth Street.

23 Unit breakdown, as I mentioned 121  
24 units. Within that, we're proposing 19 studio  
25 apartments, 6 one-bedroom apartments, 21 two-bedroom

1 apartments, and 21 three-bedroom apartments.

2           The thinking here is that Hoboken, and I  
3 know a lot of the projects that our firm has been  
4 here with developers have all been larger apartments.  
5 These developers recognize that there is a market and  
6 there's a need for other apartments, other sizes, so  
7 we hit the broad spectrum. A lot of them are again a  
8 result of the depth of the space so we've got these  
9 very, very large studios that anywhere else would be  
10 300 square feet, 350 square feet, but in our case  
11 they have to be 720, otherwise the space is  
12 completely wasted.

13           So, there's some three-bedrooms and  
14 two-bedrooms which we think is a nice mix that will  
15 make sense given what the market and what the  
16 uniqueness here in Hoboken is.

17           COMMISSIONER GREENE: Before you flip  
18 the page on Z-9, the Eighth Street units, that you're  
19 showing, is two-bedrooms? I'm sorry --

20           THE WITNESS: On Z-9? Okay. Z-9.

21           COMMISSIONER GREENE: Apartments facing  
22 Eighth that you're showing as two-bedrooms?

23           THE WITNESS: Yes.

24           COMMISSIONER GREENE: Those are 13 foot  
25 wide units with two bedrooms?

1           THE WITNESS: Those are 13 foot 8 and  
2 it's similar to the discussion, yeah, because they  
3 were double head space. What we have got there is  
4 two floors combined, one apartment. So the overall  
5 number of 1,240 square feet -- 43 square feet, sounds  
6 great, but really only have two bedrooms.

7           COMMISSIONER COHEN: I have a question  
8 to follow up on that. Which is, why wouldn't it be  
9 possible to do that on other floors? Why do you only  
10 have a duplex set up with the two-bedrooms and the  
11 three-bedrooms between the third floor and the fourth  
12 floor and not between first and second floor? I mean  
13 it would reduce your density and it would have larger  
14 units, two-bedroom units.

15           THE WITNESS: Well, we don't have -- the  
16 math doesn't work out in terms -- floor-to-floor  
17 height. Certain areas we can. I'll get to the  
18 section that explains it better. Certain volumes we  
19 can squeeze another floor in. What you're suggesting,  
20 to remove a large floor section, I don't think it's  
21 viable because of the construction method of this  
22 building. It's something we could look at but I  
23 don't know if it makes any sense.

24           CHAIRMAN AIBEL: Why don't we come to  
25 sort of intense questioning when you're finished.

1                   COMMISSIONER FISHER: Can I ask one  
2 question on Z-8? What's against the pool on the  
3 south, is it the south end?

4                   THE WITNESS: Here (indicating)?

5                   COMMISSIONER FISHER: Yes. What is that  
6 space going to abut? It looks like there's a  
7 five-story brick building, a one-story garage and  
8 two-story.

9                   THE WITNESS: Yes.

10                  COMMISSIONER FISHER: So is it --  
11 there's no windows or anything there?

12                  THE WITNESS: No, this --

13                  COMMISSIONER FISHER: And this there  
14 couldn't be because --

15                  THE WITNESS: This is a new, five-story  
16 building, 715 Grand. Again the one that I mentioned  
17 was the stable. This is the one-story garage in  
18 that, that's about 13 feet tall. This is a two-story  
19 building about 22 tall that takes up 100 percent of  
20 the lot. We're not disturbing any windows.

21                  COMMISSIONER FISHER: The one-story  
22 garage, there's no outdoor space or anything on that?

23                  THE WITNESS: It's above us, there's  
24 outdoor space right here. It's above us.

25                  COMMISSIONER GRANA: One question on

1 live/work. I just don't know, is live/work an  
2 official designation or is it just kind of a branding  
3 exercise?

4 THE WITNESS: It's certainly an  
5 exercise. There's no definition in the Hoboken  
6 zoning code of what live/work can be. It's mentioned  
7 in the Master Plan, that it's something the city  
8 would like, but we don't have a definition for it.  
9 Here, we applied the name, because of the  
10 configuration of the space. It's, we thought, a  
11 reasonable way of using what would have been dead  
12 space within the floor plan. Again because the floor  
13 plates are large, because of the enormous amount of  
14 inefficiencies and cost of that, the result is  
15 someone can put home/occupation in there.

16 COMMISSIONER GRANA: Thank you.

17 THE WITNESS: Z-9 we have already  
18 discussed.

19 Z-10, more of the duplex units. These  
20 are the upper floors of those duplexes that I  
21 discussed on Z-9, units along Grand Street and the  
22 fence ring. The unit breakdown again in the top  
23 corner.

24 Up to the fifth floor, now you can see  
25 the setbacks, setback here, setback here. The

1 previous plan, setbacks here. On the fifth floor of  
2 the addition, because we're adding to these two  
3 wings. And I've got a very nice, three-dimensional  
4 diagram that helps describe this. We set it back  
5 along Clinton Street. We also did the same on the  
6 fifth floor. Of course, the floors -- the fifth  
7 floor is actually attached to the fourth floor.

8                   This is the roof of the fifth floor  
9 Clinton Street side. This is the fifth floor of the  
10 Grand Street side, that wing, because that wing has  
11 taller floor-to-floor heights than the Clinton Street  
12 side.

13                   (Exhibit A-5 marked into evidence.)

14                   We're calling this a Massing Diagram.  
15 What we have got are two separate views of the  
16 building model. You can see all the red is existing  
17 structure and these transparent boxes are what we're  
18 proposing in terms of the additions.

19                   The reason for the additions are allowed  
20 better use of residential space. It allowed better  
21 use of the volume to make residential space. All the  
22 time we kept in mind the setback theme that the  
23 building originally had. For example, Clinton  
24 Street, we set back that fifth floor 5 feet here,  
25 same on Grand Street, which coincides with the same

1 setback that the building has to our south. As well  
2 as along Eighth Street, a setback here, setback here.

3           So nowhere is there a facade that's any  
4 taller than it is currently. Any additions we're  
5 adding to the building are off that front facade.  
6 Again I can pass it around. I can put it over here.

7           I already described the green roof  
8 system and what we're proposing the roof use for, and  
9 that's on the three-dimensional drawings. What I've  
10 got highlighted here is what the existing space is on  
11 the sixth floor. This is existing and over here,  
12 here and here. And that Massing Diagram probably  
13 describes that better. Existing volume here as well.  
14 This was a double head space on the setback portion  
15 of the building which actually you can see on this  
16 rendering.

17           Again all the roof areas will have  
18 either extensive green roof systems, some outdoor  
19 space for the residents, some common space for the  
20 residents and also the mechanical equipment.

21           The very top of the building, which is  
22 above, this is an existing structure, not raised, not  
23 changed. We're proposing a common roof terrace.  
24 These spectacular views, both to the east and west,  
25 north and south, of course. And in the key plan you

1 can see what we're talking about. This is existing,  
2 this little structure is existing but enlarged  
3 because it allows us to have a stair and an elevator.  
4 This is access to this.

5 Building elevations. I've got two  
6 renderings, probably Bob should --

7 MR. MATULE: A-6 and A-7.

8 (Exhibits A-6 and A-7 marked into  
9 evidence.)

10 What they show are clearly existing  
11 brick buildings as well as our additional infill.  
12 Also show clearly the aesthetic concepts contrast  
13 with the new and the old. I want to describe to the  
14 board where that concept comes from. It's not just  
15 something that we as an architectural firm have  
16 created.

17 So, I'm going to quickly read. The  
18 founding document of contemporary preservation  
19 philosophy, which is called the Charter Event of  
20 1964. And that was an agreement, international  
21 agreement describing how to conserve and restore  
22 monuments and historic buildings.

23 So 1964 insists that additions to  
24 restore settings must be distinct from the  
25 architectural composition and must bear a

1 contemporary stamp. This is 1964. Parts added to  
2 monuments must be distinguishable from original so  
3 that the restoration does not falsify the artistic or  
4 historic evidence.

5           The United States Secretary of Interior  
6 took that information and built on it. In the US,  
7 the spirit of the charter, embodied in the Secretary  
8 of Interior standards for rehabilitation first issued  
9 by the park service in 1977, revised in '95, which  
10 says new work shall be differentiated from the old.

11           So the aesthetic philosophy is that the  
12 design of an addition should document the time. So  
13 these additions should document their time and be a  
14 marker of the difference between past and present.

15           So thinking here is that these  
16 contemporary additions mark the time when this work  
17 was done but do an even greater job of marking the  
18 time when the original building was done. So it's a  
19 very clear contrast and distinct end result which we  
20 think is a very, very effective way and not just we  
21 think it is, it's something that has been accepted  
22 and been very successful for new buildings. That's  
23 the aesthetic philosophy.

24           Mr. Matule described the affordable  
25 component -- anyway, the renderings. So I'll

1 describe quickly what we're proposing.

2           What you see here is a lot of new brick  
3 openings which requires new lintels in each case.  
4 Some lintels have been expanded, some have been made  
5 smaller. All the parapets have been rebuilt and  
6 raised, so these parapets, that are existing, that  
7 are failing, are being removed, as well as these.  
8 The only parapet that is remaining, that will be  
9 reinforced, is that main structure that is six  
10 stories up top. So all that is being rebuilt. The  
11 facade completely will be repaired, reconstructed.  
12 In terms of the window penetrations, all the lintels  
13 that are failing will be replaced and rebuilt.  
14 Corner sections, I showed you in the photographs,  
15 will be rebuilt. All of it will be in keeping with  
16 the existing lintel window design, stone and brick  
17 and arches in all these windows. Modern sections of  
18 the building are all the composite metal panel with  
19 lots of glass and this is existing and that's  
20 existing.

21           So again we think that this design  
22 really reinforces what the building was originally.  
23 That, along with the reconstruction of the water  
24 tower.

25           So, I'm on Z-15 now, two-dimensional

1 drawings, very clearly showing the difference of what  
2 was there -- what is there and what's being proposed.

3 So, existing conditions on Grand Street,  
4 proposed conditions on Grand Street.

5 COMMISSIONER GRANA: So, on Z-15, what's  
6 really changing here, the facade is being retained  
7 with the exception that new window openings must be  
8 cut to allow for light into residential units?

9 THE WITNESS: Correct, correct. As I  
10 mentioned, this parapet is being removed, lifted to  
11 that. Same design intent, same idea relative to  
12 what's there, still works nicely as a composite.  
13 Again it's not historical preservation, it's adaptive  
14 reuse. That is again a compromise. We think it's  
15 really the only viable compromise these days of  
16 keeping any of these industrial buildings that are  
17 here locally or anywhere in this area, keeping them  
18 alive.

19 COMMISSIONER GRANA: Just one other  
20 question. What Commissioner Cohen was saying about  
21 the studios is that we're saying that the floor  
22 heights don't allow on that floor for there to be a  
23 consideration of duplex.

24 THE WITNESS: I'm getting to the section  
25 drawings which explains how the duplexes occurred and

1 why they occurred.

2 COMMISSIONER GRANA: Okay.

3 THE WITNESS: So that's Z-13. Z-16,  
4 again this is the Eighth Street elevation, which is  
5 this elevation (indicating.) Showing existing  
6 conditions relative to what we're proposing.

7 Clinton Street existing, there's an  
8 alleyway between what was the dog daycare facility  
9 and the main building along Eighth Street. It is  
10 built on, there's a ramp that takes you up to the  
11 first floor roof, second floor, which right now has  
12 a -- contains a boiler room and just open roof area.  
13 There's a boiler room that was used several years ago  
14 for heating, it was a heating plant. No longer is it  
15 used or no longer will it be used. That area will  
16 become the outdoor amenity space, that I mentioned,  
17 that will contain the pool and other outdoor spaces.  
18 The chimney is going to be used as part of our  
19 cogeneration and other venting.

20 Existing elevation facing south. There  
21 was one question of this outline shows the building  
22 which was the stable as constructed. It shows that  
23 the roof of that outdoor space is above our proposed  
24 amenity space, the question that Ms. Fisher had. The  
25 existing building on Clinton Street, it's two stories

1 so it's actually as I'm drawing it. Here it is.

2 There you go, there it is.

3 Here's the proposed new elevations.

4 That's what these folks will be looking at from their  
5 terraces now. This is what they'll be looking at  
6 after construction.

7 To the duplex question, Drawing #2 on  
8 Sheet Z-19 explains how we were able to, in this  
9 case, get a duplex section in apartments because the  
10 floor-to-floor height was tall enough that we could  
11 construct this dark line.

12 So what you see that is colored-in walls  
13 or darkened, that's proposed. What is not darkened  
14 is existing. So the duplex apartments that we  
15 discussed are right here. If you look below, there's  
16 no place for a duplex. If you look above, there's no  
17 place for a duplex. That's how they came about.

18 Same with drawings from the views.  
19 Where it makes sense where we could add floor area  
20 and where we got wasted floor area.

21 Same elevations drawing in context with  
22 the existing streets. There's Clinton Street,  
23 Hoboken High School, our proposal. This is a  
24 two-story building, which is 720, which will be the  
25 subject of an application. This is a five-story

1 building.

2           Grand Street, this building is  
3 constructed, which was the stable, this building has  
4 been there for about seven or eight years, as well as  
5 our proposal. So you get a good sense of the scale,  
6 the relative scaling of our proposal to the existing  
7 streetscape. The same place for the Eighth Street  
8 side. We take up the entire Eighth Street so there's  
9 no adjacent structures.

10           Z-22, sight line diagrams, we're showing  
11 what would be seen from across the street.  
12 Certainly, parts of the additions will be seen. In  
13 some cases they won't. So it's a mixed bag. The  
14 step-backs are effective. I'm not making the case  
15 that these additions won't be seen.

16           Mr. Matule talked about the affordable  
17 component which will be at 729 Clinton Street, across  
18 the street. Again subject of another application.  
19 The building, Mr. Chartier can talk about the actual  
20 LEED certification goals but it will have  
21 cogeneration plants that will provide a percentage,  
22 large percentage of the electricity for the building.  
23 It will have white reflective roofs, it will have a  
24 lot of -- a great amount of area of extensive green  
25 roof. It will have a stormwater retention system.

1 It will be super-insulated.

2           So we're doing almost everything that  
3 can be done to make a building, that wasn't meant for  
4 residential use, to become residential use. And that  
5 again brings me back to what I started the  
6 presentation with, the obstacles that are encountered  
7 when doing an adaptive reuse of this type and  
8 specifically of this building.

9           Certainly some industrial buildings fair  
10 better in terms of adaptive reuse, wood structures,  
11 in floor-to-floor heights work and if the window  
12 openings work. This building doesn't and these  
13 developers, I'm happy to say, were open to the idea  
14 and really pushed for the idea of doing whatever we  
15 had to do to make this building work as a residential  
16 building. They wanted to keep the bones, they wanted  
17 to keep the majority of the aesthetics. We  
18 understand it's not historic preservation. But we  
19 really wanted to keep the character of what was a  
20 significant building in its day. As I described,  
21 specifically the technology. But also, the history  
22 of the building. This was the Schmalz's family that  
23 was very prominent in Hoboken in the 1860s through  
24 the 1910s and 1920s. So everything that can be done  
25 is being done to keep this building as it is. The

1 proposal you see as a result, in terms of the  
2 densities, in terms of the volume, the result of what  
3 is required to keep this building. If it were  
4 different developers -- and I had discussion, when  
5 this building was on the market before the Parkway  
6 developers went under contract, everyone wanted to  
7 take the building down. It's just easier, it's  
8 easier to build a new structure. It's certainly  
9 easier to quantify what you'll get as the end result  
10 in terms of area, the tiers quantify what the  
11 construction will cost. These developers have chosen  
12 another path.

13 MR. GALVIN: I think I heard you say  
14 something of that three times now.

15 THE WITNESS: That may not be enough.  
16 Four, five.

17 MR. GALVIN: We were trying to get you  
18 within a time period. So why don't we go to  
19 questions of the board first and then open to the  
20 public.

21 CHAIRMAN AIBEL: I'm going to suggest we  
22 take a five-minute break and then we'll question Mr.  
23 Minervini. Thanks.

24 (Whereupon, a recess was taken.)

25 CHAIRMAN AIBEL: We'll take care of

1 scheduling. I don't see any likelihood that we're  
2 going to get to 316 Park. So I apologize to anybody  
3 who's here for 316 Park, but I think we ought to have  
4 it carried without notice.

5 MR. MATULE: I will appreciate that. I  
6 waive the time within which the board has to act.  
7 When are we carrying it to?

8 MADAM SECRETARY: Our next regular  
9 meeting is October 21st.

10 MS. BANYRA: So the question that Pat  
11 and I were discussing, whether or not we're doing  
12 three meetings or not. We thought we'd carry all the  
13 applications to the regular meeting and then we'll  
14 have the 14th, which is maybe left open in case we  
15 have to move something else to it.

16 So I don't know if the board wants to do  
17 three meetings in October, if they do, we can start  
18 loading them up.

19 MR. GALVIN: I just want to say, for  
20 this case, I know how far you've gone but I expect  
21 we'll need a whole night to finish this case based on  
22 the number of witnesses that you have left.

23 MR. MATULE: Do we know, at this point,  
24 if there's going to be a meeting on October 14th?

25 MS. BANYRA: Is that acceptable to the

1 board? I think Pat said she has a quorum for the  
2 14th. Correct?

3 MADAM SECRETARY: Yes, and we have an  
4 attorney available. Dennis is available.

5 MR. GALVIN: If you say so.

6 MADAM SECRETARY: Yeah, you are.

7 MR. MATULE: I'm only asking in the  
8 context that -- I'm suggesting it might make more  
9 sense to carry whatever we're going to carry from  
10 tonight, to the 14th, rather than the regular  
11 meeting. But whatever is the pleasure of the board.

12 MS. BANYRA: I think that's a good idea.  
13 I'd prefer that. This may have bigger questions that  
14 maybe this gets moved to the 21st, if we end up  
15 carrying this tonight.

16 CHAIRMAN AIBEL: I think we did  
17 contemplate three meetings in October. So...

18 We're carrying this one to October 14th?

19 MR. MATULE: 316 Park.

20 CHAIRMAN AIBEL: 316 Park carried to  
21 October 14th without further notice and with Mr.  
22 Matule' client's waiver. So do we have a motion to  
23 carry?

24 COMMISSIONER MURPHY: Motion to carry.

25 COMMISSIONER GRANA: Second.

1 CHAIRMAN AIBEL: All in favor?

2 MR. GALVIN: Anyone opposed?

3 CHAIRMAN AIBEL: I think we are at  
4 examination time for Mr. Minervini.

5 Board members' questions for the  
6 architect?

7 COMMISSIONER BRANCIFORTE: May I start,  
8 Jim?

9 CHAIRMAN AIBEL: Please.

10 COMMISSIONER BRANCIFORTE: You say that  
11 the parking spaces are kind of tight?

12 THE WITNESS: Not the spaces themselves,  
13 the layout of those spaces.

14 COMMISSIONER BRANCIFORTE: So between  
15 the columns there, a good size?

16 THE WITNESS: Yes, within the standards.

17 COMMISSIONER BRANCIFORTE: I have a  
18 question on the third floor, about the size of the  
19 apartments to the north. Z-8 actually -- second  
20 floor, on Z-8.

21 You have this work/live space units that  
22 you were saying?

23 THE WITNESS: Yes.

24 COMMISSIONER BRANCIFORTE: It's  
25 difficult to come out with a different layout.

1 THE WITNESS: Yes.

2 COMMISSIONER BRANCIFORTE: Can't you  
3 just -- I mean spit balling here, can't you just  
4 combine three 500 square foot units and turn them  
5 into two units?

6 THE WITNESS: I understand that we have  
7 of course expected that would be a question, but the  
8 problem, and the reason that they are like this, is  
9 we combine those three, you still only have room  
10 for -- two or three, which you design, you have room  
11 for just three spaces with light and air. Because  
12 that -- we only have that one section, one, two,  
13 three sections of window. So that's light and air.  
14 We know bedrooms have to have that, you know, living  
15 rooms have to have it. Then you combine three,  
16 you've got 2,100, 2,140 square feet of a two-bedroom  
17 unit. Because one would be a bedroom, second would  
18 be a bedroom and the third would be a living room.  
19 It's just not something that's marketable or usable.

20 COMMISSIONER BRANCIFORTE: But if it's  
21 work/live space, I mean does the work/live space  
22 really -- the work space, I mean does it really need  
23 windows?

24 THE WITNESS: No, the work space  
25 doesn't, which is why, when we made this smaller,

1 that seemed to make more sense. You have a studio  
2 which can't have a bedroom but what's left over as  
3 dead space can be work space. Still, this back area  
4 is enough room for a nice size office. If you've got  
5 three of them, it wouldn't really be home/occupation  
6 anymore. It's much more space that really we're  
7 talking about in terms of live/work.

8 COMMISSIONER FISHER: Aren't there a  
9 bunch of those apartments even in Maxwell,  
10 two-bedroom plus home/office and the home/office  
11 doesn't have any windows and people use them as  
12 three-bedrooms anyway?

13 THE WITNESS: They cannot. Construction  
14 code, that is not permitted.

15 COMMISSIONER BRANCIFORTE: I'm not  
16 suggesting that, but what I'm suggesting, if you  
17 could put two together, you could have a one-bedroom  
18 plus a home/office.

19 THE WITNESS: Which is virtually the  
20 same as I'm explaining.

21 COMMISSIONER BRANCIFORTE: Except you're  
22 tinier and narrower and your density --

23 THE WITNESS: The end result is the  
24 same. Whether we section this off to become a den or  
25 left it open as home/office, it's the same thing.

1                   But again back to what I was describing,  
2 the reason that these aren't together, it's not  
3 because we want this giant density number, it's  
4 really not the case, it's because to do otherwise,  
5 we've got almost 14 -- these two in the center I'll  
6 describe. 1,440 square feet of one-bedroom. So  
7 that's what we have to sell it at and sell -- rent  
8 and sell at. It's still a 1,440 square feet  
9 one-bedroom.

10                   COMMISSIONER BRANCIFORTE: How many  
11 people are going to be in this building?

12                   THE WITNESS: I may have it in the  
13 refuse description.

14                   COMMISSIONER BRANCIFORTE: I was looking  
15 for the chart. I don't see it.

16                   THE WITNESS: I don't have it figured  
17 out. There are two ways to calculate it.  
18 Construction code is where the regulations are. The  
19 maximum is two persons per bedroom, or you can do it  
20 where the lesser number is X number of square feet  
21 per person. We generally give 2 feet per person  
22 because it's a larger number -- if you give me a  
23 couple minutes I could figure out the math.

24                   COMMISSIONER BRANCIFORTE: You're coming  
25 back to another meeting anyway.

1 THE WITNESS: Absolutely. I'll bring  
2 the proper chart with me.

3 COMMISSIONER BRANCIFORTE: On Z-19,  
4 between the third floor -- the third floor there  
5 you're showing a 7 feet 5 inches height. The third  
6 floor is 7 feet 5 inches?

7 THE WITNESS: Yes, yes.

8 COMMISSIONER BRANCIFORTE: I mean that  
9 is kind of short for a floor.

10 THE WITNESS: Yeah, that's the minimum  
11 permitted.

12 COMMISSIONER BRANCIFORTE: It's the  
13 minimum permitted. The code allows it, that's the  
14 smallest it can be.

15 COMMISSIONER MURPHY: I don't know.  
16 Inside it says 7 feet.

17 THE WITNESS: 7 feet 0 inches.

18 COMMISSIONER BRANCIFORTE: I thought you  
19 were saying --

20 THE WITNESS: No, including the floor  
21 slab thickness.

22 COMMISSIONER BRANCIFORTE: So from the  
23 top -- from the floor to the ceiling is 7 foot?

24 THE WITNESS: Yes, exactly. Clear space  
25 within is 7 feet. That's part of the duplex units.

1 That was a way of making these tiny spaces slightly  
2 larger, by introducing where we could just squeeze it  
3 in that duplex floor.

4 COMMISSIONER BRANCIFORTE: All right. I  
5 don't have anything else right now except for the  
6 fact that, Frank, you have to show something more  
7 detailed, especially on the Eighth Street exit and  
8 entrance for the garage. Because we have the school  
9 right across the street.

10 THE WITNESS: I owe you the convection  
11 mirrors.

12 COMMISSIONER BRANCIFORTE: This is going  
13 to be more than -- this is my concern and the traffic  
14 engineer maybe can also talk about it. But at the  
15 time when everyone is showing -- all the kids are  
16 showing up for high school, across the street, it's  
17 probably going to be the exact same time that your  
18 cars are leaving the building.

19 So we're going to have kids walking on  
20 the sidewalk and cars leaving driving across the  
21 sidewalk at the same time.

22 So I mean I have a huge problem with  
23 that. You have to come up with something that is a  
24 lot more safe.

25 THE WITNESS: We talked about this, you

1 and I have had discussion and I have researched what  
2 the technology is. What we're proposing, along with  
3 the mirrors that was suggested, which are a very good  
4 idea, are the accepted technology.

5 COMMISSIONER BRANCIFORTE: Okay.

6 THE WITNESS: I'm sorry, John, with that  
7 in mind, that's one of the reasons why, I think I  
8 explained it, why the ingress and egress for vehicles  
9 are off of Clinton Street. Because that is certainly  
10 the more traveled street for cars, students and  
11 pedestrians.

12 COMMISSIONER BRANCIFORTE: You mentioned  
13 a couple of times that the owners are under contract  
14 to buy this property?

15 THE WITNESS: Did I say that? I  
16 actually don't know if they own it or not. That's my  
17 standard --

18 MR. GALVIN: That would be immaterial.

19 COMMISSIONER BRANCIFORTE: Okay. No,  
20 actually I'm asking because I didn't see it in the  
21 application.

22 MR. GALVIN: Because they'd need an  
23 owner authorization.

24 COMMISSIONER BRANCIFORTE: Right.

25 MR. MATULE: If I might, there's an

1 owner authorization in the contract. A  
2 representative of the owner is here this evening, but  
3 the applicant's not the owner, they are the contract  
4 purchaser.

5 MR. GALVIN: All right. Which is a  
6 common thing. That's a good question by the board  
7 member seeking to make sure that the owner  
8 certification is in the file.

9 COMMISSIONER BRANCIFORTE: I may have  
10 missed it, but if you say that the application is in  
11 the file, then --

12 MR. MATULE: I will be happy to prepare  
13 you a copy, if you would like, after the meeting.

14 MR. GALVIN: Let me say this: Also,  
15 someone doesn't unscrupulously try to develop the  
16 property without the permission of the owner and they  
17 are saying the owner is right here waving his hand.

18 COMMISSIONER BRANCIFORTE: That's fine.

19 CHAIRMAN AIBEL: In the interest of the  
20 public that sat here very diligently since 7:00, I  
21 would suggest that we go out of order and invite the  
22 public to ask questions of Mr. Minervini and we'll  
23 come back to the board questions.

24 MR. GALVIN: Or we carry this matter and  
25 do the board questions next time unless they are

1 urgent to the board members.

2 CHAIRMAN AIBEL: We'll open it up for  
3 questions for the public. Anybody have questions for  
4 Mr. Minervini? Please, come forward.

5 MS. HEALY: Leah Healey, 806 Park.

6 Mr. Minervini, I thought I heard you say  
7 something about excavation for this for parking. Did  
8 I hear that correctly?

9 THE WITNESS: No, no, there's an  
10 existing sub-basement, we're using that as a lower  
11 level. There's no excavation proposed. The main  
12 level of the garage, that's where the Atlantic  
13 Tropical is, it's about 3 feet above a sub-basement.  
14 That sub-basement will be used partially for parking,  
15 partially for a water retention system.

16 MS. HEALEY: And you talked a lot about  
17 the new window openings that are going to be put in  
18 this building. What are you doing to stabilize the  
19 building, when you create these new window openings,  
20 so that it doesn't happen here what happened at the  
21 other building?

22 THE WITNESS: Our structural engineer,  
23 if you'd like to ask him. I could tell you my  
24 experience on what we would do here.

25 These walls are independent of the

1 actual structural system below. This building has  
2 got a skeletal system, it's not load bearing like we  
3 often see with the majority of the brick buildings in  
4 Hoboken.

5                   So, we cannot, the same method or same  
6 way that you're referring to as 715, put new openings  
7 in, rebuild them, without this wall falling down.  
8 Having said that, our proposal is as I described. If  
9 this building comes down, we are required to come  
10 back to this board and then they can decide if  
11 everything I said was true or not.

12                   MS. HEALEY: At that point, there will  
13 be no benefit of adaptive reuse?

14                   THE WITNESS: Well, I don't think the  
15 benefit of adaptive reuse is only on the facades. I  
16 think that's really kind of silly. Benefit here of  
17 adaptive reuse is the majority of this building.

18                   MR. GALVIN: Just a minute. I had  
19 written down, like, a condition.

20                   The applicant's professional promises  
21 that the facade is to be reserved and the building  
22 will not be demolished. In the event any portion of  
23 the facade cannot be maintained, for any reason, this  
24 approval shall be void unless modified by the board.  
25 No portion of the superstructure is to be demolished.

1 In the event any demolition may be required, this  
2 approval shall be void unless modified by the board.

3 Meaning, in none of those cases, they  
4 have a reasonable problem, they shouldn't come back  
5 to us. We might have said, yeah, you can replace it  
6 or, no, you can't replace it or even though you  
7 suggested we shouldn't rebuild things that are  
8 historical, but we may have required that you  
9 reproduce an element even if that's not --

10 THE WITNESS: That's the lady's  
11 question. It's not, again, a historic preservation,  
12 it's adaptive reuse.

13 MR. GALVIN: Let me say also, I don't  
14 know, if I were going to write this up as a -- if it  
15 is to be approved, approved, that I wouldn't think  
16 that it might fall under special reasons that you  
17 were preserving these historical elements. You're  
18 preserving the flavor of the former Wonder Bread  
19 plant.

20 So it's like, yes, it's not like a  
21 strictly historic site approved but I think it would  
22 fall into that special reason and I think I would  
23 leave that to your planner to comment on that or Ms.  
24 Banyra.

25 THE WITNESS: I understand.

1 MR. GALVIN: But I would say that when  
2 the board approves any building, that you show us, we  
3 expect it to get built like it was shown to us.

4 THE WITNESS: Of course.

5 MR. GALVIN: So...

6 THE WITNESS: We go through lots of  
7 effort to design this with the expectation that it  
8 will be built as we design it.

9 MR. GALVIN: If something happens in the  
10 field where you can't do it, the appropriate thing is  
11 to respect the board and come back to us and give us  
12 a chance to say how we should fix the problem.

13 THE WITNESS: Yes, sir.

14 MS. HEALEY: I might have missed it, but  
15 can you tell us how many stories this building is in  
16 the different sections?

17 THE WITNESS: Yes. I'm using Sheet Z-2.  
18 This diagram shows the relative heights of each  
19 section of the building so I can't --

20 MS. HEALEY: I'm sorry, can you also  
21 tell me what it is now and what it's going to be?

22 THE WITNESS: Well, it is now and it's  
23 not changing, we're calling it seven stories but the  
24 height at 73 feet is not changing. I'm calling it  
25 seven stories, where it's six now, because that top

1 volume is two stories high, where we inserted another  
2 floor level. So we'll call it seven stories but it  
3 is existing.

4 I'll give you the bigger part. Seven  
5 stories here, the wing along Grand Street is five  
6 stories, the wing along Clinton Street is five  
7 stories. In both cases there's a 5-foot setback.  
8 Those sections are 4 feet -- I'm sorry, four stories,  
9 5-foot setback at four stories.

10 So, this is five stories, this is five  
11 stories, this is one story, that's the outdoor space  
12 above the garage. This is seven stories, which is an  
13 existing -- you can see it on the photograph, but  
14 that's an existing -- the top of the "wedding cake,"  
15 as we call it, as the building was originally  
16 designed. You've got six stories here, five. It  
17 goes from seven to six to five to four to three.  
18 Three at its lowest point.

19 This doesn't give you the numbers that  
20 describes --

21 MS. HEALEY: It was confusing to me.

22 THE WITNESS: Yes, this describes where  
23 the additions are without giving you the actual  
24 numbers.

25 So this is five, that's five, this

1 section is seven as it exists, and then it goes out  
2 to six, six here, that's four here, that's these over  
3 there and that's the shortest point, which is as it  
4 is now. You can see it from this elevation, that's  
5 Eighth Street elevation.

6 MS. HEALEY: So, predominantly five and  
7 six stories?

8 THE WITNESS: Yes.

9 MS. HEALEY: And the --

10 THE WITNESS: Predominantly five-story.  
11 This section is six -- yes, yeah.

12 MS. HEALEY: You described that there is  
13 a market for larger units and I heard that --

14 THE WITNESS: I didn't say that.

15 MS. HEALEY: I wrote that down: There's  
16 markets for larger units.

17 THE WITNESS: What I suggested was that  
18 I have been to this board on other projects and the  
19 predominance of those projects have been larger  
20 apartments. These developers have chosen to have a  
21 broad spectrum of apartment sizes. I didn't speak to  
22 the market.

23 MS. HEALEY: Okay. So you're not saying  
24 to this board that this is being built because  
25 there's a market for larger units?

1 MR. GALVIN: No. The board wouldn't  
2 listen to that testimony anyway. We know that --  
3 there's always a little bit of room for everybody to  
4 tell their story, but we're listening to the  
5 architectural comments, that Mr. Minervini is making,  
6 not economic.

7 MS. HEALEY: I thought I heard that.

8 MR. GALVIN: I can't stop him at every  
9 moment, so we let it go. I think the board is smart  
10 enough to figure it out.

11 MS. HEALEY: Are these going to be  
12 condominium, owner occupied or rental use?

13 THE WITNESS: I don't know. As I  
14 understand it, it's dependent on the market  
15 conditions at the time.

16 MR. GALVIN: Board has no control over  
17 that. Anyone could tell us they are going to do an  
18 apartment house and then convert it or tell us they  
19 are going to do condos and then make them apartments.  
20 It's beyond the scope of --

21 MR. MATULE: I could try to elucidate  
22 that point.

23 The intention at this point is that they  
24 be condominiums. Obviously, if the market conditions  
25 change, they may be rentals, but intention at this

1 point is that they be condominiums.

2 MS. HEALEY: That gets me to my next  
3 question. If they are going to be condo units, how  
4 is the parking to be handled? In terms, are the  
5 spaces going to be assigned, are they going to be  
6 something that the unit owner has to pay for as an  
7 addition or --

8 THE WITNESS: I don't know the answer.

9 MS. HEALEY: You don't know that yet.  
10 I heard something about affordable units  
11 at 729 and I wasn't sure what that comment was about.

12 MR. MATULE: What that comment was about  
13 was the affordable housing ordinance allows the board  
14 to grant an applicant's request to supply the  
15 affordable housing offsite, as long as it's in a  
16 comparable neighborhood and comparable housing.

17 There's a -- these four lots right on, I  
18 guess it's the southeast corner of the intersection  
19 of Eighth and Clinton, the applicant has a separate  
20 application filed with this board to re-subdivide  
21 that property and depending on what the ultimate  
22 density of the affordable housing needs to be, they  
23 would build a standalone building on that property,  
24 again subject to the board's approval, because it  
25 would be a rental property for the affordable housing

1 rather than a condo project.

2 MR. GALVIN: Would that contemplate all  
3 11 units in one building or would that contemplate  
4 more units in that building?

5 THE WITNESS: It would contemplate all  
6 11 units in the building.

7 MR. GALVIN: Not more?

8 THE WITNESS: No, it would just -- it  
9 would be standalone. Whatever the affordable  
10 requirements for the applicant for this project would  
11 be put on that site. If it was 10 units, 12 units,  
12 whatever, that's what we're contemplating.

13 MS. HEALEY: Is that the only thing  
14 that's going to go on that other site?

15 MR. MATULE: Well, the application is to  
16 subdivide the site, so two buildings. Once it's  
17 subdivided, there would be two -- again applications  
18 are pending for two separate buildings.

19 MR. GALVIN: I apologize, the thought  
20 that runs through my head is we don't know if we're  
21 going to have 111 at the end, but we have 111 and  
22 you're going to give us 11 affordable housing units?

23 THE WITNESS: Right.

24 MR. GALVIN: Now we're going to put 11  
25 on another property. So we have 111 and 11, so we

1 have 122. You might need 12.

2 MR. MATULE: We can have that discussion  
3 but I don't think that's how the affordable housing  
4 works.

5 MR. GALVIN: Now you have more than 10  
6 units in another building that put you at 11, so that  
7 might --

8 MR. MATULE: If I may, the affordable  
9 housing ordinance exempts affordable, 100 percent  
10 affordable projects. So I don't think that will come  
11 into play.

12 MR. GALVIN: We'll have to kick this  
13 around a little bit.

14 MS. HEALEY: I just want to be clear.  
15 This other building that has a separate application  
16 for it, what else is in that building besides the  
17 affordable units; anything else?

18 MR. MATULE: Nothing. Parking on the  
19 ground floor.

20 MS. HEALEY: Great, thanks.

21 Do you happen to know what the number of  
22 units is and size of bedroom units of the buildings  
23 that you referred to that are across the street, the  
24 new buildings that are being built? I think you  
25 referred to at least two five-story buildings.

1 THE WITNESS: I referred to 715 Grand  
2 Street. I don't recall the unit breakdown and I  
3 referred to 720 Grand Street and I don't recall that  
4 one either. I can certainly have them for the next  
5 meeting.

6 MS. HEALEY: Are those the only two  
7 developments that you know of that encompass the  
8 two -- you know, the four surrounding blocks of this  
9 building?

10 THE WITNESS: No, no, certainly not. As  
11 I mentioned, this entire block is 100 percent covered  
12 by buildings. So I just talked about 720 Grand is  
13 here, 715 Grand is here. These buildings are both  
14 five-story residential, I don't know the unit count,  
15 perhaps our planner will, and this one proposal has  
16 yet to come to this board so I don't know what that  
17 is either.

18 MS. HEALEY: If somebody knows the  
19 answer to the number of new units that have been  
20 coming into this area, it would be helpful.

21 Thank you. Appreciate it.

22 CHAIRMAN AIBEL: Anybody else in the  
23 public have questions for the architect?

24 MR. EVERS: I do. Michael Evers, 252  
25 Second Street, Hoboken, New Jersey.

1           You say that one of the problems with  
2 all these little one-bedroom units is that you need  
3 to have a window for each bedroom?

4           THE WITNESS:   And living room.

5           MR. EVERS:   And living room.   And the  
6 shape of the building is such that there's not a lot  
7 of windows on the interior, right?

8           THE WITNESS:   Relative to the depth of  
9 the building.

10          MR. EVERS:   Relative to the depths of  
11 the building.   Couldn't that problem be solved by  
12 simply sinking air shafts into the building?

13          THE WITNESS:   Air shafts don't satisfy  
14 the code and the way an air shaft works, in terms of  
15 the code, it starts very, very large on the ground  
16 floor, and then it can go up smaller and smaller.

17          So, it's not an application where it  
18 would work.

19          MR. EVERS:   It would have to be an  
20 interior courtyard, is that what you're saying?

21          THE WITNESS:   An interior courtyard  
22 could work except that we didn't have that option  
23 because we have got existing structure at the roof of  
24 this building.

25          So we won't -- we couldn't go through

1 this portion of the building, which is, for the board  
2 as well as you, Mr. Evers, which is this section, and  
3 where these apartments are that we're referring to,  
4 are along this bank.

5                   So there's no place to put -- there's  
6 no --

7                   MR. EVERS: What about these buildings  
8 here, are those on your site or not your site?

9                   THE WITNESS: This is our site but this  
10 is where we put our amenity space.

11                  MR. EVERS: Next question: Is it safe  
12 to say that when you sat down and said, oh, my God,  
13 121 units, that's a heck of a lot of units and you  
14 thought, what guidance has the Zoning Board of  
15 Adjustment given you in terms of the acceptable  
16 density and criteria for projects, including  
17 affordable housing, that maybe there hadn't been any  
18 real clarity in terms of what they would consider  
19 acceptable?

20                  THE WITNESS: Well, we work with the  
21 zoning code as it is and it's a very straightforward  
22 density calculation.

23                  MR. EVERS: I'm not disputing the  
24 allowable density.

25                  THE WITNESS: I'm describing it.

1 MR. EVERS: In terms of the variances  
2 granted, the price you look at, there's not a lot of  
3 pricing to go on right now. Is that a fair statement  
4 to make?

5 THE WITNESS: Yes.

6 MR. EVERS: Last question: Could a  
7 building like this accommodate a charter school?

8 THE WITNESS: Could it accommodate a  
9 charter school? If there weren't apartments there.

10 MR. EVERS: Assuming the price was  
11 right?

12 THE WITNESS: I don't know about the  
13 price, but certainly this building could be adapted  
14 just for educational use, just as it's being adapted  
15 to residential use, with the same problems I imagine.

16 MR. GALVIN: Is that an inside joke?  
17 You got to bring enough candy for everybody.

18 THE WITNESS: The charter school.

19 CHAIRMAN AIBEL: Anybody else in the  
20 public have questions?

21 COMMISSIONER COHEN: Motion to close the  
22 public portion for this witness.

23 COMMISSIONER GRANA: Second.

24 CHAIRMAN AIBEL: All in favor?

25 Mr. Matule --

1                   COMMISSIONER COHEN:    Could I ask one  
2 question?

3                   CHAIRMAN AIBEL:    You have an urgent  
4 question?

5                   COMMISSIONER COHEN:    Just one.  In all  
6 respect to your earlier answer, when you come back, I  
7 would appreciate if you would consider an alternative  
8 way to combine the many studio units into one or  
9 two-bedroom units to create a portion that is higher  
10 with respect to multi-bedroom units to studios and  
11 one-bedrooms.

12                  THE WITNESS:    I understand.  I think  
13 that message has been relayed.  It's heard.

14                  COMMISSIONER COHEN:    Also to reduce the  
15 density.

16                  CHAIRMAN AIBEL:    There are a couple  
17 other procedural issues.  Number one, Mr. Marsden has  
18 some issues that he would like to raise and then I  
19 guess we can talk about how you can resolve them over  
20 the next month or so.

21                  Go ahead, Jeff.  Why don't you briefly  
22 refer to some of your issues.

23                  MR. MARSDEN:    A lot of my questions and  
24 issues refer to the existing foundation support  
25 structure and the loading.  What I'd like to do is

1 put them in writing, send them to you. Rather than  
2 spend tonight's time going through them, I'll put a  
3 list of questions in writing, I'll send them to  
4 Mr. Matule and Mr. Friedman and if you want to  
5 discuss them with me or clarify anything, if I got a  
6 meeting and we can go through them rather than spend  
7 time going through tonight.

8 MR. MATULE: Fine.

9 THE WITNESS: Okay.

10 MR. MATULE: You may be getting some  
11 answers from Mr. Minervini and some answers from Mr.  
12 Friedman. We'll respond to whatever questions you  
13 put to us.

14 CHAIRMAN AIBEL: My proposal right now  
15 is to break on 720 Clinton. We'll hold it at the  
16 point of board questions.

17 THE WITNESS: I should expect more.

18 CHAIRMAN AIBEL: You should expect more.  
19 And with respect to Mr. Cohen's questions and  
20 comments, you could expect that there might be others  
21 as well.

22 THE WITNESS: I understand that.

23 MR. MATULE: We're carrying it to?

24 CHAIRMAN AIBEL: Eileen.

25 MS. BANYRA: To the 21st, Pat?

1 MADAM SECRETARY: 21st is our regular  
2 meeting. 21st or 28th or -- if we are doing three  
3 meetings.

4 MS. BANYRA: We'll do the 21st. We'll  
5 figure that this may take the rest of that meeting  
6 date unless we can slide a small one in.

7 MR. GALVIN: You got a bunch of  
8 witnesses. We're going to get Mr. Minervini back. I  
9 don't know.

10 MS. BANYRA: I don't know either.

11 MR. GALVIN: I don't think we'll be able  
12 to --

13 MS. BANYRA: A deck-type thing.

14 THE WITNESS: A deck-type thing will  
15 work.

16 CHAIRMAN AIBEL: Carry it to the 28th  
17 without further notice -- I'm sorry, 21st, thank you,  
18 without further notice.

19 MR. MATULE: I consent to the time  
20 within which the board has to act, through October  
21 21st.

22 CHAIRMAN AIBEL: Do we have a motion to  
23 carry to the 21st?

24 COMMISSIONER MURPHY: Motion to carry to  
25 the 21st.

1                   COMMISSIONER COHEN:  Without no further  
2 notice.

3                   COMMISSIONER MURPHY:  Without no further  
4 notice.

5                   COMMISSIONER BRANCIFORTE:  Second.

6                   CHAIRMAN AIBEL:  All in favor?

7                   Come on forward.

8                   A MEMBER OF THE AUDIENCE:  I wanted to  
9 say something real quick about --

10                  CHAIRMAN AIBEL:  This is a question for  
11 the board or --

12                  A MEMBER OF THE AUDIENCE:  It was in  
13 response to the smaller units, the work/live units.

14                  MR. GALVIN:  I don't think you should do  
15 it.

16                  CHAIRMAN AIBEL:  There's going to be an  
17 opportunity for public comment at the end.

18                  MR. GALVIN:  He's the applicant.

19                  CHAIRMAN AIBEL:  Are you the owner?  
20 Then you have to talk to counsel about whether he  
21 wants to put you up as a witness.  We'll wait until  
22 the next time.

23                  MR. MATULE:  Just for the record, the  
24 architect is going to retain possession of the  
25 exhibits for the continued hearing, if that's

1 satisfactory to the board.

2 MR. GALVIN: Correct. Wait a minute,  
3 wait a minute. That's fair. People want to see that  
4 and I get a lot of people come in and maybe it would  
5 be better if left in my office.

6 MR. MATULE: I guess.

7 MR. GALVIN: You're not going to change  
8 them, it's an exhibit that you've put in.

9 THE WITNESS: May be new exhibits that  
10 might revise some of these.

11 MR. GALVIN: You'll resubmit them. And  
12 Pat is willing to take 'em.

13 CHAIRMAN AIBEL: Ready to switch gears,  
14 501 Washington.

15 (Whereupon, the proceedings are  
16 adjourned.)

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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*



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

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HOBOKEN ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 23, 2014  
SPECIAL MEETING

IN THE MATTER OF: : TRANSCRIPT  
501 WASHINGTON STREET : OF  
----- PROCEEDINGS

B O A R D M E M B E R S P R E S E N T:  
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ELLIOT GREENE, VICE CHAIRMAN  
PHIL COHEN, COMMISSIONER  
ANTONIO GRANA, COMMISSIONER  
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6 ROBERT C. MATULE, ESQUIRE

7 Attorney for the Applicant

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1 CHAIRMAN AIBEL: Mr. Matule.

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

5 This is an application with respect to  
6 property at 501 Washington Street. The applicant is  
7 seeking minor site plan approval and variances to  
8 renovate an existing building on the corner of Fifth  
9 and Washington and also to replace the rear building  
10 and the garage in the back.

11 The architect will take us through the  
12 details, but at the end of the day, we're going to  
13 wind up with a four-story building with a three-story  
14 on Court Street which will include a parking garage.

15 I have the architect, Anthony Aiello,  
16 here; and Mr. Kolling is our planner. I believe Mr.  
17 Aiello has testified before the board before, but you  
18 can have him sworn and qualified if you wish.

19 Mr. Aiello.

20 A N T O N I O A I E L L O, having been duly sworn,  
21 was examined and testifies as follows:

22 MR. GALVIN: State your full name for  
23 the record, spell your last name.

24 THE WITNESS: Antonio Aiello,  
25 A-I-E-L-L-O.

1                   CHAIRMAN AIBEL: He's appeared before  
2 the board before. We accept your credentials.

3                   MR. GALVIN: You're good to go.

4                   MR. MATULE: Thank you, Mr. Chairman.

5 EXAMINATION BY MR. MATULE:

6           Q.       Mr. Aiello, procedurally, if we're going  
7 to refer to any exhibits, we need to mark them. But  
8 if you could, and especially in light of the late  
9 hour, I don't want to rush you but describe the  
10 existing building and the surrounding area for the  
11 board members.

12           A.       I will do that. As Mr. Matule stated,  
13 it's on the corner of Fifth and Washington,  
14 Washington Street, but the project itself actually  
15 fronts Washington Street/Fifth Street, as well as  
16 Court Street, so it has three street fronts overall.

17                   Currently, as I have here, the existing  
18 structures on the first exhibit.

19                   MR. MATULE: This photo board we're  
20 going to mark A-1.

21                   (Exhibit A-1 marked into evidence.)

22           Q.       Could you tell us what it is? Did you  
23 take those pictures?

24           A.       Yes, these photos were taken by me as  
25 well as the rendering showing the proposed

1 contrasting the existing conditions.

2           As you can see here on the corner shot,  
3 the existing structure here is the original building,  
4 it has been modified numerous times. We'll be  
5 implementing historic preservation on that building  
6 to bring it back to its original glory. That  
7 building expands, you know, 25 foot width along  
8 Washington Street as well as additional 40 feet and  
9 change along Fifth Street. The one-story structure  
10 in the back has been modified over and over again. I  
11 believe at one point it was actually removed and  
12 rebuilt differently from what the original structure  
13 was.

14           As I mentioned, here is the Washington  
15 Street view of the corner on Fifth, the Fifth Street  
16 where you see the three-story structure as well as  
17 the one-story structure, and then on this end you  
18 could see the one-story building that turns and ends  
19 up at Court Street with the existing garage in that  
20 location. And then looking down Court Street, the  
21 number of three-story buildings with garages along  
22 Court Street that all exist in that location  
23 currently.

24           Q.        Could you describe the proposed  
25 renovation and addition to the building?

1           A.           Absolutely. The existing structure,  
2 which we'll be renovating, this was a structure that  
3 was TD Bank.

4           Q.           I'll put the exhibit sticker on the  
5 back.

6                       (Exhibit A-2 marked into evidence.)

7           A.           This corner building is actually the  
8 Fifth and Washington structure. We're renovating it  
9 with the new stucco facade over the masonry as well  
10 as the arched openings and the large millwork all  
11 along the Fifth Street and Washington Street facade.  
12 Then we're renovating the storefront, as well, to  
13 better work on Washington Street. It's currently  
14 pretty closed up, just a few windows and we're  
15 opening it up so we can better accommodate any new  
16 tenant in that location.

17                       As you can see, the rear structure was  
18 completely different. It was a different building  
19 altogether. It's still one story but it has been  
20 modified numerous times. I'll show you back on  
21 Exhibit A, with an alcove that happens, with steps  
22 coming off the sidewalk to that area.

23                       Currently the latest leaseholder  
24 unfortunately took some liberties inside which  
25 further damaged the structure on that one-story

1 building and I believe it's currently in the process  
2 of being condemned, unfortunately.

3           Back to the architectural drawings  
4 themselves, again, the three-story building on the  
5 corner of the site, the one-story in the back and the  
6 one-story frame where the current garage stands.  
7 We're maintaining that whole area. In order to help  
8 with the historic, we took the new structure that's  
9 going in the back and set it back from the property  
10 lines so that this building is more prominent. We're  
11 not trying to manage the entire structure all the way  
12 through. You can tell that one is new and one is  
13 being restored.

14           This is the site plan Utility Plan. It  
15 should be the same as the Ground Floor Plan. As you  
16 can see, we have maintained an entire ground floor.  
17 We're modifying the interior to accommodate new  
18 stairwells throughout the building and then a new  
19 stair coming up from the back. The entire structure  
20 inside is going to be an open plan for the new tenant  
21 space. Of course barrier-free accommodations will  
22 have to be met with any new tenant and then we have  
23 vehicular entrance at the large garage in the back,  
24 along with the recycling, garage and refuse areas.

25           We're proposing four street trees along

1 the Fifth Street area. Currently provided in here we  
2 have the crosswalk, the current streetlight and the  
3 bus shelter in that location.

4 We show all the existing conditions.  
5 This is that notch that I mentioned on the existing  
6 structure that was created. Currently the basement  
7 only accommodates the historic structure. We'll be  
8 excavating the entire site.

9 All while maintaining the facade area.

10 The proposed structure, the entire  
11 basement along the entire site. Ground floor is  
12 going to the corner entrance at Washington Street.  
13 We'll also have an additional entrance on the Fifth  
14 Street side. Because of the high slope, the site  
15 changes in height about 4 feet. We do have an  
16 additional entrance for barrier-free purposes in that  
17 case. The typical floors on the second and third  
18 floor are similar. We have the typical two stairs  
19 and then we have a two-bedroom along Washington  
20 Street on the corner of Fifth and the area that wraps  
21 Fifth and Court Street is three-bedroom area. So two  
22 units per floor on the second and third floor.

23 Then on the top floor we set back at  
24 that little L-shape area to accommodate a private  
25 terrace there.

1           When we set back the building on the  
2 front, as well, with an additional terrace and this  
3 is just a single unit on the top fourth floor. That  
4 setback was in order to appease the historic board as  
5 well as maintain the historic structure. If we kept  
6 it up to the same facade, we'd lose the integrity of  
7 the original building itself.

8           On the facade, as you can see here, the  
9 existing storage -- existing three-story structure is  
10 being renovated back to the original materials, same  
11 score lines with the stucco over masonry, large  
12 serendipitous millwork around the windows and sills.  
13 We're increasing all the openings back to the  
14 original. So the entire structure is going to have  
15 to be reconstructed piece-by-piece while maintaining  
16 the existing walls.

17           As you can see, the new building in the  
18 background is set back and then it wraps around and  
19 then on Court Street it drops back down to only a  
20 three structure on the L-shape. As you could see,  
21 there's a decent little slope up towards Court Street  
22 in that area.

23           As for the block, as you can see, the  
24 building itself more or less works with the rest of  
25 the block as well as across the street. All the

1 other buildings on that area are more or less four  
2 stories, other than this section on Washington here.  
3 Everything else is four stories, and the buildings on  
4 Court Street are three stories in height. So we're  
5 maintaining that height while, like I said, at that  
6 setback at the new structure to maintain historic  
7 preservation.

8           This was a design on the storefront,  
9 re-cladding it, the finished plywood refinishing,  
10 opening it up again so that it's more appealing to  
11 any new tenants as well as providing additional light  
12 and just pedestrian level for the Washington Street  
13 area.

14           Then over here we have all the historic  
15 approvals as well as all the historic preservation  
16 that we're meeting through the national registry of  
17 historic preservation for the building itself.

18           I know some of the comments were for  
19 additional information. I do have here some  
20 additional -- the lights that I was proposing for the  
21 structure itself. We're proposing simple Kichler  
22 Olde Brick at the existing structure, where we are  
23 restoring it, and then vertical standard, more  
24 modern-like for the new building itself.

25           So these will happen along this

1 structure and the vertical lights will happen at the  
2 posts, at the pillar areas along the Court Street and  
3 Fifth Street areas.

4 Q. Are those the lights that were  
5 introduced to the historic commission?

6 A. Yes.

7 MR. MATULE: And just for the record, I  
8 know Ms. Banyra mentioned in her report that she  
9 wanted a copy of the historic resolution of approval  
10 for the board's record. I have a copy of it. I'll  
11 give it to Ms. Carcone.

12 Q. One of the other questions; do you know  
13 what the basement is going to be used for?

14 A. Currently the proposed is for the  
15 tenants -- tenant for the ground floor is going to be  
16 utilizing it just for storage.

17 Q. The commercial tenant?

18 A. Yes.

19 Q. The residential tenants won't have  
20 storage?

21 A. No.

22 Q. If we can just -- to run through some of  
23 the things that are generating the variances, you're  
24 proposing 97 percent lot coverage on the second and  
25 third floors?

1 A. Correct.

2 Q. 74 percent on the fourth floor?

3 A. Yes.

4 Q. And your plan indicates the average  
5 height of the building is 41 feet 5 inches?

6 A. On Washington, correct.

7 Q. There's a setback on Fifth Street of 1  
8 foot?

9 A. Yes. I believe it's 6 feet overall, the  
10 setback.

11 Q. Not on Washington, on Fifth.

12 A. Oh, yes, I'm sorry, the building itself  
13 is set back off the property line 1 foot. My  
14 apologies.

15 Q. One foot. New addition on Washington,  
16 the fourth floor is set back 5 feet, correct?

17 A. Yes, it is. Six feet.

18 Q. Your roof coverage is 32 percent; that  
19 includes the deck over the garage?

20 A. Yes, the two terraces as well. The rest  
21 is standard bulkheads and equipment.

22 Q. You've calculated that apparently  
23 perhaps there's a typo on the drawings. Customer  
24 service area is going to be 1,250 square feet, not  
25 15?

1 A. Yes, not 1,500.

2 Q. You've already testified that you  
3 received historic approval for the design as shown in  
4 your rendering. Correct?

5 A. Yes.

6 Q. And you've received Mr. Marsden's  
7 report?

8 A. I have, yes.

9 Q. Any issues addressing those, getting an  
10 updated survey with the correct references?

11 A. Absolutely not, not a problem at all.

12 Q. You don't have any floodplain issues on  
13 this site because of the existing elevation?

14 A. Correct.

15 MR. MATULE: I have no further questions  
16 at this time.

17 COMMISSIONER GRANA: I have a question.  
18 Has this proposal been seen by the historic  
19 commission and approved?

20 MR. MATULE: Yes, yes.

21 COMMISSIONER GRANA: How does that  
22 affect us?

23 MR. GALVIN: The historic commission or  
24 the environmental commission are advisory bodies to  
25 the zoning board, so they make recommendations. We

1 do not have to follow the recommendations of the  
2 historical commission. Although when they  
3 participate, this is in a historic part of town and  
4 they are making comment and I think it's wise to give  
5 some weight to what they are suggesting.

6 COMMISSIONER GRANA: Okay.

7 MR. MATULE: I mean, if I may just  
8 anecdotally, this application I think was originally  
9 filed with this board in 2011, and we put it on hold  
10 because it was a very prolonged process and a change  
11 of architects to get through historic.

12 MR. GALVIN: There are a few places in  
13 town that have some real historical significance.  
14 Washington Street is one of 'em.

15 COMMISSIONER BRANCIFORTE: But the  
16 historical committee doesn't discuss things like  
17 height variances and bulk variances.

18 MR. GALVIN: Right.

19 COMMISSIONER BRANCIFORTE: What I'm  
20 saying, I guess, is just because they approved the  
21 design, it doesn't mean that they are approving --  
22 that they look into it as deeply as we do.

23 MR. GALVIN: Correct. They are  
24 suggesting that the building is not consistent with  
25 trying to maintain the historical of Washington

1 Street. They are only looking at the facade -- they  
2 are only looking at the building that's on Washington  
3 Street. Court Street could be part of it also.

4 COMMISSIONER MURPHY: Right. That's  
5 what I'm saying. So it wraps that block. Do they  
6 look at the addition too?

7 THE WITNESS: Yes, they reviewed all  
8 three facades. We went over three facades.

9 MR. GALVIN: I mean, look, I think the  
10 value of the historic commission seemed to depend on  
11 some of the communities and what we have to preserve  
12 and how useful their comments are, okay? I think  
13 here they are suggesting that they have maintained  
14 the spirit of the look of that area. So if you think  
15 they got it right, then that's good advice that they  
16 are giving you. But then you have to still look at  
17 the rest of the property for do you think it's too  
18 tall, do you think it's too dense, do you think the  
19 parking is okay. Since we pointed out to Mr. Matule,  
20 parking is not permitted in this area. So that's a  
21 use variance. You need a (d)(1) variance for that.  
22 On the other side, it's not a parking garage, it's a  
23 couple parking spaces that go with the residential  
24 use.

25 Ms. Banyra, if you want to comment on

1 that. The board is struggling with what they have to  
2 approve.

3 MS. BANYRA: Understood. In terms of  
4 the historic, I think you explained what needs to be  
5 done and I'm looking at the historic preservation  
6 memo and it does appear that they looked at  
7 storefront elevation on Fifth and Washington Street  
8 and they have given some detail about that.

9 Was there any conversation about the  
10 garage door?

11 THE WITNESS: There was not.

12 COMMISSIONER GRANA: Here's why I raised  
13 the question. My question is, the street wall that  
14 goes up Washington from that location is a better  
15 consistent, this structure is not. So the new  
16 structure is set back, it's set back on Washington  
17 and it's set back on Fifth.

18 I think it actually makes it look like  
19 two structures and I don't know if that is the  
20 intent. If we're actually doing what looks like two  
21 structures, because the historic commission has said,  
22 well, you've got to leave this structure at the  
23 corner, in effect, alone, meaning you could not raise  
24 that to make the street wall consistent or the  
25 historic commission is saying no, you got to leave

1 that alone, you're going to have to build your  
2 addition to look like a separate structure.

3 THE WITNESS: There was discussion about  
4 that. The original proposal, before I came onboard,  
5 was for the building to come all the way up front,  
6 but in order to maintain the historic preservation of  
7 that structure itself, the setback was proposed.

8 COMMISSIONER GRANA: Okay.

9 THE WITNESS: To appease the historic  
10 board on that end.

11 COMMISSIONER GRANA: With the result  
12 being it, in effect, looks like two structures?

13 THE WITNESS: Exactly. That was the  
14 goal, to try and differentiate the two structures so  
15 it doesn't look like we're recreating the historic  
16 structure higher or longer along that wall. So it  
17 does look like that building was the original  
18 building. The original facade and everything else is  
19 new behind it.

20 MR. GALVIN: That's what Mr. Minervini  
21 was saying in the last case, but the fact that the  
22 Department of the Interior suggested that the old and  
23 the new look like they are two different parts, so  
24 you know where the historic ends and the new begins.

25 COMMISSIONER GRANA: We're not in

1 deliberation yet but -- I'll save it for  
2 deliberation. All right.

3 CHAIRMAN AIBEL: Any other questions?

4 COMMISSIONER FISHER: Yes. In your  
5 conversations, was there any discussion about having  
6 effectively a rooftop deck overlooking Washington  
7 Street now, people gathering?

8 THE WITNESS: There was not.

9 MR. GALVIN: You do want -- I can't tell  
10 from your comment if you're for or against it.

11 COMMISSIONER FISHER: I don't like the  
12 idea of seeing 30 people on the corner of Fifth and  
13 Washington, in the spirit of what Washington Street  
14 is meant to be, so I would say for me it's a  
15 negative.

16 MR. GALVIN: I'm writing that condition  
17 down.

18 COMMISSIONER FISHER: I don't know what  
19 other people --

20 MR. GALVIN: If you don't put a  
21 restriction there --

22 COMMISSIONER MURPHY: I don't know if  
23 you're asking for a restriction at the moment.  
24 You're talking about it in general?

25 COMMISSIONER FISHER: I think again some

1 of it, like I said is really -- this is on behalf of  
2 myself only. It's great that the historic  
3 preservation, whatever it's called, is part of this  
4 discussion for Washington Street and it looks very  
5 nice, it just -- and you can see the benefit on that  
6 structure and kind of the combining of the two  
7 structures, but it begs some questions as well.  
8 Like, it's not perfect.

9 COMMISSIONER COHEN: Can I follow up  
10 with a question, too? The fourth floor, does it have  
11 a terrace that overlooks Washington Street?

12 COMMISSIONER FISHER: It does.

13 THE WITNESS: Yes. That's this setback  
14 here. Right in here, this area here is set back.

15 Really, when all is said and done, we  
16 can still maintain that facade and just pull this  
17 forward. We can set it back just a hair, just enough  
18 so it still looks like two separate structures.  
19 Doesn't have to be a full 6-foot terrace. I agree,  
20 on Washington Street, it's out of character.

21 MR. MATULE: If I may, just for clarity,  
22 can you pull that forward, say 4 feet, and just leave  
23 a 2-foot setback with no terrace out there?

24 THE WITNESS: Absolutely.

25 COMMISSIONER COHEN: Let me comment to

1 that, is that we recently had an application where  
2 there was concern of amassing too much of the front  
3 line and the designer created a 5-foot setback on the  
4 top floor which very effectively created a setback  
5 that was effective and this is a foot bigger than  
6 that. But I think the main concern isn't so much  
7 moving the terrace to the street as it is eliminating  
8 the terrace.

9 MR. MATULE: That was my point, is that  
10 if they pulled the building forward -- I mean if I  
11 might, 'cause I asked the architect, we could just  
12 leave the face of the building, the fourth floor  
13 where it is and not have those doors be workable  
14 doors.

15 What he was suggesting, he thought a  
16 better alternative would be, if we were going to get  
17 rid of the terrace, and pull that building a few feet  
18 forward, still maintain a setback so it clearly looks  
19 like a different building and respects the integrity  
20 of the historic building but just isn't set back as  
21 far because that's facing the front.

22 COMMISSIONER GRANA: If we move the  
23 fourth floor so it was a 2-foot setback, it would  
24 look like a separate structure but also additionally  
25 potentially respect the street wall of the buildings

1 next to it.

2 THE WITNESS: Absolutely, absolutely.  
3 It would look closer to this. That way it would be  
4 that same face. They'll look like two separate  
5 buildings, just without the terrace.

6 COMMISSIONER GRANA: And potentially  
7 look much more aligned to the buildings that are its  
8 neighbors.

9 THE WITNESS: Yes, yes, just pop that  
10 off and pull it up in line with this or at least a  
11 foot back so it maintains that plane all the way  
12 through and carries the fabric of that block.

13 MS. BANYRA: Is this building eligible  
14 for the register? Did I hear you say that?

15 THE WITNESS: I don't know if it's  
16 eligible.

17 MS. BANYRA: I thought I heard you  
18 say --

19 THE WITNESS: We use standards for  
20 guidelines in restoring it.

21 CHAIRMAN AIBEL: Do you have to go back  
22 to the historic commission?

23 MR. MATULE: I don't believe so. I know  
24 in the past the Zoning Board has taken the position  
25 that they are an advisory body and that you are the

1 ultimate deciders of what goes there. I know this  
2 was the same situation with 300 Washington Street  
3 where the concern was getting Ping-Pong-ed back and  
4 forth between the historic commission and the zoning  
5 board and the position of the zoning board is that  
6 the historic commission is an advisory body and you  
7 certainly respect and appreciate their advice but you  
8 are free to make your own decisions.

9 CHAIRMAN AIBEL: Eileen, does the report  
10 address the 6-foot setback? Is that something they  
11 advised or --

12 MS. BANYRA: It doesn't say that.  
13 However, I would weigh in on that. I think that he's  
14 done a historic renovation, I think you want it to  
15 stand out. I know that there's a cornice line, but  
16 if you look at the cornice line of the existing  
17 buildings down, there's a repetition there that maybe  
18 this is actually relief, that it actually breaks down  
19 a little bit and it does, by having that setback -- I  
20 mean like Commissioner Cohen said, a 5-foot setback  
21 is what we're doing 6-foot, so I'm kind of reluctant  
22 to say let's mess with the building and see what  
23 we're going to come up with.

24 I think they have designed it, I think  
25 more to the concern is the front desk. I think you

1 just eliminate the front desk, have the windows, and  
2 he'll have to do something with the flat roof but  
3 they can deal with that. He's going to deal with  
4 that anyway.

5 COMMISSIONER FISHER: Isn't he  
6 suggesting now, for their benefit, to expand the  
7 square footage? It sounds like they may want to make  
8 the building bigger because it's more square footage  
9 for them.

10 THE WITNESS: Sure. I was suggesting  
11 let's keep it set back. There's plenty of square  
12 footage, they are here for lots of variances and you  
13 can hear the whole balance of the thing and determine  
14 whether or not you want that whole expansion or not.

15 COMMISSIONER GRANA: I think I raised it  
16 and I think I raised it that the setback, while  
17 looking like another structure, makes it look like a  
18 whole separate building. While I appreciate the  
19 renovation, it doesn't align with anything with the  
20 street on Washington Street or maybe even on Fifth so  
21 it really looks like a small building with a very  
22 large building stuffed behind it.

23 MS. BANYRA: Walking down the street you  
24 won't see that. The street, you may see that, but  
25 walking down the street you're going to see this

1 building and then on Fifth you're going to see pieces  
2 of buildings.

3 COMMISSIONER MURPHY: I think the whole  
4 idea of looking very different than what the original  
5 building is the intent of not trying to replicate. I  
6 think from the side view, like from Fifth Street, I  
7 thought the setback is kind of nice actually, instead  
8 of squaring it off on the corner.

9 COMMISSIONER FISHER: I don't think he's  
10 suggesting square it off, I think he's suggesting  
11 instead of it being a 6-foot setback, it's a 1 or  
12 2-foot setback. You still have a little bit of a  
13 setback.

14 THE WITNESS: Yes, and also less roof  
15 plane to deal with.

16 MS. BANYRA: My concern would be that  
17 now the building starts looking like there's a  
18 building on top of the other building. So...

19 COMMISSIONER GRANA: So I'm looking at  
20 the Court Street side. We're proposing to be five  
21 stories at the corner of Court --

22 MR. MATULE: Four stories.

23 COMMISSIONER GRANA: At the corner of  
24 Court and Fifth.

25 THE WITNESS: Correct.

1                   COMMISSIONER GRANA:   And three-story  
2 structure next to it.

3                   THE WITNESS:   Correct.

4                   COMMISSIONER GRANA:   What are the height  
5 of the structures across Court Street from this  
6 proposed structure?  I think it's maybe right here,  
7 down here, Fifth and Court.

8                   THE WITNESS:   There's a one-story, small  
9 structure right here and then there's a five-story  
10 structure right behind it.  So we have the four-story  
11 here, there's a small, one-story garage and then the  
12 five-story behind it and then there's a two-story  
13 next to it and then adjacent to it, over this way,  
14 three-story buildings going that way.

15                  COMMISSIONER GRANA:   So across from  
16 Court Street, so on Hudson there are five-story  
17 structures -- one-story accessories on Court and that  
18 goes one or two deep maybe?

19                  MR. MATULE:   These are three-story  
20 buildings on our side of the street.

21                  COMMISSIONER GRANA:   On the opposite  
22 side, it's --

23                  MR. MATULE:   That looks like maybe a  
24 two-story.

25                  COMMISSIONER GRANA:   This is a one,

1 that's a one and that's a two.

2 THE WITNESS: Right. Next to our  
3 property are the three-story buildings, right.

4 COMMISSIONER GRANA: Thank you.

5 COMMISSIONER BRANCIFORTE: I'm not --

6 CHAIRMAN AIBEL: Is this going to be an  
7 elevator building?

8 THE WITNESS: No.

9 CHAIRMAN AIBEL: I thought I saw  
10 reference to an elevator.

11 COMMISSIONER BRANCIFORTE: We have heard  
12 now that there's a code that says if you go a certain  
13 number of stories you have to have an elevator. Is  
14 that true?

15 THE WITNESS: No. Actually you can  
16 actually have a highrise without an elevator. It's  
17 more convenience purpose. If you add an elevator,  
18 you are required to make the entire building handicap  
19 accessible, double the size of the bathrooms and  
20 kitchens and stuff like that. The first level of a  
21 building such as this will be fully handicap  
22 accessible but the rest of the building doesn't need  
23 to be.

24 COMMISSIONER BRANCIFORTE: I thought I  
25 heard testimony, a few times, that at some point you

1 need an elevator once you go above a certain number  
2 of stories, by law.

3 I'm kind of concerned about what's going  
4 to happen at the -- I guess it would be 503  
5 Washington and how this building is going to affect  
6 the light and air from their backyard and how it's  
7 going to affect the entire air flow into the donut  
8 once we build a wall on the southern end. How is  
9 light and air going to still flow into those  
10 backyards once we block off this area?

11 MR. GALVIN: You know what, guys, on  
12 your roof coverage elevation, the chairman is  
13 pointing out to me that you have reference to  
14 elevators there.

15 THE WITNESS: I'm sorry, boilerplate  
16 elevator and stair bulkhead. So, just a stair  
17 bulkhead. There's no elevator there, I apologize.  
18 It's just the stair and then there's rooftop and  
19 mechanical equipment.

20 CHAIRMAN AIBEL: How tall is the  
21 bulkhead?

22 THE WITNESS: It would be 8 feet in  
23 order to accommodate the headroom for the door and  
24 access up to the roof for the stair. That's required  
25 by code for me to bring at least one stair up to the

1 roof.

2 COMMISSIONER BRANCIFORTE: Getting back  
3 to my question, what is this now, it's a one-story  
4 building? You're going to put three stories above it  
5 so you'll have a four-story building that's going to  
6 block off basically the passageway for wind, the  
7 breeze that goes into the donut.

8 So maybe the planner can go on a little  
9 bit more about it but I'm concerned about what's next  
10 door, the people next door, and how if we grant you  
11 this variance, how it's going to affect the light  
12 going into their apartments and the breezeway.  
13 Because there's very little on your drawings that  
14 show what's next to this, the backyards of Washington  
15 Street.

16 THE WITNESS: Right now that area next  
17 door is not all that large. If you see here from the  
18 survey, our one-story structure happens here and then  
19 this one bumps out and creates just really a small  
20 area in this location right now. At best we're  
21 blocking off a 9 foot wide area in that location.  
22 It's on Sheet Z-2.

23 COMMISSIONER BRANCIFORTE: As of right,  
24 on Fifth street, what are you allowed to build? You  
25 have 3/1, but what are you allowed to build? What

1 does the code say?

2 THE WITNESS: It's three stories, 40  
3 feet.

4 COMMISSIONER BRANCIFORTE: Three  
5 stories, 40. And you want four stories --

6 THE WITNESS: 43 feet 2 inches, on  
7 Washington. That maintains. So as the slope goes  
8 up, that roof plane stays the same. We're not going  
9 with a slope of the site.

10 COMMISSIONER BRANCIFORTE: So it's the  
11 same on Fifth Street as it is on Washington Street  
12 then?

13 COMMISSIONER FISHER: Actually the  
14 building is shorter.

15 THE WITNESS: Right, the building goes  
16 straight across, so by the time you get to Court  
17 Street, what was the height, 39' 8", we're under the  
18 40 feet at that location on Court Street.

19 COMMISSIONER BRANCIFORTE: This kind of  
20 goes -- this a question for both you and planner.  
21 You hear again and again that the corner is  
22 historically the largest anchor building on the  
23 block. So do you have -- do you know why that this  
24 building is actually shorter than the rest of the  
25 block?

1 THE WITNESS: I do not.

2 COMMISSIONER BRANCIFORTE: Can you  
3 design this building on the Fifth Street side, so you  
4 have the existing building and you have that little  
5 piece that goes above it and then you have the rear  
6 of the building that's also 3/1 -- can you design  
7 this building where it's just 2/1 in the back?  
8 Basically get rid of that last fourth story.

9 THE WITNESS: And lose the entire fourth  
10 floor over there, are you're saying?

11 COMMISSIONER BRANCIFORTE: Yes, from the  
12 existing building back.

13 THE WITNESS: This location, and just  
14 leave this.

15 COMMISSIONER BRANCIFORTE: I got to be  
16 honest with you --

17 THE WITNESS: Between the stair and  
18 everything else, the floor plan itself becomes  
19 unusable at that point. This much area (indicating.)  
20 Right now that's one and a half baths and one and a  
21 half bedrooms and a stair.

22 COMMISSIONER BRANCIFORTE: You really  
23 have to work hard to convince me that the fourth  
24 floor is needed at all. I don't see any reason for  
25 that fourth floor, so you have to convince me. You

1 or the planner, somebody has to convince me that's  
2 needed.

3 THE WITNESS: I mean I do have a full  
4 argument on that, that's usually one of the toughest  
5 arguments when you try to add that additional story.  
6 But I mean, overall we're trying to maintain the  
7 facade on Washington Street as much as possible and  
8 set it back to accommodate the historic structure.  
9 For us to stop it at this point would just be -- I  
10 mean this would be pretty much unusable at that point  
11 for that building itself. We wrapped it around and  
12 we dropped it along Court Street just because of the  
13 existing structures, but right now I know -- I don't  
14 know if there's any other buildings across the  
15 street. I'm pretty sure the buildings across the way  
16 on Fifth Street are also four stories in that same  
17 manner so it's not like we're trying to change the  
18 whole look of that area.

19 A MEMBER OF THE AUDIENCE: They are  
20 actually five stories.

21 CHAIRMAN AIBEL: What is the building on  
22 Washington on the south side of Fifth, is it a full  
23 lot? I guess, is it 100 percent coverage on Fifth  
24 Street?

25 THE WITNESS: I have a four-story on the

1 corner of Washington.

2 CHAIRMAN AIBEL: Is it 100 percent  
3 coverage on Fifth Street?

4 COMMISSIONER BRANCIFORTE: Maybe the  
5 planner can address that then.

6 THE WITNESS: Is it full coverage over  
7 there? I'm not sure. Google Earth and you can take  
8 a quick look. I know that the building across the  
9 way not only is four stories but there's a huge  
10 section that has, like, two stories. Just wall,  
11 there's not even any windows in that location.

12 COMMISSIONER BRANCIFORTE: That building  
13 is not asking for a variance, this one is.

14 CHAIRMAN AIBEL: Any other questions for  
15 the architect? Board Members? Yes.

16 COMMISSIONER COHEN: Are the basements  
17 interconnecting between the front and the back?

18 THE WITNESS: Yes.

19 COMMISSIONER COHEN: Is it all for the  
20 use of the commercial space on Washington Street?

21 THE WITNESS: Correct, yes.

22 COMMISSIONER COHEN: And do you have a  
23 sense of what kind of business that you're looking to  
24 have in there; is it retail; is it a restaurant?

25 THE WITNESS: I do not know that, the

1 answer to that. I don't know if Anthony --

2 MR. DICIO: It's retail clothing.

3 COMMISSIONER COHEN: I have a couple  
4 more questions. There's reference in the application  
5 about converting two commercial uses to one. Did I  
6 understand that correctly?

7 MR. MATULE: Yes.

8 MR. GALVIN: Let's get this witness  
9 under oath.

10 A N T H O N Y D I C I O, having been duly sworn,  
11 was examined and testifies as follows:

12 MR. GALVIN: State your full name for  
13 the record, spell your last name.

14 THE WITNESS: D-I-C-I-O, Anthony.

15 MR. GALVIN: You're the owner of this  
16 project?

17 THE WITNESS: I'm the owner, yes. I'll  
18 be living in the building when it's finished.

19 COMMISSIONER GRANA: So we'll be  
20 converting two commercial uses into one? Two  
21 commercial spaces are currently on Washington Street  
22 or --

23 THE WITNESS: The back is abandoned.  
24 There was a tenant that went into the space and  
25 destroyed the space and we weren't able to construct

1 it anymore unless we demolish the back of the  
2 building. There's only one tenant in the front.

3 COMMISSIONER GRANA: There's existing  
4 parking, I guess I call it parking, on the Court  
5 Street side. Is that used to service the commercial  
6 facility on Washington Street?

7 THE WITNESS: It's used by me for  
8 residential.

9 COMMISSIONER GRANA: Will the new  
10 proposed parking space be also used for commercial  
11 activity?

12 THE WITNESS: It will be used for  
13 residential, for myself.

14 COMMISSIONER GRANA: Thank you.

15 CHAIRMAN AIBEL: Jeff.

16 MR. MARSDEN: If approved, would you  
17 have an objection to -- I mentioned it in my memo  
18 about the Court Street and putting the crosswalk and  
19 repairing the pavement on Court Street. I believe  
20 it's cobblestone there; isn't it? No, the pavement.  
21 It ends just almost at the building line.

22 MR. DICIO: This was just corrected.  
23 You mean right here? This area here (indicating)?  
24 That was just redone.

25 MR. MARSDEN: That's what I was looking

1 for. Okay. Thank you. You did that, didn't you?

2 THE WITNESS: No, I didn't, but I was  
3 happy to see it done.

4 MR. MARSDEN: That must be very recent  
5 then.

6 THE WITNESS: It was very recent.

7 MR. MARSDEN: I just took photographs a  
8 couple weeks ago.

9 THE WITNESS: It was longer than a  
10 couple weeks ago. They just poured a cement slab in  
11 here. Here's the corner of my building here. This  
12 is all new right here (indicating.)

13 MR. MARSDEN: Okay. Thank you.

14 MS. BANYRA: I have the question that  
15 the literature seemed to indicate that the buildings  
16 were all staying and the question I had was your  
17 survey shows a frame building and you're building two  
18 stories on top of that but I'm hearing testimony that  
19 the buildings are coming down. I'm not sure that  
20 you're grandfathered in terms of you're preexisting  
21 nonconforming.

22 MR. MATULE: If I might, I don't think  
23 that we're making that argument to the board.

24 MS. BANYRA: I wasn't sure. I thought  
25 that's what the architect said, that the back

1 building is coming down.

2 MR. MATULE: Back building is coming  
3 down, right. So we're not claiming -- all we're  
4 saying is the current condition is 100 percent lot  
5 coverage and I think we are proposing 97 percent  
6 because it's pulled back a foot.

7 MS. BANYRA: Okay.

8 MR. MATULE: But we're not claiming that  
9 we have an as-of-right ability to do that. That's  
10 why we're asking for the variance, lot coverage  
11 variance.

12 MS. BANYRA: What else would be -- yeah,  
13 potentially the curbcut, if the building is gone.

14 MR. MATULE: Well, we don't really have  
15 a curbcut.

16 MS. BANYRA: We have a curbcut for Court  
17 Street, right?

18 MR. MATULE: I don't know. We could get  
19 into semantics. There's no curb there. I mean  
20 there's a driveway apron. But that's why we're  
21 asking for -- one of the variances we requested is an  
22 accessory garage on Court Street.

23 MS. BANYRA: So, yes, the impervious  
24 coverage, you actually needed -- those are not some  
25 of the preexisting conditions. In terms of setbacks,

1 you need a frontyard setback from Court Street then,  
2 technically.

3 MR. MATULE: Yes, yes.

4 MS. BANYRA: I guess that wasn't clear  
5 to me in the review, that the buildings were actually  
6 coming down.

7 MR. MATULE: The back buildings, right,  
8 right.

9 COMMISSIONER MURPHY: Who owns the tree?

10 THE WITNESS: That's on the other  
11 property.

12 COMMISSIONER FISHER: Google Earth is  
13 showing this giant, massive tree in that little  
14 space.

15 CHAIRMAN AIBEL: Any other questions,  
16 Board Members? Board Members, no more questions?  
17 Let me open it up to the public.

18 Is there anybody here in the public who  
19 would like to ask a question of the architect?

20 Seeing nothing, motion to close.

21 COMMISSIONER COHEN: Motion to close the  
22 public portion for this witness.

23 COMMISSIONER GRANA: Second.

24 CHAIRMAN AIBEL: All in favor?

25 MR. MATULE: Before I bring the planner

1 up, I have a question for the owner, Mr. Dicio.

2 Mr. Dicio, there's some comment about  
3 the rear yard, the property next door to you, I guess  
4 the building plainly to the north of you, that  
5 also -- that abuts, if you will, the existing  
6 one-story garage that's there now. Do you know what  
7 that yard is used for at this time?

8 THE WITNESS: It's used by the tenant  
9 that's located next to me on Washington Street and it  
10 is commercial yard. It's a clothing store and they  
11 just have a table back there, it's not for  
12 residential use.

13 MR. MATULE: So the operator of the  
14 business next door uses that space?

15 THE WITNESS: Yes, just they opened up  
16 and if it's a nice day people can stroll in the  
17 backyard, their customers can.

18 CHAIRMAN AIBEL: Can we close with the  
19 architect?

20 MR. MATULE: Yes. Mr. Kolling.  
21 E D W A R D K O L L I N G, having been duly sworn,  
22 was examined and testifies as follows:

23 MR. GALVIN: State your full name for  
24 the record, spell your last name.

25 THE WITNESS: First name is Edward.

1 Last name is, K-O-L-L-I-N-G.

2 MR. GALVIN: Do you accept Mr. Kolling's  
3 credentials, Mr. Chairman?

4 CHAIRMAN AIBEL: Yes, I do.

5 MR. GALVIN: Proceed.

6 EXAMINATION BY MR. MATULE:

7 Q. You're familiar with the Zoning  
8 Ordinance and the Master Plan, Mr. Kolling, correct?

9 A. Yes.

10 Q. You're familiar with this proposed  
11 project and the surrounding area?

12 A. Yes.

13 Q. Did you prepared a planner's report,  
14 dated 9/16/14, in support of the requested variance  
15 relief?

16 A. Yes, I did.

17 Q. Could you go through your report, for  
18 the benefit of the board members, and give us your  
19 professional opinion regarding the variance relief  
20 being requested?

21 A. Well, I think we have gone over a lot of  
22 the property description. We know it's an L-shaped  
23 lot, it's larger than a typical lot. It's on the  
24 corner of Fifth and Washington Street.

25 In terms of the surrounding area, most

1 of the buildings going down Washington Street are  
2 four stories, constructed that way, that's the  
3 historic pattern.

4           Court Street, which is really more or  
5 less a rear alley, measuring about 20 feet in width,  
6 if you go down that alley, you'll find most of the  
7 properties have garages or surface parking spaces off  
8 of that.

9           Also, there are other residential uses  
10 on many of the lots itself being right above. I  
11 don't recall whether it was across the street on  
12 Court Street, to tell you the truth, but in looking  
13 at -- immediately going down Court Street on our  
14 side, there was a four-story building next door, then  
15 there's a three-story residential building, then  
16 there's three one-story garages and then another  
17 three-story residential building.

18           So it's a mixture of one-story garages,  
19 three-story residential buildings and four-story  
20 building here or there. And it's not your  
21 traditional Hoboken street where you have the donut  
22 in the middle, just to address that point. Because  
23 Court Street goes down the middle. So what you have  
24 are 100 foot deep lots, from Washington Street going  
25 through to Court Street. They don't all go through

1 because of some of the properties on Court Street  
2 that subdivide it off, so they are small lots that  
3 have some of those residential buildings and garages  
4 underneath.

5           So I think what we're trying to do is  
6 continue that pattern. The four-story height is  
7 appropriate along Washington Street, although it's  
8 set back in respect to what the historic commission  
9 has asked for, to differentiate the new from the old.  
10 The height of the addition, which is the setback  
11 part, is about 43 feet and some inches. So we do  
12 need a (c) variance for that in terms of linear feet.  
13 We do need the (d) variance for the extra story. As  
14 I said, because everything else along Washington  
15 Street appears to be four stories, I think that we're  
16 consistent therefore with the character of the  
17 street. As you continue down Fifth Street, because  
18 the street actually rises in topography, the height  
19 of the rear part of the building is somewhat less  
20 than 40 feet and the part of the building on Court  
21 Street over the garage is I think around 30 feet, 29  
22 and change.

23           In looking at the Court Street district,  
24 that part of the district at least, it talks about  
25 preserving the architecture and scale of accessory

1 structures fronting on Court Street. I think we are  
2 consistent with that. As I mentioned, there's a  
3 three and four-story building there, as well as the  
4 one-story garages. It talks about encouraging  
5 residential use and we do have a residential use. It  
6 talks about controlling height and density in  
7 relation to the limited service accessibility there,  
8 and we do, the building drops down to three stories  
9 as it turns onto Court Street. It also talks about  
10 encouraging pedestrian traffic and to otherwise  
11 reinforce the scale and quality of the district. I  
12 think the way the building is designed, it does all  
13 of those things.

14                   The Master Plan, one of the ones that we  
15 talk about frequently, it talks to promote  
16 compatibility and scale, density, design and  
17 orientation between new and existing development and  
18 I think we do have that compatibility in scale with  
19 all the other structures that are in the surrounding  
20 area. Also, even in terms of density, we're a tad  
21 bit over the permitted density, .42 units, but when I  
22 looked at the properties along Washington, for  
23 instance, and I did the calculations, a lot of them  
24 by their area came out to, like, 2.8 units or 2.3  
25 units or 2.4 units and almost all of those had three

1 units per building, some were four and five units.  
2 So I think that that marginal increase in density is  
3 pretty much consistent with what's the character of  
4 the area.

5           The economic development element of the  
6 Master Plan talks about encouraging activity on  
7 Washington Street, especially, and it talks about --  
8 one of the recommendations is titled Economic  
9 Development Washington Street and More. The larger  
10 ground floor commercial space, which we are asking  
11 for a variance for, because we exceed the 1,000  
12 square feet, is also a recommendation within the  
13 Master Plan that on primary retail streets, which are  
14 indicated on Map 9, that you have larger areas so  
15 that we can encourage that commercial activity.  
16 Washington Street is one of those streets. So I  
17 think there, as well, this project reenforces the  
18 recommendations of the Master Plan.

19           In terms of the use variance for the  
20 accessory garage, when I read through it, it seems a  
21 little bit ambiguous. We're looking at it as an  
22 accessory use. If you look at historically what's on  
23 Court Street, there are many, many, probably most of  
24 the properties that have parking or garages on that  
25 street, so I would say that that type of accessory

1 garage use is really customarily found on that street  
2 and incidental to the principal residential and  
3 commercial use of this property.

4           So I think it could be interpreted that  
5 way as well as through the use variance. But we'll  
6 get into that a little bit more later.

7           A (c) variance for the roof coverage is  
8 primarily the result of the terrace on the third, top  
9 of the third floor. Because of that 32 and 1/2  
10 percent or 32 percent, 22.5 is that terrace and that  
11 terrace does provide outdoor living space for the  
12 fourth floor unit. The actual appurtenances on the  
13 roof are only 9.5 percent, which are consistent with  
14 the requirements of the plan.

15           I think those are the variances. And to  
16 go over them again, I guess I think the height  
17 variance can be granted. I think that we promote the  
18 idea of the compatibility and scale and density  
19 design as is recommended in the Master Plan. I think  
20 the architect has done a nice job of differentiating  
21 the newer part of the building from the older parts  
22 without being, you know, too glaring in terms of the  
23 fabric of the surrounding area. I think the size of  
24 the property and the location, having actually three  
25 frontages, on Fifth, Court and Washington, allow for

1 having that extra height and it allows the height to  
2 wrap around the corner. The density variance is only  
3 .42 of the unit. I think that's consistent as with  
4 the other properties that I looked at in terms of the  
5 tax records. And it's such a de minimis increase, I  
6 don't think it could have a substantial detriment to  
7 the area so it's consistent with the character of the  
8 area, the size of the property being a little larger  
9 and its again orientation on three street frontages I  
10 think also allow for having that slight increase in  
11 density without any detrimental impact.

12           The accessory garage and curbcut, again  
13 as the attorney mentioned, there really isn't a curb  
14 on Court Street. Court Street's really purpose is as  
15 an accessory or secondary access and most of the  
16 properties have access to Court Street for vehicles.  
17 But that's a technicality, more or less. But I think  
18 that the curbcut can be granted because of the  
19 character of that area. The accessory garage use can  
20 also be granted because of the character of the area.  
21 It's consistent with how Court Street has been used  
22 historically and how it continues to be used. It  
23 won't result in any substantial detriment and  
24 notwithstanding the fact the curbcuts are not  
25 permitted within the R-1 zone, kind of universally,

1 this is a special aspect or a special zone, it's the  
2 R-1-CS specifically related to Court Street and again  
3 that's the character of Court Street.

4 Lot coverage, front yard, rear yard,  
5 it's hard to define if there's a rear yard here. In  
6 fact, I would say there's no rear yard, because of  
7 our three frontages, but nonetheless, we're looking  
8 for a variance and because it would also have front  
9 yard setbacks then, because of 5 feet being required,  
10 but that's really not the character either on Fifth,  
11 Washington or Court Street.

12 So we're asking that we be granted those  
13 yard variances which of course then results in a lot  
14 coverage which we are removing the back part of the  
15 building and the coverage is being reduced, though,  
16 from 100 percent to 97 percent. That is de minimis  
17 but it is a little something.

18 We also covered the roof coverage and  
19 the larger customer service area.

20 I think additional beneficial aspects  
21 are that the project will advance the purpose of the  
22 Municipal Land Use Law. I think it promotes 2(a),  
23 because it will promote the general welfare  
24 consistent with the provision of a quality building  
25 containing permitted commercial uses and permitted

1 residential housing that's consistent with the  
2 character, the intent of the zone plan and the  
3 recommendations of the master plan. I think the  
4 project has an appropriate density, notwithstanding  
5 the de minimis increase, because it's consistent with  
6 the densities they found on adjoining properties and  
7 that's paragraph 2(i). I think the property provides  
8 sufficient space and an appropriate location for this  
9 mixture of use. It's right on Washington Street.  
10 It's a corner property. I think the mixed use in  
11 this location is well-suited for this location. The  
12 property -- the project will also promote a desirable  
13 visual environment because of how it's being  
14 renovated and rehabilitated. The addition is also I  
15 think appropriate to the character of the area.  
16 That's paragraph 2(i). But I think you could also  
17 use paragraph 2(j), which talks about historic  
18 preservation, and that sort of aspect goes to  
19 property and the project has been reviewed by the  
20 Historic District Commission and has been found to be  
21 suitable. I think you can note that aspect of the  
22 Municipal Land Use Law as well. I don't see a  
23 substantial detriment to the granting of the  
24 variances because the use are actually permitted in  
25 the area, consistent with the character of the area,

1 and so I don't think that that results in any  
2 detriment to either the public good or to the general  
3 welfare.

4 MR. MATULE: Thank you.

5 CHAIRMAN AIBEL: Board Members,  
6 questions for Mr. Kolling?

7 COMMISSIONER GRANA: I have a question.  
8 If you look up Court Street -- I guess either up from  
9 Fifth or down from Fifth, is it common to find  
10 structures of this height on Court Street? I don't  
11 know, it seems to me, when I'm there, that most of  
12 the structures are in fact the accessory structures.  
13 There are some taller buildings but most of them are  
14 more than one-story-flavor garages.

15 THE WITNESS: My impression was that  
16 there were more taller ones than shorter ones.  
17 Certainly not all taller. Maybe it's closer to a  
18 50/50 mix. As I walked up Court Street and then  
19 later I drove up, I got to the question of a fair  
20 number of residential buildings that had access from  
21 there and then some properties that were commercial,  
22 that came all the way through from Washington Street,  
23 especially to Court Street. I know on the next block  
24 up it looked like a larger commercial structure with  
25 offices above and they had access to a parking level.

1 You would come under the building and then it  
2 appeared to be offices above.

3 So, there are, I think a mixture of  
4 both.

5 MR. MATULE: The architect is giving us  
6 a Google photo of Court Street. That's the large  
7 tree that's in the backyard next door and then the  
8 properties further to the left are the accessory  
9 structures on Court Street next to our garage. I  
10 don't know how we can put that on the record.

11 COMMISSIONER BRANCIFORTE: If you turn  
12 to Z-1, the very first page, the cover page? Can you  
13 pass that around? That blowup is much more clear.  
14 Actually, I have copies of it.

15 MR. MATULE: The survey also shows the  
16 buildings next door on Court Street.

17 MR. GALVIN: I'm hearing different  
18 things but I'm not getting a consensus on what the  
19 concern is on the board, so let's...

20 COMMISSIONER GREENE: Can I ask a  
21 question?

22 MR. GALVIN: Yes. There's no one here  
23 in the public for this case, right?

24 MR. MATULE: Not that I'm aware of.

25 MR. GALVIN: So the board should ask Mr.

1 Kolling questions.

2 COMMISSIONER GREENE: So looking at the  
3 Fifth Street elevation, the variances pertaining to  
4 that, according to the variance box, the average  
5 height along Fifth Street is 41 and 1/2 feet.

6 THE WITNESS: Right. I think at the  
7 corner of Court and Fifth, the height of the building  
8 is 39 and change and at Washington Street it's 43 and  
9 change. As the architect calculated, it ends up 41  
10 and change for the arch.

11 COMMISSIONER GREENE: The question I'm  
12 asking you is this: If the density would be an  
13 issue, could there still be a building that looked  
14 like this but with one less floor of residents?

15 THE WITNESS: You could always build a  
16 building differently, one less story, two, however  
17 you wanted to do it. Yes, there could always be  
18 something like that.

19 COMMISSIONER GREENE: I'm not sure where  
20 I was going with that, but thank you.

21 Now, on Court Street, the two stories  
22 above the garage, and you may have answered this and  
23 I apologize, is that a fairly typical configuration  
24 for Court Street?

25 THE WITNESS: Yeah, there are

1 single-story garages that have no accessory above  
2 them, there are three-story residential structures  
3 along Court Street, and in fact there's also four. I  
4 think the building all the way at the far corner  
5 actually fronts onto Sixth and I think that's a three  
6 or four-story building. The building right next door  
7 to this one is a four-story residential building and  
8 I think it's followed by another maybe two or  
9 three-story buildings. So they are rather common,  
10 although, as commissioner was pointing out, there are  
11 also single-story garages back there as well, that  
12 people simply pull their cars into, that are  
13 accessory to the properties fronting onto Washington  
14 Street.

15 COMMISSIONER GREENE: Thank you.

16 CHAIRMAN AIBEL: Anymore questions for  
17 Mr. Kolling?

18 COMMISSIONER BRANCIFORTE: Yeah. You  
19 talk about the general welfare and I just don't see  
20 how again building a wall that's going to block off  
21 the light there, the breezeway, block off the breeze  
22 to those backyards, is good for the general welfare  
23 of the neighbors, the neighborhood.

24 THE WITNESS: Those aren't rear yards,  
25 there's --

1                   COMMISSIONER BRANCIFORTE: I have to  
2 disagree.

3                   COMMISSIONER COHEN: Can we hear his  
4 answer? Can you finish?

5                   THE WITNESS: Yes. The properties that  
6 front onto Washington Street are commercial  
7 properties.

8                   COMMISSIONER BRANCIFORTE: What's above  
9 the commercial properties, residential?

10                  THE WITNESS: Usually, yes. There are  
11 some offices on different blocks but I think in this  
12 block they are mostly residential. So those  
13 properties then continue all the way through Court  
14 Street and they use the rear of those properties  
15 usually for parking, garages. Some of them have  
16 extra stories above it. But the actual alleyway,  
17 known as Court Street, actually is what provides  
18 the -- call it ventilation or breezeway, because  
19 that's 20 feet clear between the two properties and  
20 that's where -- that's where the difference is  
21 between the typical Hoboken donut and this block.

22                  COMMISSIONER BRANCIFORTE: What I'm  
23 looking at on our plans is one and it's not shown on  
24 our plans because they are so small, but the bigger  
25 plan shows the building on Washington Street, a small

1 backyard and then the building on Court Street. It  
2 doesn't show buildings going entirely the way  
3 through.

4 THE WITNESS: Right, there are those.  
5 They'll have a building -- some of them have  
6 buildings fronting Washington Street and then another  
7 building on the same lot fronting Court Street.

8 COMMISSIONER BRANCIFORTE: With a small  
9 backyard in between.

10 THE WITNESS: Like, yeah, however far  
11 the distance is. I think in this case it's 9 feet,  
12 other case it might be 10.

13 COMMISSIONER BRANCIFORTE: The first  
14 three or four buildings that as I see on the bigger  
15 plan, I see backyards on the first, 503, 505, 507,  
16 those buildings have yards, building on Washington  
17 Street and then they have the building on Court  
18 Street setback, with something in between, an opening  
19 in between. You're going to build a wall that is  
20 going to basically block off the breeze in between  
21 the accessory building on Court Street and the  
22 building on Washington.

23 Now, granted, you say it's not a  
24 traditional donut, it's not, it's not a big open  
25 space but it still is some space. So how do you

1 again propose that this is a benefit to the general  
2 welfare by building a 40-foot wall there, 43-foot  
3 wall, whatever it is?

4 MR. DICIO: May I make a comment?

5 MR. MATULE: No. When they finish with  
6 the plans, you can comment.

7 THE WITNESS: When you talk about  
8 promoting the general welfare, it's not necessary  
9 looking at every individual parcel there. The  
10 promotion of the general welfare usually has to do  
11 with the promotion of the zone plan, the continuation  
12 of the character of the area, the promotion of the  
13 purpose of zoning as stipulated in Municipal Land Use  
14 Law. That's what you're talking about.

15 COMMISSIONER BRANCIFORTE: As part of  
16 that preserving light and air, protecting light and  
17 air.

18 THE WITNESS: Actually one of the  
19 Municipal Land Use Law purposes, I think it's number  
20 2, 2(b), is that --

21 COMMISSIONER BRANCIFORTE: That's fine.  
22 Thanks. That's all I have.

23 CHAIRMAN AIBEL: Anyone else? Let me  
24 open it up to the public. Anybody have questions for  
25 Mr. Kolling?

1                   Seeing none...

2                   COMMISSIONER COHEN: Motion to close the  
3 public portion for this witness.

4                   COMMISSIONER MURPHY: Second.

5                   CHAIRMAN AIBEL: All in favor?

6                   Before we close up, I have a question  
7 for the architect. Assuming this extension or the  
8 building was approved, how is the north-facing wall  
9 going to be finished? Is it going to be a cement  
10 wall 40 feet high, 70 feet long?

11                  MR. AIELLO: You're talking about the  
12 back side of this facade, basically?

13                  CHAIRMAN AIBEL: Yes, right.

14                  MR. AIELLO: Well, this area here  
15 (indicating)? I think it's this area here, the 20,  
16 25 foot wide area. We usually do a stucco finish  
17 with score lines to break it up a little bit with  
18 patterns. There's limited amounts. We can't put any  
19 openings because of the property line location.

20                  CHAIRMAN AIBEL: Okay. Mr. Matule.

21                  MS. BANYRA: It will be colorized,  
22 right?

23                  MR. AIELLO: Yes, absolutely, we can  
24 definitely decorate it, color-change it, add patterns  
25 to it.

1                   CHAIRMAN AIBEL: Mr. Matule.

2                   MR. MATULE: Just a couple of comments.  
3 I know there's a lot of talk about the height of the  
4 building. I think typically on the corners,  
5 especially on the east side of Washington Street,  
6 it's not atypical for the buildings to run up the  
7 hill on the end lots at the full height of the  
8 building. When we come around the corner, 'cause  
9 this is an unusual shape lot, but when we do come  
10 around the corner to this, what would be the classic  
11 accessory garage, the height has been dropped to  
12 three stories, approximately 30 feet, which is what  
13 the ordinance contemplates on Court Street. When  
14 they talk about accessory garages, they allow --  
15 accessory apartments, they allow an apartment above a  
16 garage not to exceed 30 feet. In the ordinance it  
17 says one story.

18                   Now, this is not, we're not making an  
19 application to this board, and I don't want anyone to  
20 presume that I'm suggesting that this is an  
21 application for an accessory apartment on Court  
22 Street.

23                   What I am suggesting is we're sort of  
24 getting to the same place. If someone is walking  
25 down Court Street and they see the elevation of this

1 building, that's what it's going to look like, it's  
2 going to look like a typical two-story accessory  
3 apartment over a garage. I don't think most people  
4 passing by would even know that that communicated  
5 with the other building. And I guess maybe that was  
6 part of the design intent. But typically, this  
7 building on the corners don't drop down and come back  
8 like that.

9                   It's a major renovation, a very tired,  
10 old building that's had all kinds of half-baked  
11 renovations over its life. Four stories is in  
12 keeping with the general pattern. It's certainly I  
13 think a significant aesthetic improvement. It's  
14 creating a much more viable commercial space the way  
15 that space was broken up. I think at one point back  
16 in time that rear building was a doctor's office I  
17 believe. The total building is going to be upgraded  
18 to the code. I don't think it really has any  
19 appreciable impact to the surrounding properties.  
20 And, yes, we are asking for a bunch of variances but  
21 I think a lot of that is just driven by the site and  
22 accommodating the building to the site, being a  
23 corner and an end piece of property. At the end of  
24 the day, I think it's a much more significant  
25 aesthetic improvement. And the parking on Court

1 Street, you know, I think it's really insignificant.  
2 It's up and down Court Street, there's all garages  
3 back there, accessory apartments or commercial things  
4 like Haven Savings Bank has a parking lot back there.  
5 And the next block.

6 So it really is in keeping with the  
7 character of the Court Street and the neighborhood  
8 and I would ask that you grant the requested variance  
9 relief because there's no significant impact on the  
10 Zoning Ordinance or the surrounding properties.

11 COMMISSIONER GREENE: Mr. Matule, I have  
12 a couple questions for your architect.

13 MR. MATULE: Sure.

14 COMMISSIONER GREENE: Following up on  
15 Ms. Banyra's report, what is the garage door proposed  
16 to look like?

17 MR. AIELLO: Right now it's a fairly  
18 standard garage door. We'd be more than happy to  
19 design a much more avant-garde element.

20 COMMISSIONER GREENE: An aluminum door,  
21 a wood door?

22 MR. AIELLO: I mean right now I believe  
23 we're going with an aluminum door but I think, given  
24 Court Street, a nice wood door would work.

25 COMMISSIONER GREENE: Aesthetically,

1 would a carriage house door work?

2 MR. AIELLO: Absolutely. I think that  
3 would be great.

4 COMMISSIONER GREENE: What was the  
5 language we used for the other garage that we  
6 approved? I think I would suggest that as a  
7 condition.

8 MR. GALVIN: What was it?

9 MS. BANYRA: 522 Hudson.

10 COMMISSIONER COHEN: Carriage house.

11 COMMISSIONER GRANA: It was a carriage  
12 house.

13 COMMISSIONER GREENE: Also, the terrace  
14 that's proposed above the apartment above the garage,  
15 there's no -- did I miss something? Is there a  
16 layout of what that terrace is going to look like?

17 MR. AIELLO: Currently it's just an open  
18 terrace for my client. He's taking up that top  
19 floor. Just a large, open, paved with pavers.

20 COMMISSIONER GREENE: How high is the --

21 MR. AIELLO: The parapet walls on either  
22 side are 42 inches to meet code.

23 COMMISSIONER GREENE: Are there any  
24 other terraces along Court Street that you know of?

25 MR. AIELLO: No, not that I know of.

1                   COMMISSIONER GREENE:  If we were to  
2 approve it, I think we should impose some conditions  
3 on the use.  Don't we usually impose things like  
4 noise, no speakers --

5                   MR. GALVIN:  What are we talking about?  
6 Bring me up to speed.

7                   COMMISSIONER GREENE:  We're talking  
8 about the terrace above the garage.

9                   COMMISSIONER GRANA:  Washington?  On  
10 Court?

11                   COMMISSIONER GREENE:  On Court.  I think  
12 we all agree there should be a terrace on Washington.

13                   MR. GALVIN:  I already have a deed  
14 restriction on Washington.

15                   COMMISSIONER GREENE:  Talking about the  
16 owner's apartment on Court.

17                   MR. GALVIN:  All right.

18                   COMMISSIONER GREENE:  Looks like the guy  
19 is going to have a lot of parties.

20                   MR. DICIO:  I'm way past my party days.

21                   MR. GALVIN:  What would you like?

22                   COMMISSIONER GREENE:  I'd like to  
23 restrict, certainly any -- no sound systems.  I think  
24 that's it.  The time would be regulated by ordinance  
25 but I just think --

1 MR. MATULE: No amplified music?

2 MR. GALVIN: Oh, okay.

3 COMMISSIONER GREENE: Those were the two  
4 questions I had.

5 COMMISSIONER FISHER: Can I have a  
6 followup?

7 CHAIRMAN AIBEL: Go ahead.

8 COMMISSIONER FISHER: I have kind of a  
9 followup question. What is the distance between that  
10 terrace and then looking west towards the four-story  
11 brick building? If you look on the survey, the  
12 second page. There's a tree in the middle, I forgot.  
13 So imagine if you're standing on top of the new  
14 terrace here, how close are you to the windows of the  
15 building?

16 MR. AIELLO: On the three-story?

17 COMMISSIONER FISHER: Yes.

18 MR. AIELLO: If we're standing here  
19 looking this way (indicating)?

20 COMMISSIONER FISHER: Yes.

21 MR. AIELLO: I don't know how close the  
22 windows are to this specific location here. It looks  
23 like 15 feet. Add a privacy screen back there?  
24 Absolutely. That actually makes sense.

25 MR. MATULE: Some kind of wood louver, 6

1 feet high.

2 MR. AIELLO: Absolutely, yes.

3 MR. GALVIN: Plans to be revised to show  
4 a --

5 MR. MATULE: Privacy screen along the  
6 west wall of the garage addition.

7 COMMISSIONER GREENE: Jeff, if I may,  
8 are there any water issues related to this flood  
9 elevation?

10 MR. MARSDEN: No, they are way too high.

11 MR. GALVIN: Because of this location.

12 COMMISSIONER GREENE: I knew that. I  
13 wanted to get it on the record.

14 MR. GALVIN: Okay. They did ask him  
15 that earlier but that's still good. Everywhere else  
16 in town.

17 COMMISSIONER GREENE: That's everywhere  
18 else in town.

19 CHAIRMAN AIBEL: Dennis, you want to  
20 read the conditions? Counsel is going to read the  
21 conditions that we have thus far.

22 MR. GALVIN: One, the applicant is to  
23 comply with the review letters of the board's  
24 engineer and planner.

25 Two, the historical character of the

1 facade is to be preserved and the building will not  
2 be demolished. In the event any portion of the  
3 facade cannot be maintained, for any reason, or  
4 demolition of any portion of the storage structure --

5 MR. MATULE: I'm okay with what you're  
6 saying. I want to be clear that we're talking, for  
7 lack of a better word, the front building. Maybe  
8 that's what you're referring to as the historic  
9 building.

10 MR. GALVIN: That's what I'm referring  
11 to as the historic structure. So we're agreeing,  
12 yes, the historic structure on Washington Street. I  
13 recognize the rest of the project is getting  
14 demolished and rebuilt.

15 This approval shall be void unless  
16 modified by the board.

17 So, in other words, if you're going to  
18 do something funky with that front historical  
19 building, that the historic commissioners approved  
20 and we're now approving, you got to come back to us  
21 and talk to us about it.

22 The applicant is to file a deed  
23 restriction prohibiting the use of a terrace area  
24 along Washington Street for any purpose in  
25 prohibiting the use of amplified music on the Court

1 Street terrace. This deed restriction is to be  
2 reviewed and approved by the board attorney and  
3 recorded prior to the issuance of a building permit.

4 COMMISSIONER GREENE: Do we have to  
5 refer to the front space as a terrace? It's really  
6 not a terrace.

7 MR. GALVIN: It showed it on the plan.  
8 That's what I did, yeah.

9 COMMISSIONER GREENE: Okay.

10 MR. GALVIN: I would have ordinarily  
11 referred to it as roof area. Do you want me to  
12 change it to roof area?

13 MR. MATULE: We can revise the plan.

14 COMMISSIONER FISHER: Can we say the  
15 setback?

16 MR. GALVIN: No. I'll just say the roof  
17 area.

18 MS. BANYRA: Doors will be fixed.

19 MR. GALVIN: I'll put for any purpose.  
20 So they can't use it for any purpose. And any  
21 purpose. The doors are to be fixed.

22 MS. BANYRA: Right. We don't want them  
23 to open to that area. They should be fixed, to the  
24 front terrace. Right?

25 MR. MATULE: I was just going to

1 suggest -- I had suggestion by the architect of  
2 Juliet balconies if you don't want doors to be there.

3 MS. BANYRA: That's okay.

4 COMMISSIONER GREENE: I think they  
5 should be windows, personally.

6 MR. MATULE: Okay, we'll revise the  
7 plan.

8 MR. GALVIN: I won't go there. And  
9 prohibiting the use of amplified music on the Court  
10 Street terrace.

11 Four, the interior wall is to be scored,  
12 stucco and painted pink.

13 MS. BANYRA: Yeah.

14 MR. GALVIN: I was seeing if you were  
15 paying attention.

16 COMMISSIONER GREENE: Is it really the  
17 interior wall?

18 COMMISSIONER FISHER: It's the north  
19 exterior wall.

20 COMMISSIONER GREENE: It's the north  
21 exterior wall.

22 MR. GALVIN: Okay. North exterior wall  
23 is to be scored, stucco and painted --

24 MS. BANYRA: To match the building,  
25 whatever. If it's a red brick you're using, tint it

1 to match that.

2 MR. MATULE: Compatible color?

3 MS. BANYRA: Yes, compatible color.

4 MR. GALVIN: Okay. I don't know who's  
5 going to interpret that, but...

6 Five, the garage door is to be a wooden  
7 carriage house door. Board's planner is to review  
8 and approve the garage addition.

9 Six, the plan is to be reviewed to show  
10 a privacy screen along the west wall of the garage  
11 addition and confirm that there's no access to the  
12 Washington Street roof, that facade again. I heard  
13 windows, I heard a Juliet thing.

14 MS. BANYRA: Elliot suggested windows.

15 COMMISSIONER FISHER: Are we back to  
16 that?

17 CHAIRMAN AIBEL: Anything else? Any  
18 other conditions, Board Members? Okay, I think we  
19 are ready to open up for deliberations.

20 MR. GALVIN: One last thing. Fourth  
21 floor Washington Street facade is not to have  
22 doorways, doors.

23 CHAIRMAN AIBEL: Just have the plan show  
24 windows.

25 COMMISSIONER GREENE: Just change the

1 plans to show what was doors, windows.

2 MS. BANYRA: Plans will be revised to  
3 show windows.

4 MR. GALVIN: I think I got it.

5 CHAIRMAN AIBEL: Ready for  
6 deliberations. Anybody want to start off?

7 COMMISSIONER COHEN: I'll start.

8 I think it matches the height of the  
9 neighboring properties on Washington Street. It  
10 matches the height of the neighboring properties on  
11 Court Street. It significantly upgrades the  
12 condition of the place on Court Street. It's  
13 consistent with what was there previously except for  
14 the fact that the height now matches the neighbors.  
15 I think the restrictions that we have placed ensure  
16 that it will be a good and suitable project that's  
17 worthy of the variances that are proposed.

18 CHAIRMAN AIBEL: Anyone else?

19 COMMISSIONER GRANA: I think what the  
20 application has done a very desirable job to try to  
21 create a very attractive structure. I think the  
22 variances, the use variance on the garage I don't  
23 think is an issue. There's already a garage in use  
24 in that space, there's garages in use up and down  
25 Court street. The curbcut I think is a nonevent,

1 it's an alleyway. I do think that the proposed  
2 setback makes for two completely different  
3 structures. It looks like a very large structure  
4 being setback. We do talk about desirable visual  
5 environment. I'll comment on it as one  
6 commissioner's point of view.

7 I think it does break with the roofline  
8 of Washington Street and I don't think that the --  
9 similar to a lot of structures on Court Street.  
10 Which, actually, if you look across are really  
11 accessory structures that are mostly one, maybe two  
12 stories in height.

13 So I think that there's going to be a  
14 lot of blocking of light and air in the rear. I  
15 think it's a very nice-looking project but I don't  
16 think it's suitable for the site.

17 COMMISSIONER GREENE: I might comment  
18 that while there are a lot of variances being  
19 requested, the variance for height on Fifth Street,  
20 to me is 1 and 1/2 feet. It's very much consistent  
21 with the building on the other side, on the south  
22 side of Fifth Street. The fourth story of residents  
23 is really superfluous because you could have a  
24 four-story building there with three levels of --  
25 three stories rather than four. So giving them a

1 variance for a fourth story that you could actually  
2 physically build in any event. So I don't find that  
3 to be a problem and we as a board have generally not  
4 found that to be a problem.

5           The density, they are rounding up from  
6 4.58 to 5 and I don't have an issue with that. And  
7 as far as blocking light and air, if the units across  
8 the court are garages, who's light and air are you  
9 blocking? I think that this is a terrific upgrade  
10 over what exists now and I don't think it any way  
11 diminishes the intent of our zoning ordinances. Just  
12 one man's opinion.

13           COMMISSIONER FISHER: I would say I  
14 think it's a great project. I would agree with most  
15 of what -- or almost everything that Commissioner  
16 Greene just mentioned. The height in particular, the  
17 blocking the light and air, if they have an  
18 as-of-right to go to 40 along Fifth Street, it really  
19 doesn't -- an extra foot I don't think would make or  
20 break this project.

21           I would agree with Commissioner Grana  
22 that my preference is that setback not be 6 feet from  
23 Washington. I think one or two gets you something a  
24 little bit more cohesive with the rest of Washington  
25 Street but still allows you to have some sort of

1 break from the -- and still allows them to achieve  
2 what the intent was, which is to have the two  
3 separate projects. That's just my -- it sounds like  
4 we share that view, but that's just two views, so...

5 CHAIRMAN AIBEL: Anyone else?

6 COMMISSIONER COHEN: On the setbacks, I  
7 mean I like that. I mean on that other project, I  
8 know this is a different project and a different  
9 look, but when we looked at it, heavily-traveled  
10 street, appeared to be a nice, less impact approach  
11 and that would be 1 foot difference. I mean I don't  
12 know if that would make you feel better about it than  
13 going all the way back to 2 feet.

14 COMMISSIONER GRANA: I think it has to  
15 do with each application is unique and that we were  
16 looking at a block that does not have a lot of  
17 consistent -- the block is not consistent, the visual  
18 wall on that street. On the other hand, Washington  
19 Street is maybe one of our most historic streets,  
20 it's got a consistent street all along that stretch  
21 and then to visually change that with what I believe  
22 will appear to be a large bulking structure in the  
23 back, I think it's a different site and a different  
24 situation, different application.

25 COMMISSIONER FISHER: I would agree with

1 that. I would agree with you, Commissioner Cohen, on  
2 the one that you're talking about. Like, that  
3 totally made sense and I liked that setback.

4 COMMISSIONER GRANA: I agreed to --

5 COMMISSIONER FISHER: When I think about  
6 Washington Street, it's a different feel, it has more  
7 of, I don't know, historic and traditional type feel  
8 and this just seems to be a little bit of a change  
9 that isn't aesthetically pleasing to me.

10 COMMISSIONER GRANA: I also agree on  
11 that application. That was an appropriate setback.

12 COMMISSIONER GREENE: Are you suggesting  
13 that it would look better if it had less of a  
14 setback? Is that what you're both saying?

15 COMMISSIONER GRANA: I'm suggesting,  
16 yes.

17 COMMISSIONER FISHER: Yes.

18 COMMISSIONER GREENE: I frankly like the  
19 better setback but I wouldn't be opposed to a lesser  
20 setback.

21 COMMISSIONER MURPHY: Originally felt  
22 like the setback should stay because the historic  
23 commission kind of gave that seal of approval to it  
24 and I do like feeling a little bit less density as  
25 you're coming around the corner, if you're walking up

1 and you looked at the corner building. But I do  
2 appreciate what you're saying because if you're on  
3 the other side of Washington and you're looking, like  
4 you'll notice this brand-new building on top of this  
5 beautifully renovated bottom and it will be back  
6 further. I mean that was the whole idea, that  
7 nothing else on that block is like that, nothing.

8           So I'm beginning to feel like maybe if  
9 it were moved up a little.

10           COMMISSIONER GREENE: Can I ask Eileen  
11 what her opinion is on the matter?

12           MS. BANYRA: I actually like the  
13 setbacks. I think the historic preservation probably  
14 took that into account. I don't know that it has to  
15 be 6 feet. One or two could look like a bump on top  
16 of that. I guess that's what I'm afraid of. I think  
17 when you're across the street, it's going to maybe  
18 read like one profile. When you look at it from an  
19 angle. You're looking at it from the front and it  
20 won't be recessed. I think they probably looked at  
21 that and I don't always agree with some of their  
22 things but I like that it's set back.

23           CHAIRMAN AIBEL: I think from the Fifth  
24 Street side, the new building is cantilevered over an  
25 existing building and that sort of defines. I can

1 live with the 5-foot setback.

2 MS. BANYRA: A little bit smaller maybe,  
3 but it looks like --

4 COMMISSIONER FISHER: I don't know how  
5 you presented it. Did you present the front terrace  
6 with the setback?

7 MR. MATULE: Yes.

8 COMMISSIONER FISHER: They went and said  
9 we want to show a terrace that defined the fact that  
10 it's a 6-foot setback. That's what he just said.

11 MS. BANYRA: I know, but your previous  
12 testimony was that there was no discussion about  
13 whether or not there was a terrace. Did you say  
14 there was a terrace there?

15 MR. AIELLO: There's always been a  
16 terrace.

17 MR. GALVIN: It's been defined on the  
18 plan as terrace, but you don't mean that people are  
19 hanging out there, right?

20 COMMISSIONER FISHER: For clarity, the  
21 point that I was trying to make is, to respond to it,  
22 the historic preservation may have said we like the  
23 setback because you presented a 6-foot setback with a  
24 terrace. Had you presented a 2-foot setback with no  
25 terrace, they still may have liked the setback at 2

1 feet. That's what I'm asking.

2 MR. AIELLO: If I remember correctly,  
3 it's almost a year now, they liked the full 6-foot  
4 setback at that time just because it maintained that  
5 current building on the corner. That's what they  
6 were most concerned about.

7 MR. GALVIN: I think when we had an  
8 important historic building that we didn't agree with  
9 them on, I had a lot of conversations with Paul  
10 Somerville and he was trying to point out to me the  
11 whole thing again. As what Mr. Minervini said in the  
12 last case, I've never really heard it put this way  
13 before, the last year here in Hoboken, that they're  
14 trying to keep -- you want to keep the separation  
15 between the two buildings.

16 So I suspect that they really liked the  
17 fact that it didn't get added on because you can kind  
18 of get the feel for what the original historic  
19 building looked like and then you get this new  
20 structure and you can identify the difference between  
21 the new and the old.

22 Other thing that I think I would say to  
23 you guys, and I respect everyone's opinion about  
24 this, but I think that 5 feet, 6 feet, is kind of  
25 like if you do want to step the building back and

1 have this parallax effect, one of the things so that  
2 you can't -- it's a term so that you can't see that  
3 building from the street, you won't see that building  
4 if it's set back at 5 feet or 6 feet, you'll still  
5 see the old street facade. You're right that if you  
6 go across the street, you'll see it, but it will have  
7 a different -- it's going to have a different effect.  
8 I think one of the things that we got here is we got  
9 a photo that kind of showed from across the street  
10 that really amplified the building on top of the  
11 other building.

12                   The one on the upper right-hand corner,  
13 the one to the right, upper right.

14                   But again it's whatever you guys want.  
15 If you feel strongly -- if that's going to make the  
16 difference between approving it or not, I don't want  
17 to stand in the way of that. You're okay either way?  
18 You just want to get an approval, right?

19                   MR. DICIO: Yes. I actually agreed  
20 with --

21                   MR. GALVIN: When you come and you're on  
22 the board, then we want to know what you think.

23                   Okay?

24                   COMMISSIONER BRANCIFORTE: One quick  
25 thing.

1 CHAIRMAN AIBEL: John.

2 COMMISSIONER BRANCIFORTE: It doesn't so  
3 much apply to this building, I'm okay with the  
4 setback and the way it's going to look on Washington  
5 Street, but in general the discussion that often goes  
6 on here, that every roofline should match the  
7 roofline perfectly next door to it and we should have  
8 one long street of perfect roof lines perfectly the  
9 same height. To me it's monolithic, it has no charm  
10 and when I walk down Washington Street and I see the  
11 buildings going up and down and up and down, to me  
12 that's interesting. If I was to walk down Washington  
13 Street and see along two sides of Washington Street  
14 being the exact same size, all the way down, it would  
15 be the most boring thing in the world.

16 MR. AIELLO: Becomes Disney-esque.

17 COMMISSIONER BRANCIFORTE: So you agree?

18 MR. AIELLO: Yes.

19 COMMISSIONER BRANCIFORTE: I have an  
20 expert recognized by this board that agrees with me.

21 So my problem isn't with the front of  
22 the building, I think it looks fine. Back of the  
23 building on Court Street is fine. My problem still  
24 is with that in-between on Fifth Street and that's  
25 where I'll leave it.

1                   CHAIRMAN AIBEL: My final comment is I  
2 wish Mr. Kolling were more of a shutterbug like Mr.  
3 Ochab because I would have loved to see some more of  
4 the context on the south side of Fifth Street. My  
5 belief from the Google photographs, it looks like the  
6 building on the corner of Fifth and Washington is  
7 built at 100 percent lot coverage and it looks like  
8 it's four stories tall. To me that would help me get  
9 to the point where I could --

10                   COMMISSIONER GREENE: You mean a picture  
11 is worth a thousand words.

12                   CHAIRMAN AIBEL: A picture is worth a  
13 thousand words. In terms of context, I would be  
14 feeling better if that were in fact the case but I  
15 think we all have our views.

16                   Go ahead, John.

17                   COMMISSIONER BRANCIFORTE: One more  
18 thing. I think in the future when we have things  
19 coming up that went in front of the historic  
20 commission, it would help if we had their transcript.  
21 Do they do transcripts? I don't know.

22                   MR. GALVIN: We're asking Pat.

23                   MADAM SECRETARY: I think they just do  
24 minutes.

25                   COMMISSIONER BRANCIFORTE: At least we

1 would have more say onto that. There was one other  
2 thing that you said, Jim, I can't quite remember what  
3 it was.

4 COMMISSIONER FISHER: Mr. Matule, I  
5 think the chairman was being very nice when he said  
6 he'd love to have more pictures. Think they have  
7 said repeatedly that they need to have pictures of  
8 the back. Not having them, actually I was surprised  
9 because we have had this conversation every time they  
10 are not there. Can you just encourage the next time?

11 MR. MATULE: Absolutely. I'm trying to  
12 encourage all of my expert witnesses, both the  
13 architect and the planners, to provide as many photos  
14 as possible.

15 COMMISSIONER FISHER: The back, in  
16 particular, they seem to not have.

17 COMMISSIONER GREENE: It's often  
18 difficult to get to the back.

19 COMMISSIONER BRANCIFORTE: I kind of  
20 remembered what it was I wanted to say. I kind of  
21 have a problem with looking at Google Earth. If you  
22 didn't present it as evidence -- the board shouldn't  
23 be presented evidence into the application, you  
24 should be telling us what the pictures are, where you  
25 get them from. We shouldn't be looking at our phones

1 and say look at Google Earth, because there's no  
2 record of it.

3 MR. MATULE: I get your message and I  
4 will redouble my efforts going forward.

5 CHAIRMAN AIBEL: Are we finished? I  
6 guess we're ready for a motion.

7 COMMISSIONER GREENE: I move for  
8 approval, with the variance requested, subject to the  
9 conditions as stated.

10 CHAIRMAN AIBEL: Do we have a second?

11 COMMISSIONER COHEN: Second.

12 COMMISSIONER GRANA: Is there a (d)  
13 variance on this application?

14 COMMISSIONER GREENE: Yes, that's the  
15 use.

16 MR. GALVIN: Five affirmative votes.  
17 The whole project, because it's one combined thing,  
18 needs five affirmative votes.

19 MADAM SECRETARY: Commissioner Greene.

20 COMMISSIONER GREENE: Yes.

21 MADAM SECRETARY: Commissioner Cohen.

22 COMMISSIONER COHEN: Yes.

23 MADAM SECRETARY: Commissioner Grana.

24 COMMISSIONER GRANA: No.

25 MADAM SECRETARY: Commissioner Murphy.

1 COMMISSIONER MURPHY: Yes.

2 MADAM SECRETARY: Commissioner  
3 Branciforte.

4 COMMISSIONER BRANCIFORTE: No.

5 MADAM SECRETARY: Commissioner Fisher.

6 COMMISSIONER FISHER: Yes.

7 MADAM SECRETARY: Commissioner Aibel.

8 COMMISSIONER AIBEL: Yes.

9 COMMISSIONER GREENE: Motion to adjourn.

10 CHAIRMAN AIBEL: Second.

11 All in favor?

12 (Whereupon, the proceedings are  
13 adjourned at 11:00 p.m.)

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C E R T I F I C A T E

I, JOANNE M. OPPERMAN, 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*



JOANNE M. OPPERMAN, C.C.R.  
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