

CITY OF HOBOKEN  
PLANNING BOARD

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SPECIAL MEETING OF THE HOBOKEN : February 25, 2016  
PLANNING BOARD : 7:12 p.m.  
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Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman  
Vice Chair Frank Magaletta  
Commissioner Caleb D. Stratton  
Commissioner Brandy Forbes  
Commissioner Jim Doyle  
Commissioner Caleb McKenzie  
Commissioner Kelly O'Connor

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

David Glynn Roberts, AICP/PP, LLA, RLA  
Board Planner

Michael J. O'Krepky, PE, CME  
Board Engineer

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS  
CERTIFIED SHORTHAND REPORTER  
CERTIFIED REALTIME REPORTER  
Phone: (732) 735-4522

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

DENNIS M. GALVIN, ESQUIRE  
730 Brewers Bridge Road  
Jackson, New Jersey 08527  
(732) 364-3011  
Attorney for the Board.

ROBERT C. MATULE, ESQUIRE  
Two Hudson Place (5th Floor)  
Hoboken, New Jersey 07030  
Attorney for the Applicant.

I N D E X

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PAGE

Board Business

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731-733 Clinton (Carried to 3/29/16)

RESOLUTIONS:

726-732 Grand Street

12

HEARINGS:

718-720 Jefferson Street

14

1                   CHAIRMAN HOLTZMAN: Hi, guys. We are  
2 going to get started here.

3                   It is Thursday, February 25th, at 7:12  
4 p.m. This is the City of Hoboken Planning Board  
5 Meeting.

6                   I would like to advise all of those  
7 present that notice of this meeting has been  
8 provided to the public in accordance with the  
9 provisions of the Open Public Meetings Act, and that  
10 notice was published in The Jersey Journal and on  
11 the city's website. Copies were also provided to  
12 The Star-Ledger, The Record, and also placed on the  
13 bulletin board in the lobby of City Hall.

14                  Pat, please call the roll.

15                  MS. CARCONE: Commissioner Holtzman?

16                  CHAIRMAN HOLTZMAN: Here.

17                  MS. CARCONE: Commissioner Magaletta?

18                  VICE CHAIR MAGALETTA: Here.

19                  MS. CARCONE: Commissioner Stratton?

20                  COMMISSIONER STRATTON: Here.

21                  MS. CARCONE: Commissioner Forbes?

22                  COMMISSIONER FORBES: Yes.

23                  MS. CARCONE: Commissioner Doyle?

24                  COMMISSIONER DOYLE: Here.

25                  MS. CARCONE: Commissioner Graham is

1 absent.

2 Commissioner Mc Kenzie?

3 COMMISSIONER MC KENZIE: Here.

4 MS. CARCONE: Commissioners Pinchevsky,  
5 Peene and Jacobson are absent.

6 Commissioner O'Connor?

7 COMMISSIONER O'CONNOR: Here.

8 MS. CARCONE: Okay. We have seven.

9 Did I call Frank?

10 MR. GALVIN: Yes, you did.

11 VICE CHAIR MAGALETTA: Yes, you called  
12 me.

13 (Laughter)

14 MR. GALVIN: You do have seven members.

15 CHAIRMAN HOLTZMAN: So the math adds  
16 up. We are in good shape.

17 Okay. A couple of quick updates here.

18 We have had some good work being done behind the  
19 scenes with regard to the location of PSE&G gas  
20 meters. The zoning officer had a chance to meet  
21 with PSE&G and some of their team on an application  
22 that I think Andy also participated, at least by  
23 phone on, and they are working out some of the  
24 nuance details of how we get these gas meters above  
25 flood elevation, so that is a nice encouraging

1 thing.

2 The next item is I know that we had a  
3 conversation about it, and we have been asking all  
4 of our applicants that come before us to provide us  
5 with an environmental check, whether it is a Phase  
6 I, a Phase II, if they got that or other ones, and I  
7 would like you, Dave, I'd like you to just sort of  
8 pull up our requirements and our checklist, and we  
9 will make sure that we get that updated, so that it  
10 is actually officially on our checklist --

11 MR. ROBERTS: On the checklist --

12 CHAIRMAN HOLTZMAN: -- going forward  
13 and figure out if there is certain language that we  
14 need to add for that, flush that out, and  
15 procedurally, if we need to -- I don't know if we  
16 need to send that up to City Council, so we will put  
17 together a proposal, and we'll send it over to the  
18 administration and the City Council, but I would  
19 like to certainly make sure that we get that going.

20 I think that is it for the moment.

21 Mr. Matule, you have some announcements  
22 for us, I believe.

23 MR. MATULE: I do, Mr. Chairman.

24 Good evening, Robert Matule.

25 The second application that was on the

1 agenda tonight, 731-733 Clinton Street, Frank  
2 Minervini was the architect. He has been taken down  
3 apparently with the stomach flu, and he is not  
4 available, and unfortunately, Mr. Vandermark is  
5 before another Board tonight, so he was not able to  
6 substitute, so we are going to ask that that matter  
7 be carried with no further public notice.

8 I had a brief conversation with the  
9 Board Secretary this afternoon. It sounds like the  
10 March 1 agenda is kind of full, so I understand that  
11 there is going to be a Special Meeting on March  
12 29th, so --

13 MS. CARCONE: Well, we haven't  
14 discussed that with the Board yet.

15 (Laughter)

16 MR. MATULE: Oh, okay.

17 CHAIRMAN HOLTZMAN: We are working  
18 towards that.

19 COMMISSIONER DOYLE: So you know before  
20 us.

21 (Laughter)

22 MR. MATULE: Well, hopefully you  
23 could --

24 MR. GALVIN: What's the incubation  
25 period on that stomach flu? That's what I want to

1 know. We were here Tuesday night.

2 (Laughter)

3 MR. MATULE: Maybe you could make that  
4 decision before the end of the meeting tonight only  
5 because if it is going to be carried, I would like  
6 to be able to tell any members of the public who are  
7 here, which I don't think there is anybody here,  
8 that it is being carried to a date certain, so we  
9 don't have to renotice.

10 MR. GALVIN: Let's discuss the March  
11 29th meeting first.

12 MS. CARCONE: Well, I talked to our  
13 professionals, and you are available, and Dave is  
14 available. Andy is not available, but Mike is  
15 available, Mike O'Krepky. How do you say that?

16 MR. O'KREPKY: O'Krepky.

17 MS. CARCONE: I am not going to get it  
18 right.

19 MR. GALVIN: Mikey O. Okay, we're  
20 making him Irish.

21 (Laughter)

22 MS. CARCONE: So I guess we have to  
23 figure out if we have enough Board members for that  
24 evening to make it possible.

25 Who is not available?

1 CHAIRMAN HOLTZMAN: The 29th?

2 COMMISSIONER FORBES: I'm available.

3 CHAIRMAN HOLTZMAN: The 29th?

4 The 29th?

5 The 29th?

6 COMMISSIONER MC KENZIE: Yes.

7 VICE CHAIR MAGALETTA: Yes.

8 CHAIRMAN HOLTZMAN: We have a team.

9 MS. CARCONE: Okay.

10 MR. GALVIN: Councilman?

11 COMMISSIONER DOYLE: Apparently I am

12 not necessary.

13 (Laughter)

14 MR. GALVIN: You're indispensable.

15 CHAIRMAN HOLTZMAN: 29th, a maybe?

16 COMMISSIONER DOYLE: Fine, yes.

17 VICE CHAIR MAGALETTA: You're not

18 superfluous, Jim, don't worry.

19 CHAIRMAN HOLTZMAN: So Kelly is a

20 maybe?

21 Okay. We will have a team --

22 MS. CARCONE: So we have one, two,

23 three, four, five, six --

24 CHAIRMAN HOLTZMAN: -- plus we have a

25 number of members that aren't here this evening, and

1 I am sure we will get one of them.

2 MS. CARCONE: Okay. So we are going to  
3 carry that matter to the 29th then, 731-733 Clinton?

4 CHAIRMAN HOLTZMAN: So we need a motion  
5 to --

6 MR. MATULE: And just for the record, I  
7 don't know where we are in the arc of time, but the  
8 applicant will extend the time in which the Board  
9 has to act through March 29th.

10 MR. GALVIN: That sounds like a good  
11 plan.

12 CHAIRMAN HOLTZMAN: Otherwise, we could  
13 hear them tonight.

14 MR. GALVIN: And deny it, but we're not  
15 going to do that.

16 (Laughter)

17 CHAIRMAN HOLTZMAN: So we need a motion  
18 to accept the extension of the application for  
19 731-733 Clinton Street to March 29th. No further  
20 notice is required, and the applicant agrees to  
21 extend the time that the Board has to act.

22 Is there anything else that we need to  
23 add to that?

24 MR. GALVIN: No. Without notice,  
25 right?

1                   CHAIRMAN HOLTZMAN: I thought I said  
2           that.

3                   MR. GALVIN: Okay. Then I missed it.

4                   COMMISSIONER DOYLE: Motion.

5                   CHAIRMAN HOLTZMAN: Motion was by Mr.  
6           Doyle.

7                   VICE CHAIR MAGALETTA: Second.

8                   CHAIRMAN HOLTZMAN: Second by Frank.

9                   CHAIRMAN HOLTZMAN: All in favor, aye?

10                   (All Board members answered in the  
11           affirmative.)

12                   CHAIRMAN HOLTZMAN: Thank you.

13                   Don't go far, I guess.

14                   MR. GALVIN: Give us one minute.

15                   CHAIRMAN HOLTZMAN: Bob, we are just  
16           going to do a resolution here.

17                   MR. MATULE: Just so you know, we moved  
18           this down because he wants to put it on the wall.

19                   MR. GALVIN: That's okay. For some  
20           reason, the Board members sit with their backs to  
21           us, and there are some guys that actually start  
22           going like that.

23                   CHAIRMAN HOLTZMAN: While the attorney  
24           is moving furniture, we are going to move forward  
25           with our resolution for -- Commissioners, we

1 received the resolution here for 726-732 Grand  
2 Street. I know that there were a number of edits  
3 and additions that were offered up. We have made  
4 those changes.

5 Are there any other additional  
6 questions or comments on this resolution?

7 If there are none, is there a motion to  
8 accept this resolution?

9 VICE CHAIR MAGALETTA: Motion to  
10 accept.

11 CHAIRMAN HOLTZMAN: Motion to accept.  
12 Is there a second?

13 COMMISSIONER MC KENZIE: Second.

14 CHAIRMAN HOLTZMAN: Second.

15 Pat, please call the vote.

16 MS. CARCONE: Commissioner Magaletta?

17 VICE CHAIR MAGALETTA: Yes.

18 MS. CARCONE: Commissioner Stratton?

19 COMMISSIONER STRATTON: Yes.

20 MS. CARCONE: Commissioner Forbes?

21 COMMISSIONER FORBES: Yes.

22 MS. CARCONE: Commissioner Doyle?

23 COMMISSIONER DOYLE: Yes.

24 MS. CARCONE: Commissioner McKenzie?

25 COMMISSIONER MC KENZIE: Yes.

1 MS. CARCONE: And Commissioner

2 Holtzman?

3 CHAIRMAN HOLTZMAN: Yes.

4 Okay. Great. Thank you.

5 (Continue on the next page)

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CITY OF HOBOKEN  
PLANNING BOARD  
HOP-15-21

- - - - - X  
 RE: 718-720 Jefferson Street : February 25, 2016  
 Block: 83, Lots 25-26 : 7:20 p.m.  
 Applicant: 718 Jefferson, LLC : SPECIAL MEETING  
 Minor Site Plan Review :  
 - - - - - X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Caleb McKenzie
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PHYLLIS T. LEWIS  
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A P P E A R A N C E S:

DENNIS M. GALVIN, ESQUIRE  
730 Brewers Bridge Road  
Jackson, New Jersey 08527  
(732) 364-3011  
Attorney for the Board.

ROBERT C. MATULE, ESQUIRE  
Two Hudson Place (5th Floor)  
Hoboken, New Jersey 07030  
Attorney for the Applicant.

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WITNESS

PAGE

LEE LEVINE

18 &amp; 97

EDWARD KOLLING

86

EXHIBIT NO.

DESCRIPTION

PAGE

A-1

Handout

20

A-2

Elevation

22

1                   CHAIRMAN HOLTZMAN: Mr. Matule, here we  
2 go. 718-720 Jefferson Street.

3                   MR. MATULE: Good evening, Mr.  
4 Chairman, and Board members.

5                   Robert Matule, appearing on behalf of  
6 the applicant.

7                   This is an application for minor site  
8 plan approval and a variance, a C variance for  
9 height above the design flood elevation.

10                  The plan is to construct a  
11 four-residential unit building, five parking spaces  
12 at grade.

13                  I will be presenting the testimony of  
14 our architect, Lee Levine, tonight, and we have a  
15 change in the batting order. Our planner will be Ed  
16 Kolling filling in for Mr. Ochab who has a  
17 scheduling conflict.

18                  So I have already submitted my  
19 jurisdictional proofs to the Board Secretary, so we  
20 could call Mr. Levine and start, and I think he has  
21 a PowerPoint presentation.

22                  MR. GALVIN: Do you have that to admit  
23 into evidence? Do you have a copy of it?

24                  MR. MATULE: Hum --

25                  MR. LEVINE: Actually you all have that

1 already, and I am not sworn in yet, but CDs after --  
2 at the workshop there was a --

3 CHAIRMAN HOLTZMAN: What is he talking  
4 about?

5 MR. LEVINE: -- sense that everybody  
6 needed -- should I wait?

7 MR. GALVIN: Yes.

8 Raise your right hand, Mr. Levine.

9 Do you swear or affirm the testimony  
10 you are about to give in this matter is the truth,  
11 the whole truth, and nothing but the truth?

12 MR. LEVINE: I do.

13 L E E L E V I N E, having been duly sworn,  
14 testified as follows:

15 MR. GALVIN: All right. State your  
16 full name for the record and spell your last name.

17 THE WITNESS: Lee, L-e-e, L-e-v-i-n-e,  
18 Levine.

19 MR. GALVIN: Mr. Chairman, do we accept  
20 Mr. Levine's credentials?

21 CHAIRMAN HOLTZMAN: We do.

22 Thank you.

23 MR. GALVIN: So are you trying to tell  
24 me that everything that's in the slide show has  
25 already been presented to the Board?

1                   MR. MATULE: The short answer is yes,  
2 but I will clarify.

3                   When we came before the Subdivision and  
4 Site Plan, we had shown them a video of the parking  
5 carousel, but we also gave the Board Secretary a CD  
6 of it, and that is what is going to be shown.

7                   The regular plans are going to be  
8 within the standard flip chart way. This is just  
9 for the parking carousel, so that all of the Board  
10 members can see it.

11                  CHAIRMAN HOLTZMAN: Are you good with  
12 that?

13                  MR. GALVIN: Yes.

14                  MR. MATULE: And we had also  
15 submitted --

16                  MR. GALVIN: I am just saying if we  
17 were to go to court on this, God forbid, that we --

18                  MR. MATULE: I have a paper copy of it,  
19 but --

20                  THE WITNESS: We have it in the files.

21                  MR. GALVIN: Okay.

22                  MR. MATULE: But we just thought  
23 that --

24                  (Witness and Counsel confer)

25                  MR. MATULE: So this is the explanation

1 of how the thing works. We have copies for the  
2 Board members. I have one, two, three, four, five,  
3 six, seven, eight.

4 So I am going to just mark as Exhibit  
5 A-1, 2/25/16, just a handout, which I will give the  
6 Board Secretary.

7 (Exhibit A-1 marked.)

8 There is a copy there for you, Pat, and  
9 extra copies for the Board members just to sort of  
10 follow along on how it works.

11 So let everybody get a copy and then  
12 you can start.

13 We just thought we would do this and  
14 get it out of the way and then go through the rest  
15 of the plan.

16 Okay. So, Mr. Levine, as part of this  
17 project in the parking garage, you are proposing,  
18 because of the constraints of the size of the  
19 garage, a vehicle carousel, which will turn the  
20 vehicles around, so that cars are always exiting,  
21 pointing out rather than backing out?

22 THE WITNESS: Correct, and I will show  
23 those plans in detail.

24 I just wanted to get the carousel out  
25 of the way, so that you all knew how it worked and

1           functioned.

2                         CHAIRMAN HOLTZMAN:    Sure.

3                         THE WITNESS:    So if I can just put it  
4           on for one moment, it is about 40 seconds.  I can't  
5           say it is exciting.

6                         MR. GALVIN:    You are supposed to get  
7           Adam West to present this.

8                         (Laughter)

9                         (Board members confer)

10                        THE WITNESS:    I turned the sound down.  
11           I hope you don't mind.  It just makes noise.

12                        CHAIRMAN HOLTZMAN:   Lee, this is good.

13                        THE WITNESS:    Essentially each  
14           individual resident, car owner, has a clicker.  You  
15           preprogram the clickers to rotate to the position  
16           that you want for entering or for exiting, and we  
17           will show you the diagrams that we did for how each  
18           car enters and exits.

19                        As you will note on the document that I  
20           gave you, it is -- if the power goes off, you push a  
21           switch, and you can actually use it as a lazy Susan.  
22           You can push the car around.

23                        If there is a flood, it's an easy  
24           device to clean, and the controller, which is about  
25           12 by 16 mounts on the wall up above the flood

1 plain. I am of the understanding that there is one  
2 other in Hoboken, but I have not seen it.

3 CHAIRMAN HOLTZMAN: Okay. Great.  
4 Thank you.

5 THE WITNESS: So at least you have a  
6 visual image of it.

7 MR. MATULE: That might be down on one  
8 of the Red Bridge projects on Park Avenue.

9 THE WITNESS: I know there is one.

10 So I will shut this off.

11 MR. MATULE: Just for the record, too,  
12 I see you have an elevation drawing there.

13 THE WITNESS: We have a perspective of  
14 the facade that we will present that you have not  
15 seen before, and these plans, this is the same  
16 package that you have before you. This is Revision  
17 5, February 1.

18 MR. MATULE: Okay. Just for the  
19 record, we are going to mark your elevation as A-2.

20 (Exhibit A-2 marked)

21 MR. MATULE: Okay. So if you would,  
22 Mr. Levine, describe for the Board members the  
23 proposed site and the surrounding area.

24 THE WITNESS: Okay. So the site is in  
25 the R-2. It is two lots that represent 5,000 square

1 feet.

2 COMMISSIONER DOYLE: I just have a  
3 question.

4 MR. GALVIN: Go ahead. Ask it.

5 CHAIRMAN HOLTZMAN: Go ahead, Mr.  
6 Doyle.

7 COMMISSIONER DOYLE: Sorry, thank you.  
8 You said that this is what we have  
9 before us. These are July 15th, 2015, so --

10 THE WITNESS: I know we delivered 11 or  
11 12 11-by-17 sets and I know we delivered full-sized  
12 sets. I know that --

13 MS. CARCONE: Let me find my list.

14 COMMISSIONER STRATTON: So, Jim, there  
15 is a note here, if you look under revisions for  
16 February 1st, is that the right one?

17 MR. MATULE: Yes.

18 COMMISSIONER STRATTON: The revisions  
19 are above the original --

20 COMMISSIONER DOYLE: Okay.

21 THE WITNESS: These are all noted  
22 Revision 5, February 1.

23 COMMISSIONER DOYLE: All right. Thank  
24 you.

25 THE WITNESS: Is that the same set?

1                   CHAIRMAN HOLTZMAN: Yes. We are all  
2                   good.

3                   CHAIRMAN HOLTZMAN: If there are any  
4                   other members of the public that, you know, want to  
5                   come up and drag a chair to make sure that you can  
6                   see, that is perfectly fine. You know, do whatever  
7                   you need to do to be able to see.

8                   THE WITNESS: The most important photo  
9                   on this set of block images is really photo number  
10                  five because that is where you see the two lots.

11                  (Everyone talking at once)

12                  THE WITNESS: You have more members

13                  (Laughter)

14                  CHAIRMAN HOLTZMAN: We've lost control.

15                  It is early, and we lost control.

16                  THE WITNESS: I will back up for one  
17                  moment.

18                  There is a small copy of the site  
19                  survey on Drawing Z-1, and that site survey shows  
20                  the back house, which was a two-story house. It  
21                  shows the yard in the front, and it shows the garage  
22                  structure on the street. There is a large curb cut  
23                  on to Jefferson Street for the one-story garage.

24                  So that view, view number 7, and this  
25                  view looking south gives you a clear sense of the

1 property itself.

2 Okay. So let's look at the ground  
3 floor garage, which we don't call the first floor,  
4 so the ground floor garage.

5 What we have here is an entrance lobby  
6 to an elevator. Somehow in one of the engineering  
7 reports, it was called a retail store, but it is  
8 not. It is just an entrance lobby.

9 We have one, two, three, four full size  
10 parking spaces. One of them is a van space with a  
11 greater than eight-foot aisle next to it, so the  
12 aisle takes you into a back entrance to the lobby,  
13 as well as to get you outside to the rear yard.

14 You have a fifth car, which is a  
15 compact, and you have a carousel here in the middle.  
16 We have one stair coming up, and we have a second  
17 stair coming down.

18 That second stair, when we get to the  
19 first residential level, actually takes you up to a  
20 common corridor that is where we have located the  
21 utilities. All of the utilities are not only above  
22 13, but they are in fact up on the first residential  
23 floor.

24 VICE CHAIR MAGALETTA: Does that  
25 include the carousel controls?

1                   THE WITNESS: No. The carousel  
2 controls will go on a wall above 13 in the first  
3 level.

4                   VICE CHAIR MAGALETTA: Okay.

5                   THE WITNESS: We do have flood vent  
6 calculations on here. We do have garbage and  
7 recycling calculations on here.

8                   The recycling was actually double what  
9 is required, and actually there is a secondary area  
10 here, where we have another 40 square feet for trash  
11 as well, even though we labeled that as trash and  
12 recycling because it had more space than was  
13 required.

14                  There is a vertical rack that supports  
15 ten bicycles. At one point we did have a sixth car.  
16 It really did not work for a number of reasons, but  
17 part of it was structural.

18                  There is a column that needs to be here  
19 as part of a transfer beam to support the main  
20 residential floor, and we will show you why when we  
21 get upstairs. There are very few columns in this  
22 area, and that transfer beam you will see in section  
23 still provides eight-foot-two clearance for the van.

24                  VICE CHAIR MAGALETTA: Could you stop  
25 for a second?

1 THE WITNESS: Sure.

2 VICE CHAIR MAGALETTA: The parking spot  
3 to the right, because it is the northwest --

4 THE WITNESS: This?

5 VICE CHAIR MAGALETTA: -- yes, that  
6 one.

7 Is that going to have space to get in  
8 and out of that spot?

9 THE WITNESS: Yeah, yes.

10 MR. ROBERTS: That is what the carousel  
11 does.

12 VICE CHAIR MAGALETTA: No. I  
13 understand what the carousel is for, but it seems  
14 like it's tough to get over to the carousel from  
15 there.

16 THE WITNESS: Well, it is eight foot  
17 six between column and column here, but it is more  
18 than nine feet, and a nine foot spot is standard.

19 VICE CHAIR MAGALETTA: No. I don't  
20 doubt that the space is big enough for it, but I'm  
21 saying in order for it to get out of there, to back  
22 out and get into the carousel seems kind of tight.

23 THE WITNESS: Well, we will show you on  
24 the diagram. I have the diagrams of the actual --

25 VICE CHAIR MAGALETTA: No, I see that.

1 But I just -- okay. I mean, I have seen it, but it  
2 just seems kind of tight, really tight.

3 COMMISSIONER DOYLE: It takes a K,  
4 Frank.

5 VICE CHAIR MAGALETTA: Yeah, I  
6 understand what it is

7 THE WITNESS: No. We are not doing Ks  
8 because what happens is this, and I think there was  
9 some confusion thinking that there was still six  
10 cars because there is six diagrams. The last  
11 diagram is just the position that everybody gets out  
12 from.

13 So in each instance, the car pulls on  
14 to the carousel in the correct position and  
15 maneuvers around, and this came off of software that  
16 the carousel folks gave us, and we plotted them in  
17 for a van and for full-sized cars.

18 You are correct, it could be a little  
19 tight, the back doors between the columns. You  
20 might even want to, if it is a full four-door, you  
21 might want to be able to let the passengers out  
22 first, but --

23 CHAIRMAN HOLTZMAN: Just hang on one  
24 second.

25 THE WITNESS: -- this is not unusual.

1                   CHAIRMAN HOLTZMAN: Did we get a chance  
2 to review this over at engineering?

3                   MR. O'KREPKY: Yes.

4                   CHAIRMAN HOLTZMAN: Any issues or  
5 concerns?

6                   MR. O'KREPKY: No. I mean, you know,  
7 beyond the concerns that were raised by the  
8 carousel, you know, in terms of parking, the  
9 carousel makes the necessary adjustment to allow for  
10 egress for the car.

11                  CHAIRMAN HOLTZMAN: So the answer is  
12 you think it works?

13                  MR. O'KREPKY: Yes.

14                  CHAIRMAN HOLTZMAN: Thank you.

15                  MR. O'KREPKY: And I apologize for that  
16 one second --

17                  CHAIRMAN HOLTZMAN: No problem.

18                  THE WITNESS: I will agree that I want  
19 to be there when they are setting up the particular  
20 stations for the first time because we have not done  
21 this either before.

22                  I am quite hopeful that it doesn't take  
23 too long to figure out where the right position is  
24 for each car to do it, but it does work on paper,  
25 so that is what those diagrams were for.

1                   The elevator is a two-door two-sided  
2 elevator. It is a stretcher elevator.

3                   COMMISSIONER DOYLE: Chairman --

4                   CHAIRMAN HOLTZMAN: Mr. Doyle?

5                   COMMISSIONER DOYLE: You don't have to  
6 turn back, but you said that if the power is out,  
7 you can switch it, so that it could be used  
8 manually.

9                   THE WITNESS: If the power goes out,  
10 you switch it off and it disengages the brakes and  
11 the rollers underneath, and you can literally push  
12 the car around. You take the back end and turn it  
13 around.

14                  COMMISSIONER DOYLE: Okay. Thank you.

15                  THE WITNESS: There are four  
16 residential levels. The first residential level has  
17 a water and gas room, an electric room off of what  
18 is called the utility room and corridor back to  
19 Stair B to go downstairs. There just wasn't any way  
20 to fit those utilities into the lower level, and we  
21 will look at that when we get to the second.

22                  Each unit has at least three bedrooms,  
23 so there is a bedroom and bedroom with a bath. That  
24 shared bath is the accessible bath for each floor.  
25 There is a master bedroom and a master bath and a

1 master closet that is a little different on certain  
2 floors. I think they are going to maybe change it  
3 even a little more. Clients are enjoying having  
4 four floors to work with.

5 There is a central bathroom, which is  
6 the common bathroom for the living/dining/kitchen,  
7 which is the large space on the front, and it is --  
8 it has been tricky to get the structure to work and  
9 keep the interior free downstairs, and that is why  
10 we have a transfer key right below us here.

11 So you enter downstairs, and you come  
12 out of the elevator into a foyer. You have your own  
13 private foyer, and then you either head into the  
14 public side of the apartment -- or you head into the  
15 public side of the apartment.

16 Now, on this floor there is no option  
17 for a -- okay -- there isn't really a home office or  
18 a den or an additional living space, where as on  
19 floors two, three, and four the layout looks very  
20 similar --

21 CHAIRMAN HOLTZMAN: Lee, let me stop  
22 you right there.

23 THE WITNESS: Sure.

24 CHAIRMAN HOLTZMAN: Hey, Commissioners,  
25 if there is anybody who would like the detail of all

1 of the units, please speak up. Otherwise, we will  
2 ask you to just give us a little more broad brush.

3 THE WITNESS: Okay. So the other  
4 floors have the option of a den or a home office.

5 We go to the roof.

6 I know this is a little more detailed  
7 that's on the drawings, but we moved from zoning  
8 hopefully right into CDs on this project because the  
9 client wanted us to give it a try.

10 So we have the two stairs at the roof.  
11 We have five units that are part of a heat pump  
12 system. This is an electric heat pump system. So  
13 four of those units service two HVAC units on each  
14 floor, and one of those units services a ceiling  
15 mounted HVAC unit in the lobby, the ground floor.

16 You have an elevator override, an  
17 elevator control closet. It is probably going to be  
18 a Gen 2, but I can't promise that at the moment, so  
19 that may only get smaller rather than larger.

20 We have the appropriate green roof  
21 percentages. We have two terraces that will be  
22 pedestal paver terraces.

23 In fact, we have two terraces at the  
24 roof and two terraces in the backyard, so you have a  
25 40-foot backyard that is split in two when we see

1 the site plan, and we have two spaces at the rooftop  
2 as well.

3 We can go through the percentages that  
4 you need.

5 COMMISSIONER DOYLE: Chairman?

6 CHAIRMAN HOLTZMAN: Mr. Doyle?

7 COMMISSIONER DOYLE: In somebody's  
8 report, it says that the roof, the green roof  
9 component is 46 percent.

10 THE WITNESS: The green roof component  
11 is 52.48 percent.

12 COMMISSIONER DOYLE: Okay. Great.

13 THE WITNESS: The roof deck total is  
14 19.1.

15 The walking and mechanical total area  
16 is at 365, which is 13.1.

17 COMMISSIONER DOYLE: No, that is fine.  
18 I just -- the 50 percent is all I care about.

19 THE WITNESS: Yeah.

20 CHAIRMAN HOLTZMAN: While we are on the  
21 roof thing, there was another issue you wanted to  
22 bring up?

23 MR. GALVIN: Yeah.

24 You were talking about the generator.  
25 What kind of a sound attenuation is that?

1                   THE WITNESS: We are not putting a  
2 generator on the roof. There is no fire pump needed  
3 if we 're not using a generator. We had dashed on  
4 the workshop submittal because we didn't know if we  
5 were going to need it or not. If we were putting a  
6 generator, we would do sound attenuation, but there  
7 is no generator on this plan.

8                   MR. GALVIN: The other thing, too, is I  
9 have a crazy note about Riparian rights.

10                   THE WITNESS: There are Riparian  
11 rights --

12                   MR. MATULE: We had submitted  
13 documentation there was a Riparian claim and --

14                   VICE CHAIR MAGALETTA: The site plan  
15 has it.

16                   MR. MATULE: -- Eastman and Munoz, we  
17 had submitted a letter -- it is right on the plans  
18 actually that because the property was -- the stream  
19 was filled in by 1869, there is like an  
20 administrative process you go through and pay the  
21 State a thousand dollars, and they waive that right,  
22 and that is in the works right now.

23                   MR. GALVIN: So if the applicant does  
24 not have that, they must obtain the grant from the  
25 State.

1 CHAIRMAN HOLTZMAN: They have.

2 THE WITNESS: Yes.

3 MR. GALVIN: I think we should leave  
4 that condition that way.

5 MR. MATULE: But also the way the site  
6 is designed, there are no structures over where the  
7 Riparian claim lies.

8 VICE CHAIR MAGALETTA: It's pavers, not  
9 structures. It's pavers.

10 MR. MATULE: Well, pavers, but --

11 THE WITNESS: No, no, not in the rear  
12 yard. Those are on the roof.

13 The survey here, which is just a  
14 reproduction of the survey that Caulfield did, here  
15 you see the Riparian claim actually went right  
16 through the two-story house in the rear.

17 And so when we go to the site plan in a  
18 minute, I was trying to go through the building  
19 first, but when you go to the site plan, we have  
20 maintained a rear yard. There will be two outdoor  
21 spaces for two of the residents.

22 We have a permeable paver for a patio  
23 for each. We have a cedar fence, a board-on-board  
24 cedar fence going around the perimeter and down the  
25 middle, and we provided landscaping, but there is no

1 structures beyond that in this.

2 VICE CHAIR MAGALETTA: I know there is  
3 no structures, but I am saying those paver stones  
4 will be over partially where it will be, right?

5 THE WITNESS: Well, a little bit.

6 VICE CHAIR MAGALETTA: A little bit,  
7 okay.

8 CHAIRMAN HOLTZMAN: While we have the  
9 backyard conversation going, Dave, did we do a  
10 calculation on the amount of permeable versus  
11 nonpermeable in the backyard?

12 MR. ROBERTS: Well, the entire backyard  
13 is effectively permeable because it is either  
14 driveway paver pervious coverage, and you might want  
15 to get into the landscaping whether there is  
16 synthetic turf or regular turf back there --

17 THE WITNESS: There's no synthetic  
18 turf.

19 MR. ROBERTS: -- so -- and at the  
20 appropriate time --

21 CHAIRMAN HOLTZMAN: So let's take it  
22 one by one.

23 So the most rear part of the yard is  
24 natural grass.

25 THE WITNESS: Well, you have bushes,

1 shrubs, trees. There are spelled out in the  
2 plans --

3 MR. ROBERTS: What are the open areas,  
4 though --

5 THE WITNESS: The open areas are grass.  
6 It's lawn. It's specifically called lawn.

7 And then this area, which is called  
8 patio in text is, in fact, an Azek permeable paver,  
9 so --

10 CHAIRMAN HOLTZMAN: So what is that?  
11 Explain that, please.

12 THE WITNESS: I am not the best one at  
13 that. It is a paver that allows moisture to move  
14 through it, and it goes into the ground sub  
15 structure like, you know, the subsoil.

16 CHAIRMAN HOLTZMAN: So is that  
17 considered --

18 MR. ROBERTS: Pervious.

19 CHAIRMAN HOLTZMAN: -- pervious. Yeah,  
20 it is.

21 MR. GALVIN: It allows water to go  
22 through.

23 MR. ROBERTS: Yes.

24 You may want to, Lee, while you're on  
25 the back rear yard, though, talk about whether there

1 is any collection part of that, or is it just  
2 designed to just filter into the ground. Does it  
3 get collected --

4 THE WITNESS: Right now that is just  
5 designed to go into the ground.

6 We do have storm detention drains. I  
7 know at 5,000 square feet, you don't always have to  
8 do it. But we did go ahead and do a detention  
9 system --

10 CHAIRMAN HOLTZMAN: Good.

11 THE WITNESS: -- so we have that  
12 covered, and we do have a drain in the rear yard in  
13 case the rear yard can't absorb all the water. That  
14 is not so unusual in Hoboken, that you may have too  
15 much water.

16 CHAIRMAN HOLTZMAN: So the detention  
17 system is capturing the stormwater from the  
18 downspouts and things?

19 THE WITNESS: On the roof, that's  
20 correct. It was shown with the downspouts tying  
21 into it, and also have a -- there were -- I'm trying  
22 to remember -- I believe there was a French drain at  
23 the time --

24 CHAIRMAN HOLTZMAN: Did we get the  
25 calcs ahead of time as to what it captures?

1 I think we did, but --

2 VICE CHAIR MAGALETTA: He had the plan  
3 on there.

4 THE WITNESS: At the workshop it was  
5 clear that everybody was comfortable with this,  
6 but I know --

7 CHAIRMAN HOLTZMAN: I would like to  
8 have it on the record, Lee.

9 MR. GALVIN: With the whole Board.

10 CHAIRMAN HOLTZMAN: Could you humor me  
11 and tell me what it is again?

12 THE WITNESS: What, the percentages?

13 CHAIRMAN HOLTZMAN: No.

14 THE WITNESS: The volumes?

15 CHAIRMAN HOLTZMAN: No. What the  
16 volume is.

17 THE WITNESS: I haven't looked at this  
18 in quite a while. I apologize. One second.

19 CHAIRMAN HOLTZMAN: Do we have it in  
20 the reports, the professionals' reports or anything,  
21 Mikey O.?

22 MR. O'KREPKY: I talked about the --

23 (Board members confer)

24 THE WITNESS: You know, we have 45 feet  
25 of 30-inch diameter pipe for the retention. I don't

1 recall the calculations --

2 CHAIRMAN HOLTZMAN: Okay. Let's not  
3 get hung up on it. Mike is going to research it for  
4 us. Maybe it is in the application.

5 THE WITNESS: I can certainly have  
6 George submit another sheet, if you want me to send  
7 that in with it.

8 CHAIRMAN HOLTZMAN: We would like that,  
9 yes.

10 Thank you.

11 THE WITNESS: We will do that.

12 MR. ROBERTS: I know the report  
13 indicated it was in excess of the minimum  
14 requirement, but I don't know what the gallonage is  
15 in terms of how much of in excess it is. I know the  
16 Board is always interested in that.

17 CHAIRMAN HOLTZMAN: Sure. We would  
18 like to know what it is, and we'd like to have it on  
19 the record.

20 THE WITNESS: I am happy to get that in  
21 with whatever other revisions are needed.

22 CHAIRMAN HOLTZMAN: Okay.

23 THE WITNESS: Want me to back up, or  
24 are we staying here for a moment?

25 Anything else here?

1                   So briefly, we go back just to the  
2 building. Oh, we didn't print in color. It is a  
3 color, but it is not there. We photographed.

4                   I do not have the actual height of the  
5 Minervini project here, but we did package the block  
6 with a series of photos, and we tied them to a tax  
7 map, so that they're reasonably close.

8                   We are asking for three and a half  
9 additional feet of height. The facade --

10                  CHAIRMAN HOLTZMAN: Could you show us  
11 your pretty color picture there, Lee?

12                  THE WITNESS: Yes, and I could also --

13                  CHAIRMAN HOLTZMAN: Kelly got it.  
14 Kelly's special. She got color on her sheet.

15                  (Board members confer.)

16                  THE WITNESS: Let's go to the color  
17 first.

18                  MR. ROBERTS: Actually, Mr. Chairman,  
19 if I might at this point, we actually on the last  
20 page of your planning letter, we did put the  
21 elevations side by side. So while he is going  
22 through that, if you want to just remind the Board  
23 that that is there.

24                  CHAIRMAN HOLTZMAN: Thank you, Dave.

25                  THE WITNESS: I saw that, and I wasn't

1           sure how accurate they were --

2                         CHAIRMAN HOLTZMAN:   So what Dave is  
3           trying to do is giving us a little bit of a block  
4           and neighborhood approach and trying not to look at  
5           these things in isolation, but in a larger context.

6                         Thank you.

7                         MR. ROBERTS:   Okay.

8                         THE WITNESS:   So this facade meets the  
9           ordinance requirements for fenestration.

10                        This facade is a series of vertically  
11           stacked bricks, so they are two and three-quarter by  
12           7 and 7/8ths, which is relatively unusual, and they  
13           are paired.

14                        So what we tried to explain here is  
15           that we are moving the bricks in and out in  
16           half-inch increments across the facade, so you not  
17           only have dark and lighter brick members, but you  
18           also have the shadow that will go with them.

19                        The rear facade is going to be a simple  
20           stucco.  It will be a cement stucco, and the colors  
21           that you see here are the colors for the spandrel  
22           panels and for the curtain wall frames.  I think it  
23           is called iron ore.

24                        I can pass that around if you want or I  
25           can just leave it there.

1                   CHAIRMAN HOLTZMAN: I think we are  
2                   good.

3                   MR. GALVIN: Any encroachment into the  
4                   city right-of-way?

5                   THE WITNESS: There is three foot six  
6                   on the bay window, which is the maximum you can do.  
7                   We do know that that means --

8                   MR. ROBERTS: Two foot six. I might be  
9                   wrong.

10                  THE WITNESS: -- one second. I will go  
11                  back to the cover sheet.

12                  MR. ROBERTS: I just wanted to make  
13                  sure we have that right.

14                  THE WITNESS: We have 50.6 percent on  
15                  the fenestration, greater than 45.

16                  We have -- I know it is on here some  
17                  place. One second.

18                  MR. MATULE: Are you looking for the  
19                  masonry?

20                  THE WITNESS: I am looking for the  
21                  permitted extension for the bay window.

22                  CHAIRMAN HOLTZMAN: Can somebody pull  
23                  out a plan and put a ruler on it, please?

24                  THE WITNESS: It is dimensioned on it.  
25                  It may be the wrong dimension, if I am incorrect at

1 the three foot six, but I thought I had it here.

2 Bear with me one second.

3 COMMISSIONER DOYLE: You're right. It  
4 says 3.6 on the plan, but the question is whether  
5 it's 30 inches or 42 inches. That is a lot.

6 THE WITNESS: Yeah. And actually I  
7 can't say that a staff member made a mistake,  
8 because I made that, so let me see if I could find  
9 where it was. I didn't bring the ordinance with me.

10 CHAIRMAN HOLTZMAN: Dave, do we know  
11 what that is?

12 MR. ROBERTS: I'm looking that up.  
13 I think my recollection is it's 30  
14 inches.

15 CHAIRMAN HOLTZMAN: I'm fairly certain  
16 that is what it is, but -- Director, anything off  
17 the top of your head?

18 COMMISSIONER FORBES: What is that?

19 MR. ROBERTS: The maximum projection  
20 for a bay window. I thought it was 30 inches.

21 COMMISSIONER FORBES: I don't recall.

22 THE WITNESS: I will certainly adjust  
23 it to that, if that is what it is. I just don't  
24 have it in front of me to confirm it.

25 CHAIRMAN HOLTZMAN: You know, I think

1 we will take a pause here. Let's make sure we look  
2 that up because it is going to be important.

3 THE WITNESS: Sure.

4 CHAIRMAN HOLTZMAN: Do we have enough  
5 people looking this up yet?

6 THE WITNESS: There was a specific bay  
7 window.

8 VICE CHAIR MAGALETTA: The drawing says  
9 3.6. The question is what is permitted.

10 COMMISSIONER STRATTON: It is 30  
11 inches.

12 THE WITNESS: You found it.

13 Then we will correct that on the  
14 drawings and resubmit it as the final, if that is  
15 acceptable.

16 CHAIRMAN HOLTZMAN: Do you have that as  
17 a condition that we need to get these plans updated  
18 obviously?

19 Okay. So we got it. 30 inches is  
20 the --

21 COMMISSIONER STRATTON: As a secondary  
22 caveat, and I think we should check the dimensions  
23 of the lot, it says --

24 CHAIRMAN HOLTZMAN: Could you speak up  
25 a little bit? We can't hear you down here.

1 COMMISSIONER STRATTON: Sure.

2 I'm reading. It says: Where a site,  
3 which proposes bay windows that occupies less than  
4 25 percent of the total length of the subject block  
5 front, so I don't know if the bay cannot be more  
6 than 25 percent of the subject block front.

7 MR. ROBERTS: That sounds right.

8 COMMISSIONER STRATTON: So how wide is  
9 this?

10 CHAIRMAN HOLTZMAN: It's 50 feet wide?

11 THE WITNESS: The lot is 50 foot wide.

12 VICE CHAIR MAGALETTA: And the bay is  
13 18 feet wide.

14 THE WITNESS: You're asking how wide  
15 the bay window is?

16 VICE CHAIR MAGALETTA: The bay is 18  
17 feet. According to your drawings, it's 18 feet  
18 wide.

19 MR. MATULE: The ordinance talks about  
20 the width of the site --

21 COMMISSIONER DOYLE: And then  
22 continue --

23 CHAIRMAN HOLTZMAN: One at time, guys.  
24 I'm sorry. Mr. Matule?

25 MR. MATULE: -- the ordinance speaks to

1 the width of the site. It says where a site, which  
2 proposes bay windows occupies less than 25 percent  
3 of the total length of the subject block, which this  
4 definitely does --

5 MR. ROBERTS: Of the block --

6 MR. MATULE: -- yeah, because if we are  
7 only 50 feet wide, I think the block is 400.

8 CHAIRMAN HOLTZMAN: Right. So then  
9 that doesn't apply --

10 THE WITNESS: Because the bay window is  
11 18 feet --

12 CHAIRMAN HOLTZMAN: -- is that the  
13 answer?

14 MR. MATULE: Well, it applies by my  
15 reading of it, that it can't exceed 24 inches --

16 COMMISSIONER STRATTON: There are a  
17 couple different caveats in here. I would be more  
18 comfortable if Dave Roberts reviewed it and made  
19 sure it was consistent --

20 CHAIRMAN HOLTZMAN: We're going to do  
21 that, sure. I wanted to hear what Mr. Matule said,  
22 though.

23 COMMISSIONER STRATTON: I'm sorry.

24 CHAIRMAN HOLTZMAN: No problem. He's  
25 dealt with this numerous times I know, so I wanted

1 to know if --

2 MR. MATULE: All I am suggesting is  
3 that the 30-inch limitation appears to be further  
4 constrained by this fact that we don't occupy more  
5 than 25 percent of the block frontage down to 24  
6 inches.

7 CHAIRMAN HOLTZMAN: Okay.

8 MR. GALVIN: So maybe it is 24 inches  
9 instead of 30.

10 CHAIRMAN HOLTZMAN: All right. So  
11 we're going to need a --

12 MR. MATULE: Unless there are two other  
13 facades.

14 (Laughter)

15 CHAIRMAN HOLTZMAN: -- we are going to  
16 have Dave Roberts give this a full review.

17 Oh, there's something else, Mr. Matule?

18 What else do you got?

19 COMMISSIONER STRATTON: It can't be  
20 wider than --

21 MR. MATULE: I know Dave put in his --

22 CHAIRMAN HOLTZMAN: Report?

23 MR. MATULE: -- block frontage diagram  
24 to put it in context, the project that is to the  
25 north of this, which may have a bearing on what we

1 are talking about, but I don't think it does.

2 I think the bottom line is we are  
3 limited to 24 inches, and that is what we will have  
4 to reduce that bay to --

5 MR. ROBERTS: I'll double check that.

6 CHAIRMAN HOLTZMAN: We're going to  
7 certainly check it.

8 MR. MATULE: -- but I will defer to Mr.  
9 Roberts.

10 CHAIRMAN HOLTZMAN: Mr. Stratton?

11 COMMISSIONER STRATTON: There's an  
12 additional caveat, because it says the maximum  
13 horizontal width of the bays as measured along the  
14 primary building wall between the points of  
15 attachment, where the bay begins and ends. Its  
16 divergence from the primary wall should not exceed  
17 eight feet.

18 CHAIRMAN HOLTZMAN: Can you give us the  
19 citation as to exactly where you are reading that  
20 from, so we can all make sure we look it up?

21 COMMISSIONER STRATTON: This is Section  
22 168-4, Encroachment on the Street, Section A,  
23 Subsection (1)(i).

24 MR. ROBERTS: So it is not in the  
25 zoning chapter.

1                   CHAIRMAN HOLTZMAN:  So that's not in  
2                   the zoning chapter?

3                   MR. MATULE:  No.  This is under Streets  
4                   and Sidewalks.

5                   My understanding, and I will certainly  
6                   hear everybody else, is this is an as-of-right as  
7                   opposed to going to the mayor and council for an  
8                   encroachment ordinance.  This is as of right under  
9                   our Streets and Sidewalks section of the municipal  
10                  code.

11                  CHAIRMAN HOLTZMAN:  Right.

12                  COMMISSIONER DOYLE:  Mr. Chairman?

13                  CHAIRMAN HOLTZMAN:  Yes, Mr. Doyle?

14                  COMMISSIONER DOYLE:  I believe, I agree  
15                  with you, that 168 certainly lends one to believe  
16                  that it is as of right, but I think there is an  
17                  inconsistency between the two, and I think the  
18                  zoning and master plan committee of the City Council  
19                  was looking into that inherent inconsistency that  
20                  says you have to go and get either an easement or a  
21                  license from the city --

22                  CHAIRMAN HOLTZMAN:  Okay.

23                  COMMISSIONER DOYLE:  -- but going back,  
24                  so I don't know that it is as of right.

25                  It is as of right as of 168 chapter,

1 but it may not be --

2 MR. MATULE: Yeah, well --

3 COMMISSIONER DOYLE: -- but it may not  
4 be, so you're still going have to go to the City  
5 Council, and I think the smaller it is, the easier  
6 that will be for you as well, so...

7 MR. MATULE: Again, what the ordinance  
8 says is that that can be approved with -- what this  
9 says is that it has to be reviewed by the Director  
10 of Environmental Services or its designated agent,  
11 and then it says the following exceptions will be  
12 permitted subject to the aforementioned review, and  
13 then it goes into all of these permutations of how  
14 big a bay can be.

15 what we have been doing as a matter of  
16 course is ignoring this and taking everything to the  
17 City Council.

18 COMMISSIONER DOYLE: I think the issue  
19 is, as I heard it articulated, it's not -- the  
20 Council doesn't get into whether it likes Mr.  
21 Levine's triangle or not. It is purely a yes or no  
22 on the encroachment into the city's right-of-way.  
23 So we don't negotiate and say, we would like it to  
24 be a little bit smaller.

25 If the zoning officer or the Director

1 of Environmental Services says, we are okay with  
2 this, then we would just say, is it okay that this  
3 intrudes into the public right-of-way, yes or no,  
4 so -- but we will be probably working on clearing  
5 that up.

6 CHAIRMAN HOLTZMAN: Okay. I think we  
7 got it --

8 MR. MATULE: All right. Well, in any  
9 event --

10 CHAIRMAN HOLTZMAN: -- we are going to  
11 go with the way that we've historically dealt with  
12 this.

13 MR. MATULE: -- I think how we should  
14 proceed for purposes of tonight's hearing is make a  
15 representation that in no event will the bay exceed  
16 24 inches from the face of the building.

17 Are you okay with that, Mr. Levine?

18 THE WITNESS: Yes.

19 CHAIRMAN HOLTZMAN: Good.

20 COMMISSIONER DOYLE: And the width,  
21 wasn't that --

22 VICE CHAIR MAGALETTA: It's a question  
23 of width, though. Caleb brought up the question --  
24 Mr. Stratton brought up the question of the width of  
25 the bay measures from deviation to deviation. I

1 think it's eight feet, but this is 18 feet, so I  
2 think you have to nail that down as well I think,  
3 which is it?

4 MR. MATULE: Well --

5 CHAIRMAN HOLTZMAN: It's a different  
6 section of the code.

7 MR. MATULE: -- I think we are sort of  
8 mixing up apples and oranges here. You know, I  
9 think we either go with the ordinance or we go with  
10 going to the Council. I don't see how we can do  
11 both, or take some from one and some from the other.  
12 If it's as of right, and we're limited to these  
13 parameters, then I think it's as of right.

14 If we have to go to the mayor and  
15 Council, then I think that trumps this. That's all  
16 I'm suggesting.

17 MR. GALVIN: I think that there is a  
18 possibility that -- I think that the way the city  
19 sees it right now, and they are going to fix their  
20 ordinance, if it is not correct, is that under  
21 certain circumstances, they are going to approve  
22 encroachments into the right-of-way, and here is the  
23 rules for that, unless public safety is compromised,  
24 you know, no more than 24 inches.

25 So you're seeing it that you don't need

1 approval. They're seeing it that you need approval  
2 even if you are compliant. But for purposes of our  
3 discussions, it could never be 36 inches.

4 MR. MATULE: Correct.

5 COMMISSIONER DOYLE: And my point on  
6 that would be if you moved the building back 42  
7 inches, you wouldn't have to come to City Council  
8 because you wouldn't be encroaching in the public  
9 right-of-way, and you might as of right be able to  
10 build this because -- or whatever the Chapter 168  
11 says, you could do that as of right, but you are  
12 choosing not to move the building back, so that's  
13 where you come --

14 MR. MATULE: Well, we can have that  
15 discussion. We would have to then amend our  
16 application and just ask for a front yard variance  
17 because we would no longer be at a zero front lot  
18 line.

19 CHAIRMAN HOLTZMAN: That's your  
20 prerogative, yes.

21 MR. MATULE: So if you want to move the  
22 building back three and a half feet, we still have a  
23 conforming rear yard. That's certainly something we  
24 can talk about before we get to the --

25 MR. GALVIN: On the other hand, why

1 ruin a perfectly good plan by the fact that you got  
2 to get approval for a front yard encroachment, which  
3 the Council routinely grants, right?

4 If they deny it --

5 COMMISSIONER FORBES: Yeah. I --

6 MR. GALVIN: -- if they deny it --

7 CHAIRMAN HOLTZMAN: One at a time,  
8 guys.

9 MR. GALVIN: -- my view is if they can  
10 deny it, you could amend your plan and come back for  
11 the front yard setback.

12 COMMISSIONER FORBES: Right. And I  
13 think that is the point, I wouldn't say it is  
14 routine. They look at each one individually. There  
15 are not routine approvals. You know, this one, if  
16 it's only a bay window that's an encroachment,  
17 that's one. But another one may have steps, another  
18 one may have planters, so each one is unique and  
19 they look at it that way.

20 So I wouldn't say that it is routine,  
21 and I think that the consequence would be if they  
22 don't approve it, then it would have to come back  
23 here for that amendment.

24 MR. GALVIN: Let me just add this.

25 When I read this 168 for really like

1 the first time I'm paying attention to it, I  
2 understand Mr. Matule's argument.

3 On the other hand, as a matter of  
4 statutory construction, we have to read all of the  
5 ordinances together in pari materia, but I would  
6 probably -- I agree with the Councilman. I think it  
7 would be very wise to take a close look at 168, this  
8 ordinance, as quickly as possible and do a spot  
9 correction to make it clear that even if you do the  
10 24 inches, it has to get approval.

11 CHAIRMAN HOLTZMAN: Mr. Councilman, is  
12 that being worked on?

13 COMMISSIONER DOYLE: It is being worked  
14 on, but it will be months certainly, you know.

15 MR. GALVIN: Oh, you might want to do  
16 just a simple ordinance just for that.

17 COMMISSIONER DOYLE: Well, then it  
18 would be a month at the most.

19 MR. GALVIN: Right. It wouldn't  
20 affect -- this applicant is protected by the time of  
21 application rule, which means they only have to  
22 comply with the ordinances that are in effect at the  
23 time that they are submitted. So even if you change  
24 it, it won't affect this applicant.

25 COMMISSIONER DOYLE: And how will it --

1 if they move this back, how will it affect the other  
2 properties on this street? I mean, maybe I am just  
3 speaking --

4 MR. GALVIN: I mean, no, listen. The  
5 reason why I am chiming up is I do this every night  
6 of the week, and I just don't like it when something  
7 gets changed to make it compliant that might  
8 otherwise be a bad planning or zoning alternative.

9 COMMISSIONER FORBES: Right. But that  
10 being said, I do believe I say this at every one of  
11 these where there is an encroachment in the city  
12 right-of-way.

13 That is the city's right-of-way. It's  
14 the public's right-of-way, and we are talking about  
15 putting livable space in that public right-of-way,  
16 so it is not just picking it for this particular  
17 application. I do say that at every application.

18 CHAIRMAN HOLTZMAN: Right. Because  
19 what this does amount to in the dollars and cents,  
20 not that we're counting that, but the applicant is  
21 allowed to take part of the public right-of-way,  
22 which does not affect them from a lot coverage, and  
23 they still gain additional livable square feet above  
24 our public right-of-way, so they are getting  
25 something for nothing.

1                   COMMISSIONER FORBES: Right, and  
2 intrude on the light and air of the public  
3 right-of-way.

4                   CHAIRMAN HOLTZMAN: For the street,  
5 that's correct.

6                   THE WITNESS: Give me one second.

7                   MR. MATULE: Can we take five seconds?

8                   CHAIRMAN HOLTZMAN: Do you guys want to  
9 take a minute here?

10                   Yeah. Let's all take a minute. Sure.  
11 official time out.

12                   (Recess taken)

13                   CHAIRMAN HOLTZMAN: Mr. Matule?

14                   MR. MATULE: Back on the record.

15                   CHAIRMAN HOLTZMAN: Phyllis, are we  
16 ready?

17                   THE REPORTER: We're ready.

18                   MR. GALVIN: Only when her hands are on  
19 the keyboard.

20                   (Laughter)

21                   MR. MATULE: Okay. So we had a little  
22 conversation. Thank you for the opportunity to have  
23 that conversation concerning the whole issue of the  
24 front bay and the encroachment into the public  
25 right-of-way.

1                   We can slide the whole building back --  
2           two things: Reduce the depth of that bay to 36  
3           inches, and then just slide the whole building back  
4           36 inches from the front lot line.

5                   I mean, at some point the bay will be  
6           touching the lot line. You know, it will be sort of  
7           a graduated deviance from the zero front lot line,  
8           so we would have to ask for an additional C variance  
9           for a three foot front yard setback, where zero is  
10          required or called for.

11                   CHAIRMAN HOLTZMAN: So we are going to  
12          add that to the list.

13                   But what I would like to understand  
14          also, Mr. Levine, do you have an overhead view that  
15          we can take a look at?

16                   Because if we are moving the building  
17          back 36 inches, so that if I understand it  
18          correctly, the peak of the bay is then at the front  
19          lot line. So what I am interested in understanding  
20          is what happens to the back of the building, and  
21          don't just tell me it moves back 36 inches. I want  
22          to see it.

23                   (Laughter)

24                   VICE CHAIR MAGALETTA: Then you have  
25          another variance, right?

1                   MR. MATULE:  So why don't you go to  
2     maybe Z-11?

3                   COMMISSIONER DOYLE:  May I ask Mr.  
4     Matule a question while we're going to Z-11?

5                   Are you certain that the zero lot line  
6     is a requirement, because I believe we tinkered  
7     with --

8                   MR. MATULE:  Well --

9                   COMMISSIONER DOYLE:  -- you may not  
10    need a variance to --

11                  MR. ROBERTS:  Yeah, because you touched  
12    it --

13                  MR. MATULE:  -- I have that ordinance  
14    here, and I'll take a quick look.

15                  CHAIRMAN HOLTZMAN:  Lee, let's finish  
16    one thing at a time.

17                  MR. MATULE:  It says the front yard  
18    setback shall be either zero or match the setback of  
19    the adjoining lots on either side, except no front  
20    yard setback shall exceed ten feet.  A lot with less  
21    than 50 feet of frontage between two existing  
22    adjacent buildings that both have front yard  
23    setbacks greater than zero, but equal to or less  
24    than ten, the new structure shall match the lesser  
25    setback of the two adjacent buildings.

1                   CHAIRMAN HOLTZMAN:  So we need to know  
2                   what is on either side.

3                   MR. ROBERTS:  I guess my question, Mr.  
4                   Chairman, is it actually is a zero front yard  
5                   because the front most extension of the building is  
6                   at zero.

7                   COMMISSIONER DOYLE:  Of the adjacent  
8                   building --

9                   MR. ROBERTS:  Oh, no, of this building.

10                  VICE CHAIR MAGALETTA:  Of this  
11                  building.  At that point it goes to the lot line of  
12                  zero is what you're saying.

13                  CHAIRMAN HOLTZMAN:  So then they don't  
14                  need it.

15                  VICE CHAIR MAGALETTA:  If it is  
16                  above --

17                  COMMISSIONER DOYLE:  We're talking  
18                  about the adjacent buildings after you tear down the  
19                  building.

20                  MR. ROBERTS:  Well, I am just thinking  
21                  the front setback would be zero.

22                  CHAIRMAN HOLTZMAN:  Because there is a  
23                  part of the building at zero.  It didn't say how  
24                  much of the building had to be in at zero.

25                  MR. ROBERTS:  Right.  That's why I'm

1 wondering if they need a variance.

2 MR. GALVIN: Well, normally the  
3 reverse, though, we would say you would, if it were  
4 reversed.

5 MR. ROBERTS: Right.

6 MR. GALVIN: If you had to have a five  
7 foot setback, and you only had one point touching,  
8 the balance that doesn't touch would require a  
9 variance normally, right?

10 If you saw it in reverse, if it had to  
11 be set back five, and that little bit encroached,  
12 that little encroachment would --

13 MR. ROBERTS: Yeah, I get it.

14 CHAIRMAN HOLTZMAN: So I think it is  
15 important that we understand what exists on either  
16 side of this property that we are talking about.

17 THE WITNESS: Well, this garage is on  
18 the property, and it is coming down.

19 CHAIRMAN HOLTZMAN: Nobody cares about  
20 that.

21 THE WITNESS: No, no. I'm just giving  
22 you context, if you can't see it.

23 There is an adjacent garage to that  
24 that is coming down as part of the adjacent  
25 application, and there is a two and three-story

1 house here.

2 CHAIRMAN HOLTZMAN: That is at lot  
3 line?

4 THE WITNESS: I believe it is on the  
5 lot line. Our structural engineer, Rich Christie's  
6 team was in there recently to look at some  
7 underpinning they'd done, some odds and ends from  
8 Sandy, so this structure is remaining, and that one  
9 is on the lot line.

10 MR. ROBERTS: Looks like the two  
11 garages are actually over the line.

12 THE WITNESS: They are. They are, but  
13 that doesn't help anything --

14 (Laughter)

15 CHAIRMAN HOLTZMAN: Mr. Stratton?

16 COMMISSIONER STRATTON: This may be a  
17 question for Dave.

18 What does our master plan say about the  
19 consistency of siting buildings on a lot line?

20 Isn't the goal to do that to some  
21 degree?

22 MR. ROBERTS: Or at least within that  
23 ten foot flex space. I mean, not -- yeah --

24 CHAIRMAN HOLTZMAN: The idea is to keep  
25 everything within the ten feet, so that you don't

1 end up with the -- what do they refer to it as --  
2 like the broken tooth, right, you know, that there  
3 is something that's set back --

4 MR. ROBERTS: Kind of like what we have  
5 here with this house all the way -- sitting  
6 against -- the existing house all the way against  
7 the back property --

8 CHAIRMAN HOLTZMAN: Against the back  
9 lot line.

10 COMMISSIONER DOYLE: The missing tooth.

11 CHAIRMAN HOLTZMAN: Right. That's the  
12 missing tooth.

13 So do we know to the north, I guess,  
14 right? Yes, to the north what is proposed there?  
15 Is that at lot line?

16 MR. MATULE: I believe it is. I think  
17 in Mr. Roberts's report, he has it sort of --

18 CHAIRMAN HOLTZMAN: Can you tell us on  
19 the record, Dave, so that we have it on the record?

20 MR. ROBERTS: I believe, Mr. Chairman,  
21 on the adjacent property --

22 CHAIRMAN HOLTZMAN: To the north?

23 MR. ROBERTS: -- right -- there is a  
24 one-story portion of the building that goes to the  
25 back of the building on I think it's 8th, if I am

1 not mistaken, and then the rest of that portion is  
2 green space, so that one-story building is going  
3 right up to the building line.

4 CHAIRMAN HOLTZMAN: I think the thing  
5 that is most important that we are always quite  
6 concerned with is how it affects the donut hole and  
7 the other buildings that are to the left and right  
8 of it, and where those would sort of line up in the  
9 backyards.

10 Can anybody shed some light on that?

11 THE WITNESS: This property here is the  
12 parking lot for the adjacent -- I don't know if I  
13 have -- we have a tax map. Maybe we can use that.

14 MR. MATULE: If I could speak to that  
15 point, though, because the ordinance talks about a  
16 maximum of ten feet depending on what is on the  
17 street frontage, that also I believe ties into the  
18 fact that the rear yard is required to be 30 feet  
19 deep, so you sort of have ten foot to play with in  
20 the front and back, so to speak, and still respect  
21 the 60 foot donut down the spine of the block 30  
22 feet on each side.

23 In this case, we would, instead of  
24 having a 30 foot deep rear yard, we would have a 37  
25 foot deep rear yard, where as it is currently shown,

1 we have a 40-foot deep rear yard. So we're just  
2 talking about shifting three feet, but still being  
3 substantially beyond what the ordinance requires.

4 MR. GALVIN: And still within the lot  
5 coverage, even though you are going to have that  
6 little additional triangle portion, right?

7 In other words, the lot coverage of the  
8 building changes now.

9 CHAIRMAN HOLTZMAN: That's correct.

10 MR. MATULE: It may. We may have to  
11 figure that out.

12 CHAIRMAN HOLTZMAN: Well, it certainly  
13 does. It certainly increases because now the  
14 triangle becomes lot coverage.

15 MR. GALVIN: It doesn't necessarily,  
16 though, increase over the permitted coverage limit.

17 COMMISSIONER DOYLE: Your building is  
18 58 feet deep, though, according to your plan. That  
19 is 58 percent as opposed to 60, so I don't know if  
20 the --

21 CHAIRMAN HOLTZMAN: Is the potential  
22 that the triangle is more than two percent?

23 COMMISSIONER DOYLE: Yeah, right. That  
24 would be the question.

25 CHAIRMAN HOLTZMAN: So I just want to

1 make sure that all of the Commissioners, do we  
2 understand what the change is, and sort of how it  
3 affects things, because I just want to make sure it  
4 is clear.

5 Thank you.

6 COMMISSIONER FORBES: Was this one of  
7 two options?

8 I thought he had said that there were  
9 two.

10 THE WITNESS: It is currently -- I'm  
11 sorry --

12 CHAIRMAN HOLTZMAN: Let's do one at a  
13 time.

14 Mr. Matule, Director Forbes is asking a  
15 specific question.

16 COMMISSIONER FORBES: Yeah.

17 CHAIRMAN HOLTZMAN: You said that there  
18 were two options, and you gave us one.

19 COMMISSIONER FORBES: Is that correct?

20 MR. MATULE: I'm sorry?

21 COMMISSIONER FORBES: Well, because the  
22 question the Chairman was asking is does everybody  
23 understand what is being proposed, but I thought  
24 that you started this conversation after the break  
25 saying we have two potential things, and this is

1 one.

2 MR. MATULE: No. We were going to do  
3 two things. We were going to reduce the bay from 42  
4 inches to 36 inches and slide the building back 36  
5 inches from the front lot line, a two-step process  
6 to get there.

7 CHAIRMAN HOLTZMAN: Got you. Okay.

8 Lee, you were going to give us the calc  
9 on the lot coverage?

10 THE WITNESS: Currently without the  
11 triangle, it is 60 percent.

12 COMMISSIONER DOYLE: Well, I am looking  
13 at Mr. Ochab's report, page one, paragraph 4. The  
14 front of the building and the depth of the building  
15 will be 58 feet ten inches, so that is where I got  
16 58, but --

17 THE WITNESS: Well, we can certainly  
18 hold to that, but I don't know where he got that.

19 COMMISSIONER DOYLE: Okay.

20 He also said there was six parking  
21 spots, and it's 46 percent roof coverage, both of  
22 which are wrong, so, hum...

23 THE WITNESS: It is an easy calculation  
24 to correct the depth to take the bay and make the  
25 entire semblance 60 percent.



1 THE WITNESS: Yes.

2 CHAIRMAN HOLTZMAN: Okay.

3 MR. MATULE: May I just ask your  
4 indulgence for one second?

5 CHAIRMAN HOLTZMAN: Is that a yes or a  
6 no?

7 I heard no --

8 VICE CHAIR MAGALETTA: Let him talk to  
9 his client. Hold on a second.

10 CHAIRMAN HOLTZMAN: I heard a no from  
11 the client.

12 MR. MATULE: I know there is something  
13 in the ordinance about architectural -- just bear  
14 with me --

15 (Board members confer)

16 MR. ROBERTS: Are you looking for  
17 facades?

18 MR. MATULE: Huh?

19 MR. ROBERTS: Are you looking for  
20 facades?

21 MR. MATULE: No. It is not facades. I  
22 think they talk about architectural features,  
23 though.

24 CHAIRMAN HOLTZMAN: Mr. Matule, before  
25 we get too deep into the weeds on moving the whole

1 building back here --

2 MR. MATULE: Yes.

3 CHAIRMAN HOLTZMAN: -- okay, thank  
4 you -- I want to make sure that the architect and  
5 the applicant and you are clear that the  
6 Commissioners are not emphatically against the idea  
7 of the building still being at the lot line, and  
8 there being a bay that transgresses into the public  
9 right-of-way as long as the bay complies with  
10 whatever the appropriate rules are, which we know we  
11 need to get that defined, so let's not rebuild the  
12 whole thing before we have to perhaps. But that's  
13 your call. You are on that side.

14 MR. MATULE: Well, we could have it out  
15 there as an alternative, if it is an issue. But in  
16 any event --

17 CHAIRMAN HOLTZMAN: It is sort of the  
18 acknowledgement that if there is something in the  
19 right-of-way, obviously there is another hurdle.  
20 There is another go to the City Council issue.

21 MR. MATULE: Correct.

22 And if the City Council turns us down,  
23 we have to come back.

24 CHAIRMAN HOLTZMAN: Then you guys got a  
25 good plan B in the pocket already.

1 MR. MATULE: So I'm just --

2 CHAIRMAN HOLTZMAN: No. We are going  
3 to have to definitely see them again.

4 MR. MATULE: -- I just want to make  
5 sure that my clients understand that when we make  
6 the decision to either pull the building back three  
7 feet now or not --

8 MR. GALVIN: Well, I think we should  
9 take a break and go out in the hallway and talk to  
10 your clients.

11 MR. MATULE: Yes.

12 MR. GALVIN: Okay.

13 COMMISSIONER DOYLE: And, Mr. Matule, I  
14 will say that the Council is looking -- scrutinizing  
15 these licenses more than they have in the past, and  
16 so I don't know that it is a foregone conclusion  
17 that a 24 or 30 or a 36-inch encroachment, whatever  
18 it is going to be will be a done deal, so that may,  
19 you know, may factor into your --

20 CHAIRMAN HOLTZMAN: He knows that very  
21 well.

22 MR. MATULE: We're on the same page.

23 CHAIRMAN HOLTZMAN: That was the  
24 council manic disclaimer.

25 (Laughter)

1 MR. MATULE: Just give us one minute.

2 Thank you.

3 (Recess taken)

4 CHAIRMAN HOLTZMAN: Back on the record.

5 Mr. Matule? What have we found out,

6 Mr. Matule?

7 MR. MATULE: What we have done is we  
8 can -- what we would like to do is amend our  
9 application to pull the building back three feet.  
10 We will adjust the depth of the building and the  
11 depth of the bay however needs be to maintain a 60  
12 percent lot coverage.

13 If we have to make the building  
14 approximately six feet, approximately six inches  
15 shallower, because we got a 50 foot wide lot, and  
16 it's about 27 square feet. However, we will  
17 represent to the Board that we will stay within the  
18 total 60 percent lot coverage including whatever the  
19 depth of the bay is.

20 And what I would request or proffer to  
21 the Board is assuming we finish this, and the Board  
22 is predisposed to approve the project as we are  
23 talking about amending it, that we would submit the  
24 revised plans to the Board professionals to review  
25 before any resolution was voted on or adopted, so

1 that we all know what it is you would be  
2 memorializing at that time, again, presuming the  
3 application is approved.

4 CHAIRMAN HOLTZMAN: Okay.

5 I think there is perhaps an interesting  
6 language, just definition we should make sure we are  
7 clear on. If it is now in anything that sticks out  
8 of the building is now within your property, it is  
9 probably not a bay, so probably the bay window  
10 requirements I would think don't apply any more.

11 MR. MATULE: I agree. It is part of  
12 our structure.

13 CHAIRMAN HOLTZMAN: If, you know, let's  
14 say we interpret this that it had to be only eight  
15 feet wide, you can make it 18 feet wide because  
16 again it is within your property.

17 If our law says or zoning code says it  
18 can only be 30 inches deep, well, if it is within  
19 your property, you could make it 36 inches deep,  
20 right?

21 I mean, does that --

22 MR. MATULE: I agree with you, and that  
23 is all going to be a function of how we want to get  
24 to our 60 percent lot coverage.

25 CHAIRMAN HOLTZMAN: Right. But you are

1 keeping within the envelope, so that is what we  
2 should kind of focus on.

3 MR. MATULE: Right.

4 Our 60 percent footprint will be within  
5 the four corners of our lot.

6 CHAIRMAN HOLTZMAN: Great.

7 VICE CHAIR MAGALETTA: And as far as  
8 the rear lot line, as far as your backyard, that  
9 will be within --

10 MR. MATULE: We will have a conforming  
11 rear yard, a minimum of 30 feet, which I would  
12 suggest probably substantially more.

13 CHAIRMAN HOLTZMAN: Great.

14 Okay. Well, that was a heck of a  
15 diversion.

16 Where were we on your plan there, Mr.  
17 Architect? I am not sure where we left off.

18 MR. MATULE: I think you were going to  
19 the rear yard. The drainage, we talked about that.

20 So why don't you just talk about your  
21 elevations --

22 CHAIRMAN HOLTZMAN: Oh, Mike has got  
23 something for us.

24 MR. O'KREPKY: Yeah. I reviewed the  
25 letter one more time. The drainage calculations

1 were provided, and they comply.

2 CHAIRMAN HOLTZMAN: Okay.

3 MR. O'KREPKY: The application  
4 complies.

5 COMMISSIONER DOYLE: Can you tell us  
6 they comply with the two-year storm, the five-year  
7 storm --

8 MR. O'KREPKY: With all of the  
9 requirements, that are outlined. All of the  
10 required options, I could get into the technical  
11 aspects of the two, the ten, the 100-year, those  
12 required reductions were met.

13 COMMISSIONER DOYLE: I don't understand  
14 what that means.

15 COMMISSIONER FORBES: Did they exceed  
16 them?

17 MR. O'KREPKY: Yes. There's the two --  
18 there's the requirement -- I remember going back in  
19 testimony. The requirement was twice the required,  
20 so --

21 CHAIRMAN HOLTZMAN: Let me try to get  
22 the language down a little tighter.

23 So I think what we are trying to say is  
24 what is being provided is twice the requirement.

25 MR. O'KREPKY: Yes, of the North Hudson

1 Sewer Authority.

2 CHAIRMAN HOLTZMAN: Is that what we  
3 think we are going with?

4 MR. MATULE: Yes.

5 MR. O'KREPKY: Yes.

6 CHAIRMAN HOLTZMAN: If it is not that,  
7 could somebody make sure that they correct us before  
8 we move further on this?

9 MR. MATULE: Yes. If not, it will be.

10 MR. GALVIN: Twice of what?

11 CHAIRMAN HOLTZMAN: The North Hudson  
12 Sewerage Authority.

13 MR. MATULE: Two times whatever the  
14 minimum North Hudson requirement is for the two, the  
15 ten and the hundred-year storm.

16 VICE CHAIR MAGALETTA: If Frank was  
17 here, he would make it eight times.

18 MR. MATULE: That's pretty much what we  
19 have been offering the Board in our application --

20 CHAIRMAN HOLTZMAN: Okay. We'll make  
21 sure --

22 MR. MATULE: -- where they were tested  
23 last night --

24 CHAIRMAN HOLTZMAN: Okay.

25 MR. MATULE: So can --

1                   CHAIRMAN HOLTZMAN: I think we pretty  
2 much got Lee covered, right?

3                   MR. MATULE: I was just going to --

4                   CHAIRMAN HOLTZMAN: I'm sorry. Was  
5 there more?

6                   MR. MATULE: -- just for the record, I  
7 spoke to the Board Engineer about it. We submitted  
8 a Phase I, but I just wanted to put it on the  
9 record, the applicant had a Phase I done.

10                  THE WITNESS: Yes.

11                  MR. MATULE: There was an underground  
12 oil tank that was removed, and I understand there is  
13 a no further action letter.

14                  THE WITNESS: Yes.

15                  MR. MATULE: And there is a further  
16 area of concern, as they say in environmental  
17 language, there is a floor drain in the garage that  
18 when the garage is demoed will be investigated and  
19 looked at to see if there's anything there, and if  
20 there is, it will be remediated?

21                  THE WITNESS: That is correct.

22                  CHAIRMAN HOLTZMAN: Okay. Great.

23                  Thank you.

24                  MR. MATULE: Then I guess the other  
25 question I have is, we are asking for a height

1 variance of I believe three feet six inches.

2 Could you just take us to the --

3 THE WITNESS: If we look at the  
4 sections --

5 MR. MATULE: -- and explain it --

6 THE WITNESS: -- our grades in the  
7 garage are the same as the existing grades, so we  
8 are at I believe 5.6 to 5.9 from one side to the  
9 other.

10 We do have a two foot two inch deep  
11 transfer girder in the midsection, and that gives us  
12 our eight foot two clearance.

13 It is a one foot slab on the first  
14 residential floor, and then it's a nine inch slab  
15 making its way up to the roof.

16 We did maintain ten foot floor to  
17 floor, and the 13 foot elevation here, which is  
18 dashed you see, and so there was a 3.5 foot request  
19 for additional head room to make sure that the ADA  
20 van can move through.

21 VICE CHAIR MAGALETTA: So how high is  
22 the -- putting aside the girder -- how high is the  
23 height of that ceiling --

24 CHAIRMAN HOLTZMAN: On the grade level?

25 VICE CHAIR MAGALETTA: -- on the grade

1 level.

2 THE WITNESS: At the grade level?

3 VICE CHAIR MAGALETTA: Yes, from the  
4 interior height.

5 CHAIRMAN HOLTZMAN: I think you just  
6 said eight-two.

7 THE WITNESS: You got ten foot nine  
8 from here to here to the underside of the slab. It  
9 drops in the mid section in order to support the mid  
10 section.

11 VICE CHAIR MAGALETTA: What is the  
12 height from the girder?

13 THE WITNESS: Eight foot two.

14 VICE CHAIR MAGALETTA: I guess you  
15 can't go any lower than that, huh?

16 THE WITNESS: We can't unfortunately.

17 VICE CHAIR MAGALETTA: No, I appreciate  
18 that.

19 THE WITNESS: Actually the sixth car  
20 was lost primarily because that was the best we  
21 could do.

22 CHAIRMAN HOLTZMAN: Right, and this  
23 makes it so that the parking is ADA compliant.

24 THE WITNESS: Yes.

25 VICE CHAIR MAGALETTA: That's fine.

1 Thank you.

2 MR. MATULE: And, again, just for the  
3 record, the project was reviewed by the Flood Plain  
4 Administrator --

5 THE WITNESS: It was.

6 MR. MATULE: -- and you received her  
7 comments?

8 THE WITNESS: Yes.

9 MR. MATULE: And obviously you have  
10 Maser's comments and Mr. Hipolit's comments, and you  
11 have no issues addressing any of those comments?

12 THE WITNESS: No. In fact, we  
13 responded to a couple of items that were previously  
14 off the set of plans, but otherwise we do.

15 MR. MATULE: Okay.

16 CHAIRMAN HOLTZMAN: Any other questions  
17 for Mr. Levine at this point, Commissioners?

18 Okay. We will open it up to the public  
19 for questions of the architect. So if you have  
20 questions, try to just keep them specifically to  
21 what we have seen presented by Mr. Levine.

22 Does anybody wish to ask any questions?

23 Comments are later.

24 MS. LAWRENCE: I do have a question.

25 CHAIRMAN HOLTZMAN: Sure. Come on up

1 and --

2 MR. GALVIN: Give us your full name.

3 MS. LAWRENCE: Susan Lawrence.

4 MR. GALVIN: Spell your last name.

5 MS. LAWRENCE: L-a-w-r-e-n-c-e.

6 MR. GALVIN: And your street address?

7 MS. LAWRENCE: 716 Jefferson Street.

8 MR. GALVIN: All right. You may

9 proceed.

10 MS. LAWRENCE: My question is, Lee, do  
11 you know now if the property butts right up against  
12 my property like the building, because if it does, I  
13 may need to have coverage from my roofing onto your  
14 building?

15 CHAIRMAN HOLTZMAN: Your question is:  
16 Is their building going to touch your building?

17 MS. LAWRENCE: Yeah, because I don't  
18 want to have a space in my roof and water, you know,  
19 so I have to prepare for that.

20 MR. GALVIN: Let's give Lee a chance to  
21 answer that.

22 THE WITNESS: We are going to be at  
23 zero lot line, but we obviously have to take care of  
24 ensuring that water isn't coming down between the  
25 two buildings. That is something that we detail

1 when we do this as a matter of course.

2 MS. LAWRENCE: Okay.

3 CHAIRMAN HOLTZMAN: So her building is  
4 shorter than the building that you are proposing  
5 here, correct?

6 THE WITNESS: Yes.

7 CHAIRMAN HOLTZMAN: So are there some  
8 gutters or leaders or stormwater management things  
9 that you guys can --

10 THE WITNESS: Those are standard issues  
11 we take care of with any project like this.

12 VICE CHAIR MAGALETTA: So if there is a  
13 north -- if there's a wind -- if there's a rain, and  
14 the wind's from the north, and it hits the -- I'm  
15 sorry -- from the south, and it hits the south side  
16 of your building and then comes down, how is that  
17 stopped, if it is?

18 THE WITNESS: I don't know how you --  
19 you prevent the rain from moving in between the two  
20 buildings horizontally --

21 MR. MATULE: No, but there is a weather  
22 seal --

23 THE WITNESS: Yeah.

24 MR. MATULE: -- maybe I can ask the  
25 question a different way.

1                   Where the north wall of her building  
2                   meets the south wall of our building, that will be  
3                   weather sealed?

4                   THE WITNESS:   There's two different  
5                   seals.   There's a flashing seal at the horizontal  
6                   component, and there's a vertical seal as well.

7                   VICE CHAIR MAGALETTA:   So what stops  
8                   the water going -- it hits the south side of your  
9                   building when it comes down, it goes on to her roof,  
10                  that's what I think she is asking.

11                  CHAIRMAN HOLTZMAN:   And this will be  
12                  the flashing and the water sealing.

13                  VICE CHAIR MAGALETTA:   But does the  
14                  flashing -- which way does the flashing drive the  
15                  water when it comes down?

16                  THE WITNESS:   What you have to do on  
17                  the side of the building is behind the finish, you  
18                  bring a copper or whichever material you are doing  
19                  that is best, as a flash membrane behind everything.  
20                  Obviously we have to have permission from our  
21                  neighbors to do that work, and that work is  
22                  something that we are responsible for.

23                  Just like underpinning would be the  
24                  responsibility, if it turns out it is there.   There  
25                  is good reason to believe that the front of the

1 building is in good shape right now structurally.  
2 We are not sure about the back, and there will be  
3 some test pit work done long before we start  
4 construction.

5 CHAIRMAN HOLTZMAN: So I just want to  
6 make sure we have got this clear.

7 So there is an acknowledgement that  
8 obviously you will take care of whatever types of  
9 flashing, weather stripping, waterproofing and/or  
10 downspout rerouting needs to be done on the  
11 southern -- the building that is to the south of you  
12 folks?

13 THE WITNESS: Yes.

14 CHAIRMAN HOLTZMAN: Okay, great.

15 Is that okay?

16 MS. LAWRENCE: Perfect.

17 CHAIRMAN HOLTZMAN: Are there any other  
18 members of the public that have any questions for  
19 the architect?

20 Okay. We will close the public portion  
21 for that.

22 Mr. Matule, who is up next?

23 MR. MATULE: Mr. Kolling, now pinch  
24 hitting for Ken Ochab.

25 MR. GALVIN: Raise your right hand.



1 yard setback of three feet?

2 THE WITNESS: Yes.

3 MR. MATULE: So we are now asking for  
4 two variances, the three and a half feet of height  
5 above the design flood elevation and a three foot  
6 front yard setback versus zero?

7 THE WITNESS: Yes.

8 MR. MATULE: And modifying the report  
9 as need be, could you go through the planner's  
10 report and modify it accordingly and give us your  
11 professional opinion regarding the variance relief  
12 being requested?

13 THE WITNESS: Well, I will jump right  
14 to looking at what is right there now, and what you  
15 have, or I guess there has been some demolition, but  
16 what was there prior, you had a dilapidated garage.  
17 You had a residence that was set back that actually  
18 straddled both lots, so it was sort of the  
19 antithesis of having the Hoboken donut because the  
20 building was in the Hoboken donut.

21 So I think the benefit, one of the  
22 benefits of this project is that that is going to be  
23 erased and the donut reinstated or created maybe for  
24 the first time, so I think that is beneficial in  
25 terms of what is proposed or recommended by the

1 master plan and those sorts of things.

2 We are in the R-2 zone, and the purpose  
3 is to encourage neighborhood stability, facilitate a  
4 new version of non residential -- residential space  
5 and to otherwise reinforce residential  
6 characteristics of the district, and I think this  
7 project also does this. Taking the garage that is  
8 set at the front of the street right now, taking  
9 that away and putting in a residential building, I  
10 think that that also therefore promotes the purposes  
11 of the zone plan.

12 In terms of the other benefits of this  
13 project, you have the benefit of the parking itself.  
14 The introduction of this technology helps to provide  
15 parking where really none is required and therefore  
16 reduces the demand on the street.

17 That is linked into the height variance  
18 that we are asking for because we do need the extra  
19 few feet in order to accommodate the handicapped  
20 accessibility for the van and also for the  
21 clearances for the parking, so the granting of that  
22 height variance does result in the benefit of the  
23 parking. But the project in general provides the  
24 additional benefits that I was discussing in terms  
25 of the rear yard.

1                   The project also provides  
2           family-friendly units. They are rather large. They  
3           are well below the permitted density, so this  
4           project could have seven units, which would be as of  
5           right, but wouldn't accomplish the family-friendly  
6           aspects.

7                   The rear yard is going to be  
8           landscaped, and that also accomplishes a  
9           recommendation of the master plan in sort of  
10          creating the green space in the center and adds to  
11          the family-friendly aspects of the project, so  
12          again, those are additional benefits.

13                  So I think when you look at the height  
14          variance, you can grant it because the benefits of  
15          this project would substantially outweigh any  
16          detriment, and the issue of having to raise it is  
17          really related to what you could look at as a  
18          hardship in terms of the topography being the  
19          lowness of this property.

20                  If you look at -- in terms of the front  
21          setback, it is rather de minimis. It is three feet.  
22          I don't think it's really going to -- it is not like  
23          you are going to get that broken tooth look, where  
24          it is far back, and actually it's a significant  
25          improvement of what is there today, because today,

1 as I said, the building is all the way in the back.

2 I think in Mr. Roberts' report, he even  
3 said it is hard to see the building. So this is a  
4 substantial improvement, even though it is set back,  
5 and in fact, a portion of the building, be it just a  
6 point does meet the zero, so I think we are meeting  
7 the intent of the zone plan in that regard. So I  
8 think you can grant that front yard variance because  
9 in this case, too, I think the benefits outweigh the  
10 detriments.

11 The benefit also being you get a more  
12 interesting facade, rather than having just a flat  
13 facade throughout the whole thing, by granting the  
14 variance, you are able to have some depth and play  
15 and shadow and light, and I think that that is an  
16 improvement. So, again, you have the benefits  
17 outweighing the detriments.

18 Certainly there is no substantial  
19 detriment to the zone plan. We actually are  
20 promoting the purposes of the R-2 zone, and no  
21 substantial detriment to the general welfare. We  
22 have a building in a residential zone. We will have  
23 the same kind of impacts to the environment as any  
24 other residential use on this block. It is  
25 providing more parking than is required, which is a

1 benefit, so there is no substantial detriment to the  
2 general welfare either.

3 MR. MATULE: Okay.

4 CHAIRMAN HOLTZMAN: Thank you.

5 Dave?

6 MR. ROBERTS: Just that this is I guess  
7 partially a question for you and then I'm possibly  
8 just sharing an additional purpose of zoning, of the  
9 Hoboken zoning, regarding building facades in  
10 Section 27.3. The purpose here, which I imagine you  
11 have probably seen a number of times --

12 THE WITNESS: Yes.

13 MR. ROBERTS: -- and it references the  
14 "Hoboken look" in quotes --

15 THE WITNESS: Yes.

16 MR. ROBERTS: -- and it references  
17 stoops, fences, bay windows, projecting cornices, et  
18 cetera. And I think that -- I guess the question  
19 would be, and I wanted to point that out to the  
20 Board that that is actually in the ordinance, that  
21 language. And this is a bay window that's being  
22 proposed, and the fact that the need for the  
23 variances related to being able to provide the bay  
24 window without having to encroach on the public  
25 right-of-way, I guess the question to you would be

1       whether you recognize that as a benefit.

2                   THE WITNESS:  Yes.  And actually I have  
3       used that argument when we tried to project into the  
4       public right-of-way.  But now the policy of the  
5       municipality seems to be more that they want less  
6       projections into the right-of-way, a way of  
7       accomplishing that same goal of having bays to add  
8       architectural interest.  The way of accomplishing  
9       that is to set the building back, so therefore, we  
10      can still maintain that goal of having facades with  
11      greater architectural interest and at the same time  
12      not project into the public right-of-way.

13                   MR. ROBERTS:  That is really it, Mr.  
14      Chairman.

15                   CHAIRMAN HOLTZMAN:  Commissioners, any  
16      questions for the planner?

17                   Any there questions from the public  
18      for --

19                   VICE CHAIR MAGALETTA:  I'm sorry.  
20      Actually --

21                   CHAIRMAN HOLTZMAN:  Go ahead, Mr.  
22      Magaletta.

23                   VICE CHAIR MAGALETTA:  Mr. Kolling, do  
24      we know what the height, what the proposed height of  
25      the building to the north is going to be?

1                   MR. ROBERTS: Yes. It is on the back  
2 page of your --

3                   VICE CHAIR MAGALETTA: Yeah. I can't  
4 read that, though. It is black and white. It's  
5 tough to see.

6                   MR. ROBERTS: Oh, okay. Mine's in  
7 color. It is -- this is the one that is going to be  
8 adjacent --

9                   CHAIRMAN HOLTZMAN: To the north.

10                  MR. ROBERTS: -- actually I don't have  
11 the height here, but that means they are not asking  
12 for a variance.

13                  MR. MATULE: I can try to get an answer  
14 for that.

15                  CHAIRMAN HOLTZMAN: Mr. Doyle?

16                  COMMISSIONER DOYLE: I am wondering why  
17 we are considering why it is relevant to think about  
18 an application that is -- that we have not heard  
19 yet. I mean, if we know that, I think it is  
20 irrelevant, because we don't know that the building  
21 will ever be built, and we have not heard the  
22 application, so I question why we are even --

23                  VICE CHAIR MAGALETTA: Because I want  
24 to see how it fits into the neighborhood --

25                  COMMISSIONER DOYLE: But it may or may

1 not --

2 VICE CHAIR MAGALETTA: -- and I think  
3 by the way -- by the way --

4 COMMISSIONER DOYLE: -- ever be  
5 built --

6 VICE CHAIR MAGALETTA: -- it might not  
7 ever be built, but if we have an idea what it is,  
8 let's find out what it is.

9 And by the way, I think the idea of a  
10 hardship, I think it has bearing in this situation  
11 because it is low lying, but I still want to see in  
12 context what it looks like.

13 CHAIRMAN HOLTZMAN: Right, and --

14 THE WITNESS: I would point out that of  
15 the existing buildings, this block is very eclectic,  
16 and there are a lot of older one-story things that  
17 we know are not going to be there --

18 VICE CHAIR MAGALETTA: On that side.

19 THE WITNESS: -- directly behind this  
20 property, adjacent to it, are buildings that are  
21 five stories in height, and directly across the  
22 street there are buildings that are five stories in  
23 height.

24 So although we are asking for a  
25 variance, and this building will result in being

1 five stories including the parking, we are not out  
2 of context. There are multiple building immediately  
3 adjacent or directly across the street that are the  
4 same height, so I don't think that we are out of  
5 character with what is existing.

6 VICE CHAIR MAGALETTA: And I think you  
7 are right. I just wanted to see what the facts are  
8 and get it on the record. And I think across the  
9 street, you say it is five stories, I think that  
10 that helps your case. I agree, but I just want to  
11 know what it is.

12 MR. MATULE: If I can --

13 CHAIRMAN HOLTZMAN: Mr. Matule?

14 MR. MATULE: -- just to try to answer  
15 your question, I am looking at the planner's report  
16 for that project --

17 CHAIRMAN HOLTZMAN: Got to get you a  
18 bigger phone there, Bob.

19 (Laughter)

20 MR. MATULE: Yeah. There is no request  
21 for a height variance.

22 There's a request for a rear yard depth  
23 and for lot coverage. Those are the only two  
24 variances being requested.

25 MR. ROBERTS: Which is on the back

1 page.

2 CHAIRMAN HOLTZMAN: And I think just to  
3 reiterate, the main reason for the trigger for the  
4 additional three feet is due to making the grade  
5 level, ADA compliant, so that starts the first  
6 residential floor at a certain height.

7 MR. MATULE: Right.

8 THE WITNESS: And ADA accessibility I  
9 think is beneficial as well.

10 COMMISSIONER DOYLE: Just one question.

11 Is it your opinion that the fact that  
12 it is a 50 foot wide lot rather than a 25 foot wide  
13 lot would make the three foot variance setback less  
14 objectionable?

15 CHAIRMAN HOLTZMAN: Three foot variance  
16 setback --

17 THE WITNESS: It's --

18 CHAIRMAN HOLTZMAN: -- wait, wait,  
19 wait. I just want to make sure.

20 Which one, the setting back from the  
21 lot line or the height?

22 COMMISSIONER DOYLE: From the front lot  
23 line is what I meant.

24 CHAIRMAN HOLTZMAN: Okay.

25 THE WITNESS: It is a little more

1 subtle, because if you had just pointed out 25 feet,  
2 you have right here, and then right back. In this  
3 case you would be out to the street line, and have  
4 the greater length, two lots before you came back  
5 out, so it is a little more subtle in terms of how  
6 it goes in and out on the street scape.

7 CHAIRMAN HOLTZMAN: Commissioners, any  
8 other questions for the planner?

9 Are there any members of the public  
10 that have any questions for the planner?

11 Okay. Great.

12 Mr. Matule, anyone else?

13 MR. MATULE: Those are all of my  
14 witnesses.

15 VICE CHAIR MAGALETTA: Can I ask Mr.  
16 Levine a question?

17 MR. MATULE: Sure.

18 CHAIRMAN HOLTZMAN: Yeah, we are going  
19 to do that.

20 MR. MATULE: Lee, a little redirect.

21 L E E L E V I N E, having been previously sworn,  
22 testified as follows:

23 VICE CHAIR MAGALETTA: Yeah, sorry.

24 (Laughter)

25 The bulkhead for the elevator, from the

1 plans it looks like it is pretty far set back.

2 MR. LEVINE: It is.

3 VICE CHAIR MAGALETTA: From the street  
4 level across the street, can you see anything above  
5 the roof line, any bulkheads or anything?

6 CHAIRMAN HOLTZMAN: Mr. Levine, can you  
7 bring up your front elevation, a nice colored  
8 version?

9 THE WITNESS: I want to look.

10 CHAIRMAN HOLTZMAN: Do we know, is this  
11 like actually a correct perspective from across the  
12 street that at this point -- I know that we have  
13 seen calculations on it in the past, and I don't  
14 know if this was just visual or if it's an actual  
15 calculation that if I'm standing across the  
16 street --

17 THE WITNESS: No. This is done  
18 standing across the street slightly north --

19 CHAIRMAN HOLTZMAN: I can't see the  
20 bulkhead?

21 THE WITNESS: That's correct.

22 If I may --

23 MR. MATULE: You answered the question.

24 CHAIRMAN HOLTZMAN: You answered the  
25 question.

1 (Laughter)

2 VICE CHAIR MAGALETTA: Well done.

3 Thank you.

4 CHAIRMAN HOLTZMAN: Anything else,  
5 Frank?

6 VICE CHAIR MAGALETTA: That is it.  
7 Thank you.

8 CHAIRMAN HOLTZMAN: Okay. Any  
9 concluding remarks or anything, Mr. Matule?

10 MR. MATULE: Are we going to have  
11 public comment? I usually make my concluding  
12 remarks after that.

13 CHAIRMAN HOLTZMAN: Sure. I didn't  
14 know if you had anything else for us.

15 Sure. We will open it up to the public  
16 for opinions now at this point. It could be  
17 questions, comments or opinions.

18 Come up.

19 MS. LAWRENCE: I would just --

20 CHAIRMAN HOLTZMAN: Sure. Just come on  
21 up again.

22 MS. LAWRENCE: -- sorry -- Susan  
23 Lawrence --

24 MR. GALVIN: Now you have to raise your  
25 right hand.

1 MS. LAWRENCE: Really?

2 MR. GALVIN: Yes.

3 MS. LAWRENCE: No.

4 (Laughter)

5 CHAIRMAN HOLTZMAN: Really.

6 I'm just swearing you in.

7 MR. GALVIN: Do you swear or affirm the  
8 testimony you are about to give in this matter is  
9 the truth, the whole truth, and nothing but the  
10 truth?

11 MS. LAWRENCE: I do.

12 MR. GALVIN: Thank you.

13 CHAIRMAN HOLTZMAN: You are again?

14 MS. LAWRENCE: Susan Lawrence, 716  
15 Jefferson Street, the property to the south adjacent  
16 to the building.

17 CHAIRMAN HOLTZMAN: Great.

18 Thank you.

19 MS. LAWRENCE: And I came to support  
20 them. It has been a long time, you know, looking at  
21 that property next door, and I am very excited about  
22 having a new building, and it is going to change the  
23 whole face of the street and the next property, too.

24 I would -- I just wanted to say one  
25 thing, though. We all got flooded by Sandy, and I

1 did try to -- my property has a little driveway area  
2 and a little gated area where I keep my trash cans  
3 and stuff in front of my house.

4 So my architect, after Sandy, because I  
5 had to gut the front of my house, put in helical  
6 pilings, and he wanted to elevate my kitchen. So we  
7 applied to have an extension to the back of the  
8 house, and at that time we were told that the front  
9 of my building, I was already encroaching, and that  
10 was part of my 47 percent coverage, and I couldn't  
11 add on a kitchen because I was only allowed to do  
12 ten feet across the width of my house in the back,  
13 and I had to build a staircase up like three feet to  
14 get to elevation to even build this for my property.

15 So my point is: I was told I was  
16 encroaching, and that that was part of mine -- so if  
17 I am encroaching already, I think that looks  
18 beautiful, and I hate to have to see them move it  
19 back because of something, and I am already  
20 encroaching.

21 Do you understand?

22 CHAIRMAN HOLTZMAN: I think so.

23 MS. LAWRENCE: Okay. So the precedence  
24 is I am encroaching, I was told I was definitely  
25 encroaching --

1                   CHAIRMAN HOLTZMAN: Yes. Lots of us  
2 are, so --

3                   (Laughter)

4                   MS. LAWRENCE: -- and on the ground  
5 level, not above.

6                   That's all.

7                   CHAIRMAN HOLTZMAN: All right. It  
8 sounds like you are supportive of the project.

9                   MS. LAWRENCE: I'm very supportive.

10                  CHAIRMAN HOLTZMAN: Great.

11                  Are there any other members of the  
12 public that have sat through this and want to say  
13 anything?

14                  CHAIRMAN HOLTZMAN: Sure. There you  
15 go. We'll draw you out.

16                  (Laughter)

17                  MR. GALVIN: Wait a minute. Raise your  
18 right hand.

19                  Do you swear or affirm the testimony  
20 you are about to give in this matter is the truth,  
21 the whole truth, and nothing but the truth?

22                  MR. TURNER: Yes.

23                  MR. GALVIN: State your full name.

24                  MR. TURNER: Clint Turner at 711  
25 Jefferson Street.

1 MR. GALVIN: Spell your last name.

2 MR. TURNER: T-u-r-n-e-r.

3 MR. GALVIN: Thank you.

4 MR. TURNER: And I think I agree with  
5 Susan. I mean, if you are going to have a bay  
6 window, and then it's going to get set back, it's  
7 like what is the point of the bay window?

8 You are going to be looking around the  
9 corners of the buildings next to you, so I mean, the  
10 encroachment doesn't bother me.

11 Does it bother you?

12 No, never mind.

13 (Laughter)

14 CHAIRMAN HOLTZMAN: She is staying out  
15 of it.

16 UNIDENTIFIED VOICE: Yes.

17 CHAIRMAN HOLTZMAN: Thanks for your  
18 comments. I certainly appreciate them, and  
19 hopefully the Councilman can take it back to his  
20 Council colleagues on the next time they have a  
21 right-of-way license to take a look at.

22 Okay. We will close the public  
23 portion, if there is nobody else.

24 Mr. Matule, any additional comments?

25 MR. MATULE: Yes, just a couple of

1       brief remarks.

2                   I believe this is, despite how much  
3       time we have spent on the bay issue, a pretty  
4       straightforward application. We are putting four  
5       residential units where the code allows seven. They  
6       are very large family-friendly units.

7                   The parking situation is quite unique.  
8       I think it is really an avant garde kind of thing.

9                   THE REPORTER: It's a what?

10                  MR. MATULE: It's very forward  
11       thinking.

12                  MR. GALVIN: You got to know French for  
13       this.

14                  (Laughter)

15                  MR. MATULE: I know of one application  
16       where it was done, it was on a lot less than 50 feet  
17       wide, and that is what was driving it as opposed to  
18       the typical 50 foot wide lot, where you have a  
19       parking layout, so I mean, I think hopelessly this  
20       will be a harbinger for other developers in town.

21                  The variance for the three and a half  
22       feet of height I think is pretty self-explanatory,  
23       if you get head clearance for the handicapped van.

24                  The front yard setback, you know,  
25       again, I think it will work out esthetically very

1           nicely and take a little heat off Commissioner  
2           Forbes and Commissioner Doyle.

3                           (Laughter)

4                           We are removing a substantially  
5           nonconforming situation there. We are removing  
6           substantial impervious coverage and replacing it  
7           with pervious coverage. We are going to two times  
8           the required stormwater detention, where right now  
9           they have none.

10                          I believe we are putting a couple of  
11           street trees out there, and esthetically it's a very  
12           attractive building, and I think it is a win-win for  
13           everybody.

14                          CHAIRMAN HOLTZMAN: Commissioners, any  
15           additional questions, comments or anything else?

16                          Dennis does have conditions, so let's  
17           read them and see where we are.

18                          MR. GALVIN: 1: If the applicant does  
19           not have the Riparian rights, it must obtain the  
20           grant from the State.

21                          2: The rear yard patio is to utilize  
22           Azek permeable pavers or other similar pervious type  
23           of paver.

24                          3: The plan is to be revised to move  
25           the building back to show the bays will now be

1 within the property line and will adjust the size of  
2 the building to ensure that the building coverage  
3 will not exceed 60 percent lot coverage with a  
4 conforming rear yard setback.

5 4: There is to be no encroachment into  
6 the city right-of-way.

7 5: The applicant is to supply proof of  
8 any environmental remediation and/or relevant NFA  
9 letters to the Board Engineer subject to his comment  
10 and direction.

11 6: --

12 CHAIRMAN HOLTZMAN: I think they had  
13 called out specifically something about the drain --

14 MR. MATULE: We have provided the NFA  
15 letter for tank removal already. The only thing we  
16 have to do is have our environmental consultant look  
17 at the drain situation to see if there are any  
18 issues there.

19 MR. GALVIN: And I heard there might be  
20 a potential remediation. That's why I wrote that.  
21 So if there is no remediation, then would you get an  
22 NFA for that?

23 I mean, somebody has to say there's  
24 nothing going on.

25 MR. MATULE: I suppose we would or an

1 RAO --

2 MR. O'KREPKY: RAO --

3 MR. MATULE: -- but, yeah, the point is  
4 if the drain is hooked up to the city sewer system  
5 and we determine that, then that's the end of the  
6 issue --

7 MR. GALVIN: Or an RAO letter.

8 MR. MATULE: -- yes.

9 MR. GALVIN: Got it.

10 6: Regarding stormwater runoff and its  
11 management --

12 MR. O'KREPKY: I'm sorry. What was the  
13 last one?

14 MR. GALVIN: Regarding stormwater  
15 runoff and its management, the applicant agreed to  
16 retain twice the required minimums of the North  
17 Hudson Sewer Authority for the two, the ten and the  
18 100-year storms.

19 The Board Engineer is to confirm that  
20 the plan meets the higher standard, which we think  
21 we have already done, but better safe than sorry.

22 7: The applicant will comply with the  
23 Flood Plain Administrator's comments.

24 8: The applicant agreed to comply with  
25 the reports of the Board's professionals.

1                   9: There will be no runoff from the  
2 roof of this building onto the building to the  
3 south.

4                   10: The applicant is to record a deed  
5 restriction ensuring that the owner or any  
6 condominium association will maintain the green roof  
7 as shown on the plan for the life of the building.

8                   Deed restrictions to be reviewed and  
9 approved by the Board's Attorney prior to being  
10 recorded, and it must be recorded prior to the  
11 issuance of the first certificate of zoning  
12 compliance.

13                   CHAIRMAN HOLTZMAN: You had an issue in  
14 condition number nine, which said there was no  
15 runoff from the roof of this building onto the  
16 building of the building to the south.

17                   Do we need to say that there needs to  
18 be an acknowledgement that they will obviously need  
19 to do some action to secure the person's building in  
20 whatever types of flashing or waterproofing are  
21 necessary?

22                   MR. GALVIN: No, because there are two  
23 things going on. Every single building we have,  
24 people are always worried about the construction  
25 affecting the building to the left and right, and

1 that's beyond what we do, but in every situation --

2 MR. MATULE: The code requires it, yes,  
3 I guess the building department requires it.

4 CHAIRMAN HOLTZMAN: I just want to -- I  
5 am looking to assure the person that came out that  
6 has a neighboring property, that the right thing is  
7 going to get done, so how does she know that the  
8 right thing gets done?

9 MR. GALVIN: And the other thing is  
10 that you're never allowed -- the preexisting runoff  
11 is not allowed to exceed -- the post building runoff  
12 is not allowed to exceed the preexisting runoff.

13 CHAIRMAN HOLTZMAN: So concurrently  
14 there is nothing because there's no building next to  
15 her.

16 MR. MATULE: As far as I know, other  
17 than what falls in the backyard, everything that  
18 falls on our roof is being captured and put into our  
19 detention system either via the green roof or  
20 whatever.

21 CHAIRMAN HOLTZMAN: Right. So that is  
22 not her potential problem.

23 Her potential problem is that there is  
24 now a building up against her building and what  
25 water even from roofs potentially on her building

1 that used to fall into the parking lot --

2 MR. MATULE: It used to fall onto our  
3 property.

4 CHAIRMAN HOLTZMAN: That is right.

5 (Laughter)

6 Now we are going to be, you know,  
7 potentially dammed up on a roof because you got a  
8 wall sitting next to her building.

9 MR. MATULE: Well, I would think, I  
10 mean, I could have the architect talk to that, but I  
11 would think her roof has a pitch and water that goes  
12 on her roof runs off to scuppers or drainpipes or  
13 whatever.

14 MR. GALVIN: How about this? How about  
15 I change it a little bit?

16 The runoff from the roof of this  
17 building will not drain onto the building to the  
18 south.

19 So there will be no situation, do we  
20 want you to like, the storm is done, and you have a  
21 little bit of rain, and it's just going to roll onto  
22 her roof. We want to direct it elsewhere.

23 MR. MATULE: We are fine with that  
24 condition.

25 CHAIRMAN HOLTZMAN: Okay.

1                   Anything else, Commissioners?

2                   Any issues with any of the conditions?

3                   Any additions or subtractions?

4                   VICE CHAIR MAGALETTA: Did you talk  
5                   about the deed consolidation of the two lots?

6                   MR. GALVIN: No.

7                   VICE CHAIR MAGALETTA: Please put that  
8                   in. I know you are going to do it anyway, but it's  
9                   in there.

10                  MR. GALVIN: No. I should have  
11                  included it, sorry.

12                  MR. MATULE: We could do that with our  
13                  deed restriction, kill two birds with one stone.

14                  MR. GALVIN: If you want to, I am okay  
15                  with that. I wasn't going to look at the deed of  
16                  consolidation -- have agreed to --

17                  CHAIRMAN HOLTZMAN: So obviously, Mr.  
18                  Matule, they will need to put together some revised  
19                  plans showing the positioning of the building and  
20                  all of those items or issues that you will need to  
21                  get to our team.

22                  MR. MATULE: Yes. We will get those to  
23                  your Board professionals in plenty of time for them  
24                  to review them and satisfy themselves that we've  
25                  made the necessary changes to coincide with what has

1       been represented here tonight before the Board puts  
2       us on the agenda for memorialization.

3                   CHAIRMAN HOLTZMAN:   Great.

4                   MR. GALVIN:   I just added that prior to  
5       memorialization.

6                   MR. MATULE:   Yes.   We will get them at  
7       least ten days before whatever hearing date that is.

8                   MR. GALVIN:   And what are the two --  
9       because I have a feeling this is going to come up,  
10      the deed of consolidation consolidating both lots.

11                   Okay.   What lots?   Block and lot what?

12                   MS. CARCONE:   25 and 26.

13                   MR. MATULE:   Lots 25 and 26.

14                   MR. GALVIN:   Okay.   Thank you.

15                   MR. MATULE:   I mean, they're just still  
16      going to be Lots 25 and 26, but the metes and bounds  
17      description will be for 50 foot wide --

18                   MR. GALVIN:   The applicant agreed to  
19      file a deed of consolidation consolidating both Lots  
20      25 and 26 in Block 83.

21                   CHAIRMAN HOLTZMAN:   Great.

22                   So is there a motion to accept the  
23      conditions, the 11 conditions as read by Dennis?

24                   COMMISSIONER MC KENZIE:   So move.

25                   CHAIRMAN HOLTZMAN:   There's a motion

1 from Caleb.

2 Is there a second?

3 COMMISSIONER FORBES: Second.

4 CHAIRMAN HOLTZMAN: Second from  
5 Director Forbes.

6 MS. CARCONE: Commissioner Magaletta?

7 VICE CHAIR MAGALETTA: I think that the  
8 application --

9 (Pipes making loud noises)

10 VICE CHAIR MAGALETTA: -- no, that's  
11 fine -- the application -- I know it sounds like  
12 we're falling apart here -- I think you satisfied  
13 the hardship of the variance --

14 MR. GALVIN: Somebody flushed the  
15 toilet.

16 (Laughter)

17 VICE CHAIR MAGALETTA: Oh, yes.

18 CHAIRMAN HOLTZMAN: Great.

19 COMMISSIONER DOYLE: Is this just on  
20 the conditions or is this on the application?

21 MR. GALVIN: On the application.

22 CHAIRMAN HOLTZMAN: This is on the  
23 application.

24 VICE CHAIR MAGALETTA: The application.

25 CHAIRMAN HOLTZMAN: Did you have

1 something?

2 COMMISSIONER DOYLE: I just wanted to  
3 make sure what we were voting on.

4 VICE CHAIR MAGALETTA: The application  
5 with conditions, and I vote yes.

6 CHAIRMAN HOLTZMAN: Yes. Okay.

7 MS. CARCONE: Commissioner Stratton?

8 COMMISSIONER STRATTON: Yes.

9 MS. CARCONE: Commissioner Forbes?

10 COMMISSIONER FORBES: Yes.

11 MS. CARCONE: Commissioner Doyle?

12 COMMISSIONER DOYLE: Yes.

13 MS. CARCONE: Commissioner Mc Kenzie?

14 COMMISSIONER MC KENZIE: Yes.

15 MS. CARCONE: Commissioner O'Connor?

16 COMMISSIONER O'CONNOR: Yes.

17 MS. CARCONE: Commissioner Holtzman?

18 CHAIRMAN HOLTZMAN: Yes.

19 Great. Thank you.

20 MR. MATULE: Thank you very much and  
21 thank you for your time.

22 CHAIRMAN HOLTZMAN: Is there any other  
23 business for the Board this evening?

24 COMMISSIONER FORBES: Motion to  
25 adjourn.

1 CHAIRMAN HOLTZMAN: Motion to adjourn.

2 COMMISSIONER MC KENZIE: Motion.

3 CHAIRMAN HOLTZMAN: Second?

4 COMMISSIONER FORBES: Second.

5 CHAIRMAN HOLTZMAN: All in favor?

6 (All members voted in the affirmative.)

7 (The meeting concluded at nine p.m.)

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C E R T I F I C A T E

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3 I, PHYLLIS T. LEWIS, a Certified Court

4 Reporter, Certified Realtime Court Reporter, and

5 Notary Public of the State of New Jersey, do hereby

6 certify that the foregoing is a true and accurate

7 transcript of the proceedings as taken

8 stenographically by and before me at the time, place

9 and date hereinbefore set forth.

10

11 I DO FURTHER CERTIFY that I am neither

12 a relative nor employee nor attorney nor counsel to

13 any of the parties to this action, and that I am

14 neither a relative nor employee of such attorney or

15 counsel, and that I am not financially interested in

16 the action.

17

18 s/Phyllis T. Lewis, CCR, CRCR

19 - - - - -

20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300

21 Notary Public of the State of New Jersey

22 My commission expires 11/5/2020.

23 Dated: 3/4/16

24 This transcript was prepared in accordance with

25 NJAC 13:43-5.9.