

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

RE: MOTION CALLED TO ORDER,
OPEN PUBLIC MEETING STATEMENT,
ROLL CALL & FLAG SALUTE,
RESOLUTIONS,
AMERICAN LEGION POST, 308 SECOND
STREET;
50 HARRISON STREET,
BOARD BUSINESS, ADJOURNMENT.

MARCH 15, 2016

7:00 p.m.

HELD AT: 94 WASHINGTON STREET
HOBOKEN, NEW JERSEY

B E F O R E:

Chairman James Aibel
Vice Chairman Branciforte
Commissioner Phil Cohen
Commissioner Dan Weaver
Commissioner Carol Marsh
Commissioner Edward McBride
Commissioner Cory Johnson
Commissioner Owen McAnuff
Commissioner Antonio Grana

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

Paul J. Winters P.E., C.M.E.

Eileen Banyra, AICP/PP, LLA, RLA

Patricia Carcone, Board Secretary

THERESA L. CARIDDI TIERNAN
CERTIFIED COURT REPORTER

146 LINDBERGH PARKWAY
WALDWICK, NEW JERSEY 07463
(201) 925-7474

APPEARANCES:

JIM BURKE, ESQ.,
Attorney for the Board.

I N D E X

AGENDA ITEMS	PAGE
RESOLUTIONS	7
AMERICAN LEGION POST - 308 SECOND STREET	11
50 HARRISON STREET	100

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENT</u>
NO EXHIBITS WERE MARKED.		

CHAIRMAN AIBEL: Good evening,
everyone. I would like to advise all those present
that notice of the meeting has been provided to the
public in accordance with the provisions of the
Open Public Meetings Act, and that notice was
published in the Jersey Journal and city web site.
Copies were provided in the Star Ledger, The Record
and also placed on the bulletin board in the lobby
of city hall. And if you'll join me for the flag
salute.

(Pledge of Allegiance at this time.)

CHAIRMAN AIBEL: Good evening,
everyone. we're at a regular meeting of the
Zoning Board of Adjustment, March 15th. Pat, will
you do a roll call?

MS. CARCONE: Commissioner Aibel.

CHAIRMAN AIBEL: Here.

MS. CARCONE: Commissioner
Branciforte.

VICE-CHAIRMAN BRANCIFORTE: Here.

MS. CARCONE: Commissioner Cohen.

COMMISSIONER COHEN: Here.

MS. CARCONE: Commissioner Grana.

COMMISSIONER GRANA: Here.

MS. CARCONE: Commissioner Marsh.

COMMISSIONER MARSH: Here.

MS. CARCONE: Commissioner Murphy is

absent.

Commissioner McAnuff.

COMMISSIONER MCANUFF: Here.

MS. CARCONE: Commissioner Weaver.

COMMISSIONER WEAVER: Here.

MS. CARCONE: Commissioner McBride.

COMMISSIONER MCBRIDE: Here.

MS. CARCONE: Commissioner Johnson.

COMMISSIONER JOHNSON: Here.

MS. CARCONE: And Commissioner

Degraff is absent.

CHAIRMAN AIBEL: Great, thanks.

And we'll do a couple of quick pieces of administrative business, and while counsel is getting ready, we have circulated the annual reports for 2014 and 2015, they are in draft. So I encourage the Board Members to review them, provide comments to Miss Banyra, if you have any, and we will move to approve them in our next meeting.

We have three resolutions of approval, starting with 7577 Madison.

MS. CARCONE: Okay. Voting on 7577 Madison are John Branciforte, Phil Cohen, Antonio Grana, Carol Marsh, Diane Murphy, Owen McAnuff and Jim Aibel.

I need a motion to approve.

COMMISSIONER GRANA: Just clarify,
it's a motion for approval?

MS. CARCONE: This is a motion to
approve.

COMMISSIONER GRANA: Motion to
approve 7577 Madison.

COMMISSIONER COHEN: Second. Go
ahead.

MS. CARCONE: I'm sorry, I'm on the
wrong page. Grana. And who was the second?

VICE-CHAIRMAN BRANCIFORTE: Phil is.

COMMISSIONER GRANA: Phil.

MS. CARCONE: Phil Cohen.

Okay.

Commissioner Branciforte.

VICE-CHAIRMAN BRANCIFORTE: Yes.

MS. CARCONE: Commissioner Cohen.

COMMISSIONER COHEN: Yes.

MS. CARCONE: Commissioner Grana.

COMMISSIONER GRANA: Yes.

MS. CARCONE: Commissioner Marsh.

COMMISSIONER MARSH: Yes.

MS. CARCONE: Commission McAnuff.

COMMISSIONER MCANUFF: Yes.

MS. CARCONE: Commission Aibel.

CHAIRMAN AIBEL: Yes.

Thanks, Pat.

MS. CARCONE: Second, it is 76
Madison.

Voting are -- this is also a resolution
to approve. Voting is Chairman Aibel,
Commissioner Branciforte, Commissioner Cohen,
Commissioner Grana, Commissioner Marsh and
Commissioner McAnuff.

I need a motion to approve.

VICE-CHAIRMAN BRANCIFORTE: Motion
to approve.

COMMISSIONER GRANA: Second.

MS. CARCONE: Commissioner
Branciforte.

VICE-CHAIRMAN BRANCIFORTE: Yes.

MS. CARCONE: Commissioner Cohen.

COMMISSIONER COHEN: Yes.

MS. CARCONE: Commissioner Grana.

COMMISSIONER GRANA: Yes.

MS. CARCONE: Commissioner Marsh.

COMMISSIONER MARSH: Yes.

MS. CARCONE: Commissioner McAnuff.

COMMISSIONER MCANUFF: Yes.

MS. CARCONE: Commissioner Aibel.

CHAIRMAN AIBEL: Yes. Sorry,
thanks.

MS. CARCONE: And the last less
resolution to approve is 604-606 Bloomfield.

Voting are Commissioner Grana,
Commissioner Weaver, Commissioner McBride, and
that's it.

Do I need a motion to approve?

COMMISSIONER WEAVER: Motion to
approve.

COMMISSIONER GRANA: Second.

MS. CARCONE: Okay. Commissioner
Grana.

COMMISSIONER GRANA: Yes.

MS. CARCONE: Commissioner Weaver.

COMMISSIONER WEAVER: Yes.

MS. CARCONE: Commissioner McBride.

COMMISSIONER MCBRIDE: Yes.

MS. CARCONE: That's it.

CHAIRMAN AIBEL: Okay. Great.

I think we're ready to proceed.

(Board agenda items heard at 7:16 p.m. and ended
at 10:59 p.m.)

CHAIRMAN AIBEL: Motion to adjourn.

COMMISSIONER MCANUFF: Motion to
adjourn.

COMMISSIONER WEAVER: Second.

CHAIRMAN AIBEL: All in favor?

(Voice vote taken at this time.)

(Concluded at 10:59 p.m.)

CERTIFICATE OF OFFICER

I, THERESA L. TIERNAN, A Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and correct transcript of the proceedings as taken stenographically by and before me at the time, place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

THERESA L. CARIDDI TIERNAN
Notary Public of the State of New Jersey
C.C.R. License No. XI01210

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

BOARD AGENDA ITEM:

AMERICAN LEGION POST 170
308 SECOND STREET
CASE NO. HOZ-16
BLOCK 43, LOT 4, 34 (PART OF)
and 35 (PART OF)

MARCH 15, 2016

7:16 p.m.

HELD AT: 94 WASHINGTON STREET
HOBOKEN, NEW JERSEY

B E F O R E:

Chairman James Aibel
Vice Chairman Branciforte
Commissioner Phil Cohen
Commissioner Dan Weaver
Commissioner Carol Marsh
Commissioner Edward McBride
Commissioner Cory Johnson
Commissioner Owen McAnuff
Commissioner Antonio Grana

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

Paul J. Winters P.E., C.M.E.

Eileen Banyra, AICP/PP, LLA, RLA

Patricia Carcone, Board Secretary

THERESA L. CARIDDI TIERNAN
CERTIFIED COURT REPORTER
146 LINDBERGH PARKWAY
WALDWICK, NEW JERSEY 07463

(201) 925-7474

APPEARANCES:

DENNIS GALVIN, ESQ.,
Attorney for the Board.

JAMES BURKE, ESQ.,
Attorney for the Applicant.

I N D E X

WITNESS	DIRECT
STEVEN SCHOCK	13
LOUS ZUEGNER	36
MARK VILLAMAR	72
FATHER WARREN HALL	79
MARVIN KRIEGER	81
RAJ MUKHERJI	83
LAURA COLLINS	88

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENT</u>
A-1	PLANS	20
A-2	RENDERING	21
A-3	SIGNAGE	36

CHAIRMAN AIBEL: We're going to reverse the order on the agenda. We're going to start with the American Legion Post, that's 308 Second Street, and then turn to 50 Harrison.

Before we get started and Mr. Burke makes his appearance. Counsel.

MR. GALVIN: Yeah. Good evening, Board Members.

One of the things I want to do more with you is to educate you on what to do and how to decide cases. We've just been too busy for me to take the time to do it, and before we launch into this first case, I thought it was a good opportunity for me to take, like, two minutes, I promise I won't take longer than that, to talk to you about inherently beneficial uses.

Inherently beneficial uses are uses that are so beneficial to society that we say, Hey, they're allowed in any zone, even though they're not permitted in the zone. Okay? And examples would be churches, schools, hospitals.

Now there is some discussion about sometimes if you have five hospitals in town, is one more actually an inherently beneficial use? That's a discussion -- that's an intellectual discussion, we don't have to have that tonight. But generally you get the philosophy.

Affordable housing can be an inherently beneficial use. If you're going to build something in accordance with the ordinance, and you have to set aside 10 percent of the housing in the building for that purpose, that is not an inherently beneficial use. That's a good thing, but it's not an inherently beneficial use.

If you're going to do, like, I think this next project is going to do, where you have a substantial provision for affordable housing for a particular group that needs affordable housing, I think that is an inherently beneficial use, but, you know, you have to make that -- you have to make that determination.

Now, when we have inherently beneficial uses, we decide them differently than we do a use variance. When we decide a use variance, we use the Medici standard, and the Medici standard requires a reconciliation of the Master Plan, and they have to give us the benefit to society, and they have to weigh it against the negative input -- the negative surrounding -- negatives on surrounding properties.

In an inherently beneficial use, you apply the Sica balancing. Test the Sica balancing test says, Hey, it's an inherently beneficial use.

We know it's a good thing. Therefore, the positive criteria is satisfied. You still have to satisfy the negative criteria and the fact that it was left out of the reconcilable -- not being in the zone, but we want these things. So the Court says: Try to find a why to condition it. And you try to find conditions to make it -- to make it fit.

Sometimes if there's too many conditions, that might be an indication that you can't make it fit. But what you do is you make your reasonable effort to consider the positive, the positive is granted. The negative is what's the negative impact on the property owners, if any. Then you consider the fact that it wasn't made a permitted use in the zone, and then you try to condition it so it fits.

If the benefits of that use outweigh the detriments with the conditions, you can grant it.

All right. Does anybody have any questions on inherently beneficial uses and the standard of proof?

I just thought you should know that going in. Okay, Mr. Burke.

CHAIRMAN AIBEL: And there will be a quiz the end of the session.

Thanks, Mr. Burke.

MR. BURKE: All right. Thank you, Dennis. Thank you, Mr. Chairman, and thank you Board.

This project, I think we know what it's about, and so I won't -- I'll try to be brief, but when the American Legion Post here in town was damaged by Superstorm Sandy, the city of Hoboken and the Post started to look for funding money to rebuild. They located money, but part of that money had to be dedicated towards the creation of housing for homeless veterans. So the project tonight would not only rebuild the club, but it would provide six units of housing for homeless veterans, but it wasn't enough -- to get the money to rebuild, there also had to be a funding source to allow the units to be subsidized on an ongoing basis, and that's why the number of six came up, because we were able to locate six vouchers, which would then provide the monthly funding forever more. So that's why we're asking for six units, and that's why the project is being built the way it is.

Now, lastly, this is not -- we understand the Board has to make its own decision, and we appreciate that we were able to appear tonight on an expedited basis, because the money that's available is running out, and I've been told

and, I believe it to be true, that if we cannot obtain what they would refer to as zoning approvals would be a -- what they call a threshold requirement in order to obtain this money. So, unfortunately, we have our backs against the wall, and, again, I appreciate that this was done on an expedited bases, and I thank Pat and others, Eileen, for meeting last week in order to move this along.

That being said I've got two witnesses.

MR. GALVIN: I just want to say this: Eileen Banyra and Pat did a lot to get this together for you tonight.

MR. BURKE: Absolutely, absolutely.

So with that being said, I'd like to introduce my first witness.

CHAIRMAN AIBEL: Thank you.

S T E V E N S C H O C K, being first duly sworn by the Notary, testifies as follows:

DIRECT EXAMINATION BY MR. BURKE:

MR. GALVIN: Thank you.

MR. BURKE: Steve, you've not appeared before this board, correct?

MR. SCHOCK: Not this Board.

MR. BURKE: All right. You're A licensed engineer. Why don't you -- an

architect --

MR. GALVIN: Whoa, whoa. Time out
let me jump in, I'm sorry.

MR. BURKE: Okay.

MR. GALVIN: Give me three boards
you've appeared before recently.

MR. SCHOCK: Recently? Newark,
Jersey City, Elizabeth, Camden.

MR. GALVIN: That's four, but okay.

MR. SCHOCK: I was on a roll.

MR. GALVIN: Do we accept his
credentials?

CHAIRMAN AIBEL: We do.

MR. GALVIN: All right. Mr. Schock.
Hopefully, I'll see you again.

MR. SCHOCK: Okay.

BY MR. GALVIN:

MR. GALVIN: Proceed, Steve.

MR. SCHOCK: Okay.

The project that we're talking about,
and, again, I want to reiterate the appreciation
that our entire professional team has for the City
professionals, because we received some input and
from Eileen and from others in written form and
that's been very instrumental. The exhibits
you're going to see tonight that we're going to use

are substantially the same as those that were submitted to you that you had in advance. They were dated 2/29.

Jim, you may want to hand those -- the packages out.

MR. BURKE: Yeah, this is -- these are a small reproduction of the revised plans, and because we met with Eileen last Wednesday, we could not submit them ahead of time, but these are reflective of revisions that were made as a result of that meeting. I don't --

MR. GALVIN: Mark them as a pack and we'll get that.

MR. BURKE: Do we have the markers for the exhibits?

MS. CARCONE: No, we have them here. I'll just mark them. Well, let's call this A-1, and these are revised architectural plans.

(Exhibit marked A-1 for identification.)

MS. CARCONE: What are they dated?

MR. SCHOCK: They're dated today.

MR. BURKE: Today.

MR. SCHOCK: Here. Let them have the small copy of the exhibits as well.

MR. BURKE: All right. And this I'm going to mark A-2, and this will be a copy of the rendering of the facade.

COMMISSIONER GRANA: A-2.

MR. BURKE: A-2.

VICE-CHAIRMAN BRANCIFORTE: A-2.

(Exhibit marked A-2 for identification.)

MR. SCHOCK: While those are making their way around, I'll be referring to larger versions of what you've got there in small version.

Again, they are substantially or materially the same as what was submitted on 2/29. However, in response to some of the early feedback, we believe that we've been able to address in very short order some of the planning considerations that would be beneficial to the project.

I'm going to walk you through a brief overview of the project, and then we'll go into some of the specifics of things.

Where we're at, and I'm going to refer to what is titled sheet A-2 of the package. It is the Landscaping and Ground Floor Plan. The current Legion Post sits on a relatively undersized lot. It's 20 feet wide, 75 feet deep in its entirety. The current Legion Post is one story in construction and built 100 percent property line to property line. It's a former garage type of structure. And as was stated earlier, it suffered severe damage during Hurricane Sandy. The purpose of the project at hand is to maintain the presence

of the Post here in Hoboken, here in this site, but as so many projects need to do, they need to lift up, they need to lift up above the design flood elevation.

When you lift the building up over the flood elevation that was one story, you have necessary things like stairs and elevators for handicapped accessibility, and things like that. What that means is in a building that had supported the Post at 1,500 square feet as one story, now, if we were to just stay on that property, we would have far less -- less space for the Post to conduct its operations.

Historically, another piece of historic information for the Board's consideration, is the City Council in October of 2014 adopted a resolution concerning adjacent lots 34 and 35, known as the -- basically the parking lot right on the corner of Willow and Second, and in that resolution basically it -- the city said, in support of the Post, they wanted to make this land a parking lot available for the new construction, the new Post in its location.

So there is -- and that applied literally to the entirety of the parking lot. The way that the project that we're talking about right now as presented came about was in discussions with

the city about how much of that land do we really need to do in order for the post to be elevated out of the flood zone, to maintain its -- basically its current level of operations, not to double or triple in size, but just to keep the functionality of that as it is now, and to add the six units of veterans -- the homeless veterans supportive housing. So the challenge, the challenge that the city basically threw to me was how little impact on that parking resource can we do and make those things happen?

And after studying a number of things and, obviously, we need now to have two means of egress, two stairs, and we have an elevator for it on the relatively small site, it was determined that, and just 18 feet off of the tail end of lots 34 and 35, so 18 additional feet of frontage on Second Street, and then 50 -- the 50 feet back would be necessary in order to construct the building as it's currently going to be designed. That's a relatively minimal impact, and frankly, it's the smallest impact that we could have had on this parking resource.

As a result of that, those 18 feet, that parking lot that currently today supports 16 cars, will lose only three cars. So it will still support 13 cars as a surface parking resource and

allow for the building to function properly.

So that's a little bit of the history of why we have an undersized lot and this 18-foot easement area.

Now, that easement area, originally the idea was to subdivide and give the land to this -- to the folks, apparently that for reasons attorneys understand and I don't, you can't just give away land like that, the city can't. So the plan is that the city is going to be adopting an easement to allow for those 18 feet to allow this to happen, and that easement is on final reading.

MR. BURKE: Tomorrow.

MR. SCHOCK: Tomorrow night.

MR. GALVIN: Yeah, there was a first read on March 2nd, and the second read is tomorrow night.

MR. SCHOCK: So certainly any action tonight would be contingent upon that easement ultimately going through.

So as we -- as we look at some of the bulk standards that the zoning Board has to be very concerned with, realize that some of those standards, things like the density when we get to it, things like rear yards and coverage, many of those are statistical and those statistics are driven by the desire to take only as much of that

parking lot as necessary.

For example, if we took more than that, we could have built the same building, but statistically the density could have gone away if we had more land area to put into that equation. It's still the same building, but you have more parking.

Okay. So the way this building works, it's a five-story building. The first floor is really limited to access, circulation, storage. It's a wet flood proofed concept, so it's got flood vents to allow the balance of flood water to enter the building. So all that is on the ground floor, you have an entrance vestibule, you've the trash storage area, you have a miscellaneous storage area. One of the revisions that you'll see in your handout that was not on the original plan, is there's actually a dedicated room for bike storage, so that we can have six bikes and lot storage on the ground floor. One of the other things that we've done in this version as opposed to the 2.9 version, in the 2/29 that was submitted, we had no real access to the small amount of green space or open space we have in the backyard and we were proposing basically unplanted gravel beds, allow it to drain. But what we've done now in response to discussions with Eileen and some of those

comments, we've pulled the first floor of the building back, the second floor in the building above the units above are still where they are, but we've pulled back the first floor to allow for a covered outdoor patio, and added a hallway so that the residents above, their key fob that gets them onto their residential floors can work to get them out the back door, and now there's an outdoor sitting area. It's a covered patio, and what had been a gravel bed is now a lawned area with some shrubbery plantings. So it's a much more useable pocket patio type of thing, which is very similar to what's happening in other backyards in the area.

So that's what's going on on the ground floor. One other aspect that I'm sure we're going to be talking about, the entrance door itself is slightly recessed from the street, so it's under cover of the building above, and the wall that's adjacent to the parking lot, part of that building, again, is supported on columns, and it provides for an access and -- an egress access way from the rear stair outside to Second Street, which is necessary for life safety. That's also the route that will be used for the removal of the trash from the trash holding area. What we've done as well on the current plan is we've added in between those columns, what's called a green screen or a green

wall. Perhaps you've seen some of this. It's basically a planter tray and a wire fence structure six feet high, so that it has basically living vines and greenery on it, and it is -- it is actually depicted in the color rendering that you have as well.

So while we don't have a lot of land to work with, from a landscaping standpoint, some of the recent moves in terms of the addition of the green screen, which is certainly a nice public type of softening and also planting on the back. You know, there's one street tree that we had before as well. So that's what's happening on the ground floor.

I'll refer to sheet A-3 of the revised exhibit. This is a sheet that shows the typical upper floors. The second floor, which is a first habitable floor above the flood area, that is -- that is the new operations floor of the American Legion Post. Basically, it's got a smaller meeting room in the back and a larger meeting room in the front. It's interesting, when you statistically look at the useable area that the Legion has now on their current building, again, because it's not encumbered by things like stairs and elevators, they have gross 1,500 square feet. Statistically, comparing it, the Legion will have,

maybe, a hundred square feet more than it does now. So that's a very small expansion of their physical space, useable space. However, the quality of that space is tremendously improved, A, it's up out of the flood zone; B, it now has windows. No windows in the Legion right now, but now it has 38 feet of frontage along Second Street, and it has windows to the front, and the club room to the rear also has some glazing to it. It operates very similar or lays out very similarly to the current Legion. It's got a small kitchenette, so that they can, you know, do some -- some food type of activities, but it's basically a meeting hall.

The other main room on that floor is, as you can see, is indicated as a utility room. One of the things that everybody in this town knows is no meters, no utilities, no services, no nothing on the ground floor. It's all got to be upstairs. So that is -- that is the room immediately adjacent to the second stair tower. So on the second floor is where all of the meters and fire service and utility connections would be. So that's the -- that's the second floor.

The third, fourth, and fifth floors are your residential floors. Yes, they share the same entrance door to the grade. There are controls that can be placed on the elevator

equipment so that public coming in for the Legion activities cannot access the upper floors without permission from the residents above. So there are things that we can do from an electronic control standpoint to manage the different -- the privacy needs of the residents above from the club activities of the Legion on the second floor. Each floor, basically, has two units, one to the back, one to the front. The one in the back where the property gets narrow is a studio apartment, it's 498 square feet, which is di minimus difference to the State minimum of 500 square feet, and that State minimum is set forth by New Jersey Housing Mortgage Finance Agency, and they set forth the criteria, some bulk criteria, for what they believe to be minimum standards to the development of affordable housing. So in order to bring forth the Sandy special needs affordable housing funds that Jim referred to earlier, we have to look, not only at zoning, not only at building codes, but we also have to look at the standards that were imposed by the funding sources. So in Hoboken, 500 square feet may sound like a really big studio apartment compared to some other areas, but that is, in fact, the minimum that we're allowed to for a studio apartment funded through these resources.

To the front with the wider frontage

along Second Street, we have a one-bedroom apartment, and the one-bedroom apartment is at 823 square feet, which is a bit bigger than the minimum standard by the State, and that was one of the things, in speaking with the members of the Post, one of the things we have to be cognizant of is the homeless veterans, not all will be definitely handicapped or dealing with some physical disability, but it is certainly not uncommon when serving the population of veterans that you will encounter the people that have mobility impairments, and may need assisted devices or wheelchairs. So units that go a little bit beyond the minimum, when we can, and in the case of the one bedroom, we actually could, so providing a little bit of extra circulation space in the one bedroom makes a certain amount of sense. So the typical upper floor, as I said, two units, studio to the back, one bedroom to the front. There is an area in between those which is a shared laundry. Again, we'll control access to the shared laundry. There's one on each floor, so that laundry resource is really only shared by two apartments. We don't expect there to be any conflict with that, and, again, that can be managed with a key system that we'll be putting in their. So from the way the building lays out, it's pretty simple, and in

that -- so the ground floor wet flood proofed. Second floor, the Legion Post. And then three floors above with six total units of affordable housing for homeless veterans.

Exterior, design-wise, what we've tried to do is to emphasize the vertical, because it is kind of a narrow site. A five-story building makes sense to emphasize the vertical. Also, looking at some of the things in the neighborhood, there are only two other real buildings right on this particular block, and you can see a representation of them there. While we do request a height variance, you can see that what we are ultimately winding up is pretty much right there with the adjacent building that currently exists, and the nature of that height variance has to do with the location of the -- the design flood elevation, which the lowest we could put that first occupiable floor would be like eight-and-a-half feet. Now, if we were to do that, which we technically could do, if we were to put that floor at eight-and-a-half feet, that first floor would be a very short and squat floor. And that would really not be in keeping with the massing and design of, pretty much, any of the buildings in this area. What you typically have is a taller first floor, if anything, and maybe shorter floors above. Now,

remember that the zoning ordinance calls for a minimum of 10-foot floor to floor. So four floors, 10 feet floor to floor, that's 40 feet. Forty feet is your maximum. So if we were going to take that 40 feet and raise it up to a reasonable height for the first floor, that is really how the height variance is generated, and I'm sure that that's not an uncommon situation that I'm sure has come before the Board on similar applications.

Material-wise, we have brick on the left side of the rendering, closest to the adjacent apartment building that's brick. Two colors are proposed; one is darker red, and then the other is more of a gray type of color down below. Again, that's also part of the -- a slight nod to the existing blue-gray color that is there in the Post now, and then what we have on the far corner, we're using an architectural metal panel instead of brick in that area. What that is doing is while there's no actual projecting bay, what it's doing by using material and texture is trying to evoke that sense of a full height bay window. As a result of dealing with the portions of that metal panel, there is, again, there's a statistical variance on the fenestration that requires putting 75 percent brick, and I think we're at 63 percent brick, when you actually do the calculation. Again, we

believe that to be a very minimal thing, but statistically it is necessary, and we believe that, you know, treating the facade in such a manner is beneficial.

The building's construction overall, it's still being debated whether we're going to do this out of wood frame, which is allowable by the code, or out of light frame metal, so that may be a cost consideration, however, something that of interest is that the funding sources, again, have certain standards to them, and they require construction of all affordable housing projects to go above and beyond code minimum for -- in various ways. The State of New Jersey, having just adopted new codes, we're still going to exceed those. Energy Star will require us to exceed the energy performance of the State code by at least 15 percent, so they'll keep the energy cost down low, make it a very efficient building. The State or the Housing Financing Agency also has their own green standards. So we'll be selecting materials with high recycle content and low volatile organic compounds, water saving devices, limiting on vinyls. There's also a lot of those things that go into green and sustainable design that will be fundamentally embedded throughout the building. So one of the key things that many people don't

quite understand is that affordable housing, they equate that with cheap. It's not affordable to build. It is affordable to live in. It is, in fact, quite the opposite of cheap. It is some of the highest quality residential construction you're going to find anywhere, because of these additional layers of standards they are put forth by funding sources and agencies.

The building will obviously be fully sprinklered and fire suppressed. It does have an elevator. Every one of the units is on an accessible route. Everyone one of the units is designed for full compliance with ADA and adaptability. With only six units, one of them will be fit out from day one construction with a full compliment of the grab bars and roll-under counters and things like that. However, the others will all have the necessary clearances for spaces, backup materials, so that conversion and meeting the ongoing needs of the residents in the future are easily done.

Trash is handled manually by each resident, and by the Legion, brought down the elevator to the trash room holding area on the ground floor, and then it's brought curb side on trash day.

Signage, there is an indication on

your elevation sheet, but I also ask Jim to bring this out. Let me see this.

(Exhibit marked A-3 for identification.)

MR. BURKE: I've marked that is as A-3, we just became aware of this today, a variance will not be required, and Eileen, I brought this up last week, the question about signage, but this was the signage that's being proposed. So, again, that's A-3.

MR. SCHOCK: So this is somewhat new, but it will occur between the first floor windows and the second floor windows in this area in the color rendering, that's the area kind of hidden behind the shade tree, but this is a bronze medallion with the American Legion medallion, and then the bronze brushed lettering that's affixed directly to the brick, so that qualifies as a wall sign by your ordinance, and as we said we're -- the final design will follow this template, and will be within the 25 square feet maximum that is limited in the code. So we're not seeking relief on that.

What we thought it would be a good idea to show you what the intended signage was going to be like. Okay.

Let me just quickly run through the variances, and I know that the planner --

CHAIRMAN AIBEL: Mr. Schock, I

apologize, before you go there, do you have a rendering of the rear, or are you going to take us through the rear of the building?

MR. SCHOCK: Oh, certainly. I don't have a colored rendering of the rear.

MR. GALVIN: Is Mr. Schock the planner also?

MR. BURKE: No.

MR. GALVIN: I don't want to go through the variances then.

MR. BURKE: He was going to reference them. To save time, we can just skip that.

MR. SCHOCK: Yes, the rear and side elevation are indicated on your sheet A-4. You can see the side elevation has been added with the green screen wall down below. The rear elevation has been modified to show the columns supporting the overhang of the floors and of the patio, but the sides and rears, like many sides and rears, certainly the side has to be without windows. It is on a property line it has to be able to serve as a party wall for future construction on the remainder of the lots 34 and 35, if that were ever to come to pass. And if that does come to pass, that building would not intrude with the egress pathway and service corridor that's currently hidden behind the green screen. But the rear, the

rear yard, the rear facade of lot 4, which is 20 feet, is basically showing you the windows of the studio apartment on the top three floors and similar windows with what occur in the club room for the Post on the second floor.

CHAIRMAN AIBEL: And how deep is that portion of the building? How deep is it? What is its footprint in feet?

MR. SCHOCK: That -- from the rear property line?

CHAIRMAN AIBEL: Well, from the rear property line and then the footprint of the building.

MR. SCHOCK: It is 5 feet 8 inches, I believe -- it's 5 feet 10 inches from the rear property line to the face of the building, and then from -- what's the other dimension that you're looking for --

CHAIRMAN AIBEL: The full footprint the building.

MR. SCHOCK: The full footprint of the building, well, the lot is 75 feet deep, so the building itself is 69 feet 2 inches.

CHAIRMAN AIBEL: Okay.

MR. SCHOCK: On Lot 4.

CHAIRMAN AIBEL: On the west side.

MR. SCHOCK: And on lot -- on the

easement area, which is 50 feet deep, it will take up the entire 50 feet of depth.

CHAIRMAN AIBEL: Okay, good, thanks.

MR. SCHOCK: The variances.

MR. BURKE: Hang on, Steve. At the request of counsel, to save time we'd like the planner just to go through the easements, okay?

MR. SCHOCK: Oh, okay.

MR. BURKE: I mean the variances.

MR. SCHOCK: I think that was all that -- that's a walk through the architecture, a walk through the overall project. I'm happy to answer additional questions.

CHAIRMAN AIBEL: Let me open to the Board. Antonio.

COMMISSIONER GRANA: Good evening.

MR. SCHOCK: Good evening.

COMMISSIONER GRANA: Just a couple of questions, so the lot coverage at 69 percent, you know, 69 percent where 60 is what's permitted is in the original application, but now you've reduced the actual footprint of the first floor. Does the first floor have a new lot coverage.

MR. SCHOCK: Yes --

MR. BURKE: Hang on. There was an error on the --

MR. SCHOCK: There are a couple of

aspects to that.

COMMISSIONER GRANA: Okay.

MR. SCHOCK: On your handout, on the page one, that statistic has been corrected. That's something that we worked through Eileen, in that, you know, she correctly pointed out that the lot coverage needed to include the footprint of the largest floor above, and the original statistics did not include the area that was overhung. So really what we have is 92 percent coverage on Lot 4, that's the property that currently is 100 percent coverage by the existing posts. And when you combine Lot 4 with the easement area, statistically that works out to 95 percent. Again, because the purpose of doing that was to minimize the amount of land being taken from Lots 34 and 35.

COMMISSIONER GRANA: But if I break out the easement area, it's a hundred percent lot coverage, but only on 50 feet.

MR. SCHOCK: That's correct.

COMMISSIONER GRANA: Great, great.

MR. SCHOCK: That's correct.

COMMISSIONER GRANA: My second question is I'm just looking at what we're calling A-2. So to the east of the structure is a municipal parking lot?

MR. SCHOCK: Uh-huh.

COMMISSIONER GRANA: So would he it be fair to say that there is no negative impact from this construction on the light and air affecting the parking lot?

MR. SCHOCK: That's what I would say.

COMMISSIONER GRANA: Okay.

MR. SCHOCK: But you're going to want the planner to say that, I'm sure.

So he's taking that --

COMMISSIONER GRANA: I know. The question for the planner.

From the -- from the building to the next door, these two buildings look virtually the same height.

MR. SCHOCK: That is correct. It's close.

COMMISSIONER GRANA: It's close. I'll have questions for the planner, but from a design perspective, looking at what is there and what is now, do you see any negative impact on the properties there are being built from a design perspective?

MR. SCHOCK: From a design perspective, I do not. I think it's an enhancement certainly compared to the one-story garage structure that exists now.

COMMISSIONER GRANA: Thank you.

CHAIRMAN AIBEL: Other Board Members?
Mr. Cohen?

COMMISSIONER COHEN: The white building to -- yes, that one. Are there any windows on the lot line of that building? Is that a solid wall?

MR. SCHOCK: No. The side, the current sidewall of that building, which is exposed with four stories above the flat roof of the current Legion Post, is very much like what we're proposing for the sidewall of our building. It is a, kind of, plank white stucco windowless wall.

COMMISSIONER COHEN: Thanks.

COMMISSIONER MCANUFF: Is there any consideration for use of the roof other than mechanicals?

Is there going to be any green roofs? Solar roof? Anything like that?

MR. SCHOCK: Well, the short answer is no.

COMMISSIONER MCANUFF: Okay.

MR. SCHOCK: We're not extending actual usability to the roof. Primarily, that's a cost consideration in affordable housing, and as we know this building as it is, is going to be a more costly than other forms of affordable housing

in the state, so we have to be very conscious of that.

COMMISSIONER JOHNSON: Just a question, so I did notice or I mentioned earlier that for the residents, they would have to take their garbage into, I guess, the elevator and then go downstairs.

Is there any possibility of providing like a garbage chute within the units?

MR. SCHOCK: We would -- we would tend to do a garbage chute when there is more units per floor. With only two units per floor, that's a fairly small amount to merit that kind of infrastructure, and we would also, with a garbage chute tend to do it with a compactor device, and, again, the scope of this project, really it would be inconsistent with other apartment projects of one or six years that merit the cost of the infrastructure of an actual compactor device. We've done others like this where there is manual, and certainly with an elevator, with -- nobody's really walking very far and down the corridors in order to get on the elevator. It's probably not very uncommon.

VICE-CHAIRMAN BRANCIFORTE: Sir, the elevator, tell us about the elevator, the noise it's going to degree make. How it's designed.

MR. SCHOCK: Well, the elevator is what we refer to as machine room-less elevation, which means it's got less mechanical, technical word is stuff. So there is a machine room on the second floor that is necessary for controls, but most of the mechanics ride with the cab up and down, so it's a pretty good choice in a situation like this where it may have a water sensor on the ground floor that would lift the elevator to a second floor in the event of flooding, and keep everything high and dry. It's in a masonry shaft, and it is -- let me refer to the -- from a noise standpoint, it is completely isolated from the one-bedroom apartment by corridors, so there is no direct wall linkage, and with the rear studio apartment, it is buffered from the living and sleeping area of the studio apartment by the accessible bathroom. So we'll deal with the noise and vibration in terms of construction detailing, but also from planning the unites, we placed buffering areas so that it's not going to interfere with that.

VICE-CHAIRMAN BRANCIFORTE: I was thinking more of the building next door to the west. Are they going to hear it running up and down the tower?

MR. SCHOCK: Oh, they shouldn't hear it at all. They've got -- they've got their own

party wall that exists. We're going to build a completely free-standing redundant party wall to that. So there is an isolated factor. It's not like we're going to be using the existing wall and any time of these structures for the elevator. It's going to be completely isolated.

VICE-CHAIRMAN BRANCIFORTE: Is there also a generator? Are you planning on putting a generator in?

MR. SCHOCK: The building is actually too small for us to be required to do a generator, and we're, frankly, not planning on the generator at this time.

VICE-CHAIRMAN BRANCIFORTE: Okay. That's all I had. Thanks.

CHAIRMAN AIBEL: Did you have anything?

COMMISSIONER MCBRIDE: Two questions. One, is you mentioned it's virtually the same height as the building next door. How "virtually" is it?

MR. SCHOCK: Well, we don't have an actual survey height of the building next door. We did run through -- the methodologies that we use are, you know, they're very simple ones of countering courses of brick and things like that, so we're within, I comfortably say, we're within

six to eight inches of the existing height.

COMMISSIONER MCBRIDE: Okay.

The second question is the building next door to the west doesn't cover as much of the lot if you put it up for a second.

MR. SCHOCK: This building here.

COMMISSIONER MCBRIDE: The white building, which is actually brick, I think.

MR. SCHOCK: Yeah, so it's actually ghosted out in order to highlight.

COMMISSIONER MCBRIDE: No, I got it.

But that building doesn't go back as far as the plan for this building.

MR. SCHOCK: It does not.

COMMISSIONER MCBRIDE: What's back behind that building?

MR. SCHOCK: What's back behind that building is an elevated deck, if you will, for I presume for the benefit of use of the residents of that building, there is --

MR. BURKE: I think -- excuse me, I think it's depicted on the last page of the handout.

MR. SCHOCK: So on what is labeled A-7, there is a photograph, photograph number one. It's in the lower left-hand corner of the exhibit, you can see the key map there. These photographs I took myself. I took them standing on top of the

one story Legion Post in order to do exactly as you're asking, which is to illustrate what's going on behind there. So while the building does not extend back with full coverage, you can see that it is fenced, it is nicely appointed with some furniture, but it's a deck.

COMMISSIONER MCBRIDE: Right. So my point is the five-story building is going to cover all of what your view was from the top of the current garage structure.

Is that correct?

MR. SCHOCK: The current? It will -- it will encroach on it. It won't cover it entirely, because it will extend another --

COMMISSIONER MCBRIDE: So it will be 5 feet.

MR. SCHOCK: Except for the 5 feet 10 inches, correct.

COMMISSIONER MCBRIDE: So where the cutoff, half of that, I don't know how far back that is, what's that open space now in back of that other building?

MR. SCHOCK: I believe that that is about 15 feet --

COMMISSIONER MCBRIDE: So we're going to cut off 10 feet of that, right?

MR. SCHOCK: Let me check.

COMMISSIONER MCBRIDE: 9 feet three.

MR. SCHOCK: Yes, it's labeled on it, it extends 9 feet three.

COMMISSIONER MCBRIDE: Somebody better at math than I am.

MR. SCHOCK: And, again, on the ground floor immediately adjacent to that deck, we are retreating the building back to create the covered patio for our own residents, which will be immediately adjacent and that will align with the back wall of the building down there. But you're right, the upper mass will project out the 9 feet 3 inches.

CHAIRMAN AIBEL: So are there any windows adjacent on the building to the west adjacent to the bump out, for lack of a better word, of the five-story building?

MR. SCHOCK: No. The direct answer is no, because there are no windows on that side, on that east wall.

As you can see from the photograph number one, there are windows and patio doors on the rear wall of that adjacent building, but none that face. There are some facing windows, you can see them beyond the fence there, but that is a building that is not on the immediate -- that's the next building over.

CHAIRMAN AIBEL: That's to the west.

MR. SCHOCK: Right.

CHAIRMAN AIBEL: Okay. Good.

Any other questions, Board Members?

COMMISSIONER WEAVER: I do.

CHAIRMAN AIBEL: Go ahead.

COMMISSIONER WEAVER: Is the -- we saw the signage. Is the signage going to be lit in any way?

MR. SCHOCK: No, the signage will not be illuminated.

COMMISSIONER WEAVER: And can you describe for a moment the reasoning behind bathtubs over accessible showers.

MR. SCHOCK: The reasoning behind, and quite honestly we have not yet had that discussion and that is not a fixed component of the design, we're still open to potentially using showers in some of the areas, bathrooms. I can tell you that typically on upper-story construction, if it's wood frame, there are some detailing and membrane issues that we would have to deal with for a roll-in shower, but, again, that is something that the members of the Post are certainly open to including.

COMMISSIONER WEAVER: Okay. That's it. Thank you.

CHAIRMAN AIBEL: Board Members?
Professionals?

MS. BANYRA: No, I think they've
covered all of my questions.

MR. WINTERS: I would agree.

CHAIRMAN AIBEL: Let me open it up for
the public.

Does anybody have questions for the
architect? If so, please come forward.

We are in the question -- we're in the
questioning phase.

COURT REPORTER: Could I have your
name, please?

MR. PLATT: Daniel Platt, P-L-A-T-T.
310 Second Street, the building to the west.

So just a clarity question. On the
upper mass that extends out over the second floor
deck.

MR. SCHOCK: Yes.

MR. PLATT: Is there any windows?

MR. SCHOCK: No. There are no
windows facing towards the building to the west.

MR. PLATT: Okay.

MR. SCHOCK: There are no windows on
that side of the property line at all.

MR. PLATT: Okay. And then you said
the height clarity question is 6 to 8 inches

relevant to our building height?

MR. SCHOCK: Yes. That was relative to the overall height of building.

MR. PLATT: Okay.

MR. SCHOCK: Correct. Both five-story buildings.

MR. PLATT: Thanks. No other questions.

MR. GALVIN: Thank you.

COMMISSIONER GRANA: Thank you.

CHAIRMAN AIBEL: There will be time for you to offer an opinion, if you have one, at the end.

MR. BURKE: Okay.

CHAIRMAN AIBEL: Any other questions for the architect?

VOICE: Yeah.

CHAIRMAN AIBEL: Please come forward.

COURT REPORTER: Could I have your name, please?

MR. EVERS: Michael Evers, 252 Second street.

COURT REPORTER: Could you spell your last name?

MR. EVERS: E-V-E-R-S.

There was a question about obscuring some sort of view. Is it correct to say that the

current view is of a parking lot?

MR. SCHOCK: The current view from the deck of the adjacent building?

MR. EVERS: Yes.

MR. SCHOCK: The current view from the deck of the adjacent building is a side wall of a one-story American Legion Post. That's current view.

MR. EVERS: So that's all that can be seen?

MR. SCHOCK: That's really all. You can't -- I don't believe you can actually see over the Post from the elevation on that deck right now. As I mentioned before, the Post currently occupies 100 percent, so if anything there is -- there will be more view than -- after construction, than there is now.

MR. EVERS: Okay. I see. Okay.
And I see --

MR. GALVIN: But there is stairs and there are patio areas that come out, right? I looked it on Google map, I can see --

MR. SCHOCK: Currently.

MR. GALVIN: Right. So when Mr. Evers is asking you about seeing the parking lot to the east, he's probably just -- I think he was trying to help you.

MR. SCHOCK: Right. As I'm saying,
from that deck --

MR. EVERS: So that's sort of the view
right now.

MR. SCHOCK: Well, that's the view if
you're on top of the Post, and I won't say it's a
really ugly view, but I won't stop you from saying
it.

MR. EVERS: Okay.

MR. SCHOCK: So I mean --

MR. GALVIN: Okay. I think we've
established a really ugly view, okay. Let's move
along.

MR. EVERS: Could you show me the
front of the building again?

MR. SCHOCK: Certainly.

MR. EVERS: So this building is sort
of set up so as not to really encourage folks to
congregate in front of it.

Is that correct?

MR. SCHOCK: That is correct.

MR. EVERS: And how is that
accomplished?

MR. SCHOCK: It's accomplished
by -- there is no outdoor stoops and things like
that. The main entranceway is recessed, which
from a design standpoint that gives it a certain

privacy area recessed off the fronts. And the ceiling of that overhang is -- it's got ceiling lights and illumination, so it's really not going to be the kind of place where people would be congregating if they don't want to be seen.

MR. EVERS: And in the event that that occurred anyway, there's nothing really prohibitively expensive about putting a second set of doors or gates so the people don't hang out there, correct?

MR. SCHOCK: You could -- you certainly could put --

MR. EVERS: You wouldn't have to redesign the whole space?

MR. SCHOCK: No, you would not have to redesign the whole structure.

MR. EVERS: It would just be a matter of asking the owners of the building --

MR. SCHOCK: That is correct.

MR. EVERS: -- who are citizens to modify?

MR. SCHOCK: We certainly could put an exterior gate along the property line, in line with the building above.

MR. EVERS: Okay. I have no further questions.

CHAIRMAN AIBEL: Thank you.

MR. GALVIN: Thank you.

CHAIRMAN AIBEL: Any other questions for the architect? Seeing none.

COMMISSIONER COHEN: Motion to close public portion of this witness.

COMMISSIONER MCANUFF: Second.

CHAIRMAN AIBEL: All in favor?

(Voice vote taken at this time.)

MR. BURKE: My next witness is going to wear two hats. He's a civil engineer, but he's also a planner. So if there's any questions from our -- the Board engineer, he can answer those, and he's also going to testify as the planner.

L O U I S Z U E G N E R, being first duly sworn by the Notary, testifies as follows:

DIRECT EXAMINATION BY MR. BURKE:

MR. GALVIN: All right, Mr. Zuegner, could you give me a couple of Boards, three, in, fact that you've appeared before recently.

MR. ZUEGNER: Holmdel, Edison, and Middletown.

MR. GALVIN: Okay. Survived Holmdel, have you?

MR. ZUEGNER: Well.

MR. GALVIN: Okay. Can accept his qualifications?

CHAIRMAN AIBEL: We do. Welcome to

Hoboken.

MR. GALVIN: I've served as the substitute planning board attorney.

MR. ZUEGNER: I did actually appear as an engineer before this Board, but I think it was at least 12 years ago.

MR. GALVIN: Okay.

MR. BURKE: All right. Louis, you visited the site?

MR. ZUEGNER: I have been to the site.

MR. GALVIN: Were you 12 at the time?

COMMISSIONER MCBRIDE: That's a compliment.

MR. BURKE: And you also drafted a report that was submitted to the Board?

MR. ZUEGNER: I did.

MR. BURKE: And you reviewed the revisions that were submitted as of today?

MR. ZUEGNER: Correct, reviewed the application from a planning perspective as well as the current architectural work which Mr. Shock just presented, and spoke to.

MR. BURKE: Okay, so why don't you just first give an overview of the variances that are asked and then go into your explanation as to why it can be granted.

MR. ZUEGNER: A couple of things, just

to start with. So as we discussed redevelopment of the existing building, and I think it's pretty well established that the existing building really is dwarfed in character in the neighborhood and not necessarily the most aesthetically pleasing building that's being replaced. Also, that the six residential units for the homeless veterans, I think that this location, this site, really is particularly well-suited or appropriate for what we're doing. You know, not a lot of circumstances where you can provide housing, this type of housing in a walkable community that has services and public transportation. Really makes it exceptional for this type of use and, then the fact that it's linked with the post, the American Legion Post, really is a unique benefit to allow the homeless veterans to have, really, a sense of place in connection with where they live.

And while we obviously think we have a great building here, I would state, the State has established a municipality should look favorably on affordable housing, meaning that it should look for ways to help accommodate its approval, not frustrate it, so give a little bit of leniency.

We are in the R-2 residential zone, and what we're doing here, the residential use is permitted, and then the Post, which is categorized

as a nonprofit club, is a conditionally permitted use. So we do not have a use variance, and your attorney had spoken a little bit about, sort of, standards inherently beneficial, we do have really, if it's required, we have done our best to acquire land and do other things to mitigate, and I'll go through this relief. The first would, sort of, say that we don't have to meet the Medici standard, which is this higher level enhanced quality and proof for the relief we're seeking. It really follows more closely to what's known as the Coventry Square case, which is a lesser standard of proof and really, sort of, says that the Board should find that the use continues to be appropriate despite the deviation. So while we have relief, despite that relief, is it still appropriate to do what we want to do here? I think the answer is yes. So we have two D variances wanted in our relief. The first is D-5 under the Municipal Land Use law for density. We have six dwelling units and the way your ordinance calculates density it's based on one dwelling unit for every 660 square feet of land area. Lot 4, our actual lot, is 1,500 square feet, therefore, 2.3 dwelling units. So it's permitted. We're at six. We don't have to -- and I talked about this a bit -- we don't have to show that we're particularly

suiting in order to prove the positive criteria here, but I do believe this site is particularly well-suited to this, and the deviations we're seeking don't affect that circumstance. And we are, I believe, inherently beneficial. So the veterans housing and homeless veteran housing is inherently beneficial use. It's certainly a needed use, and, therefore, the positive criteria is automatically satisfied if you find it to be an inherently beneficial use. The other D variance is for height, and Mr. Schock talked a little bit how we got into the height. The way it's defined is above the design flood elevation. Our building is at 46 feet above the design flood elevation, where 40 feet is permitted and, again, goes back to that ten feet floor to floor, and why we didn't want to cram the first floor is how we got to the 46 feet. That's sort of a unique and particular hardship based on where the design flood elevation falls. I'd say also note that height, sort of, by nature is an aesthetic element. So taking into account the neighborhood, the neighboring building, and looking at the aesthetics of the height, I think it's in keeping with the neighborhood, and I believe that that, in itself, can certainly, when you compare it to the existing building, can be shown to be a real

positive, that we've created something that's attractive and in keeping with the neighborhood.

In terms of negative criteria, for these two variances, you know, from the street side and we're looking at -- I don't know the number of this board, it's the colored rendering.

MS. CARCONE: A-2.

MR. ZUEGNER: A-2. Thank you.

I think certainly from the street side, you can see the aesthetic improvement and how it fits in with the adjoining buildings, and see that there's really not a substantial negative impact. There will be a little bit of discussion in terms how far it impacts lots from the rear, I believe this is A-7, this is a photo board Mr. Schock had presented. So in the back of this building, and the other buildings, you don't really have, sort of, a contiguous green space, its very broken up, segmented. You can see from the various different pictures, different lots around, there are different elevations, there are different decks and different pieces. The lot immediately to the west of us is actually below the existing height of the existing building, and for the most part is probably going to shadow its own building for a good part of the day. This is shown as number five, separated by a block wall from the parking

lot that yard, the back of that building probably isn't impacted at all. We're, for the most part, to the west of it. We might occupy some of it, it would take up two parking spaces by our building. And then picture 3, which is at the top, shows an elevated deck off the back. So that building, obviously, we would be relatively close to that and look at the rear yard setback, and I can talk to that a little bit. I think in terms of impacts to the rear yards, we did incorporate this patio to first floors, which I think is a true benefit, it mitigates some of that relief. And that if we looked at this building as being fully compliant, much of the impacts, if not all that you see from this building would still be there. So the impacts to these rear yards is really, from my opinion, construction in general. And I think that you can, sort of, see that the positives of what we're doing would outweigh the negatives from construction in general. And if they're increased by the relief, it's really only in minor ways. We do have some other relief under the C variance criteria from the Municipal Land Use laws, C-1 or C-2, it's a quick overview, strict application of ordinances would result in practical difficulties for this specific piece of property. And at the same time granting relief would not impair the intent of the zone plan

or zoning ordinance, nor will it be a negative impact to the public good. So C-1 is a condition uniquely affecting this specific piece of property due to size, shape, or existing conditions, and then C-2 is the flexible C where the benefits are shown to outweigh the detriments. So our items of relief are lot depth. Our -- the depth of our lot, which is Lot 4, is 75 feet where a hundred feet is required. This is an existing condition, that really can't be remedied. There's nothing we can do about that.

CHAIRMAN AIBEL: Uh-huh.

MR. ZUEGNER: Lot coverage was spoken to a bit with Mr. Schock. We're at 92 percent coverage where 60 percent is permitted. We've worked to incorporate the rear yard in terms of a patio to mitigate that to some degree at the back. You know, we've looked to acquire land to help mitigate that, although there's some negatives to acquiring more land even if the city were willing to do that. And that really to achieve what we need to do, which we believe is the real benefit, it's unavoidable to reach this lot coverage. We have a rear yard setback, much of the same vein as the lot coverage of 5 feet 10 inches, and the requirement is a little bit calculated a few different ways. So the ordinance says 30 feet or

30 percent of the coverage, 30 percent of 75 feet would be 22.5 feet. So I would say we're relieved from 22.5 feet to 5 feet 10 inches. And, again, sort of the same discussion on lot coverage. We've incorporated this rear yard patio and due to the unique sort of shape and nature of this lot and the fact that we don't have the depth, this is unavoidable.

And then the last item of relief is in terms of the facade material and Mr. Schock, I believe, described it pretty well that the ordinance requires 75 percent of the facade be masonry. We're using multiple forms of brick, but that we don't reach the 75 percent, we reach 63 percent of it that we believe that the facade still achieves the intended goal, meaning the neighborhood architectural standards.

For each of these reliefs, C item reliefs, I believe the benefit of affordable housing and the aesthetic improvements of this building outweigh any detriments from this relief.

CHAIRMAN AIBEL: And that is it?

MR. BURKE: I think there was one additional variance for parking, since there were six units --

MR. ZUEGNER: That was removed.

MR. SCHOCK: That was removed because

it's not required on the site.

MR. ZUEGNER: Site less than 50 feet.

MR. BURKE: There was a parking variance, but it's been removed.

MR. ZUEGNER: And that's revised on the exhibit.

MR. GALVIN: And I think we have got your conclusions.

MR. ZUEGNER: Do you need them?

CHAIRMAN AIBEL: No, I think you did -- you did great.

MR. ZUEGNER: Great.

CHAIRMAN AIBEL: I'd like to open it up to questions if that's okay. Questions for the planner?

COMMISSIONER WEAVER: I have a question. Just I want to put it in the proper context, what you're asking for. The building to the west, I think it's Lot 2, is that 100 percent lots coverage, do you know?

MR. ZUEGNER: This building, again, that's -- it's a little bit hard to tell, not getting into the backyard, certainly built to a certain spot in the backyard, and what that coverage is in the rear yard, I'm not certain, but there is some area that is not building at the back of that property, although it does have a high, sort

of, percentage of coverage. Then the building behind it, there's -- if we go back to the pictures, which is the raised patio in picture three off the back of our building, that does appear to be a hundred percent lot coverage. The deck is actually raised up a floor, so I would think that that actually is at a hundred percent lot coverage.

COMMISSIONER WEAVER: Okay. Thank you.

CHAIRMAN AIBEL: Anybody?
Professionals?

COMMISSIONER GRANA: Just one question, so just to clarify your last testimony. You would say that the immediately adjacent properties going to the west have at or near a hundred percent lot coverage at least on the ground floor?

MR. ZUEGNER: It has the high lot coverage. I probably would think it might need relief, it's not at a hundred percent. They do have some back guard.

COMMISSIONER GRANA: Okay. And the other property is at or near a hundred percent of the first floor.

MR. ZUEGNER: Yes, right.

COMMISSIONER GRANA: Thank you.

CHAIRMAN AIBEL: Thank you.

Professionals?

Okay. Let me open it up to the public.
Anybody have questions for the
planner?

VICE-CHAIRMAN BRANCIFORTE: Motion
to close the public portion.

COMMISSIONER MCANUFF: Second.

CHAIRMAN AIBEL: All in favor?

COMMISSIONER GRANA: Question for the
planner?

MR. GALVIN: I can't see behind the
board, though.

MR. EVERS: Michael Evers, 252 Second
Street.

MR. GALVIN: Okay. We're good.

MR. EVERS: There's been a reference
in this to the people to be living here have been
described a couple of times as homeless veterans,
so I have a question for you: Is this building
designed with a supervisory function staff on site
to look after them?

MR. ZUEGNER: I don't think that I'm
the one to actually discuss the options, but it is
supportive housing, and that the idea would be that
there would be different services that could be
provided for them and certainly the link to the
Legion Post gives them, you know, sort of, central

place and connection.

MR. EVERS: But it's not your sense that this is a building designed for people who need to be watched 24 hours a day?

MR. ZUEGNER: No.

MR. EVERS: These are people who probably -- is it safe to say that these are people who can probably go about their active daily living scales, you know, to the degree that they're physically capable?

MR. ZUEGNER: It's, sort of, in the laymen's terms, these are people who need a leg up and some assistance would hopefully reintegrate into society in terms of work and socialization and everything else.

MR. EVERS: So what we're talking about is a series of apartments for people who are capable of living in the apartments.

Is that correct?

MR. ZUEGNER: Yes.

MR. EVERS: All right. So this isn't a shelter?

MR. ZUEGNER: Absolutely not.

MR. EVERS: Okay. Thank you.

MR. GALVIN: Can we close the public portion?

CHAIRMAN AIBEL: Yeah. I think we

have closed it.

COMMISSIONER MCANUFF: Second.

CHAIRMAN AIBEL: All in favor?

(Voice vote taken this time.)

MR. GALVIN: All right. Now, I have a question because I need to understand. Mr. Zuegner, don't go away yet. Hang in there. You did good, but I want to touch something. Just give me one second.

Going forward is -- how are we administering the affordable housing units in this building?

MR. BURKE: When you say "administering --".

MR. GALVIN: Well, in a -- if we had a use variance application and we had a 10 percent set-aside --

MR. BURKE: Right.

MR. GALVIN: -- for affordable housing, we'd record a deed restriction against those units somehow, or we would do -- enter into some sort of an agreement with the city.

MR. WINTERS: Yes.

MR. GALVIN: And how do we pick -- how do the veterans get picked who go into the --

MR. BURKE: I can address that.

As part of the city's ordinance,

there's going to be an easement agreement which is going to be executed by the city and the American Legion, and in that document, which will be recorded, it will state that if this housing is not provided for low income homeless veterans, then the city can revoke the easement.

COMMISSIONER COHEN: But just to follow up, who administers the granting of the units to the homeless veterans?

MR. BURKE: You mean as far as selection?

COMMISSIONER COHEN: The procedure, how that takes place.

MR. BURKE: I'll have to ask. Maybe we'll have someone come up.

MR. GALVIN: I just want the answer is really what I want.

MR. BURKE: I don't have an answer to that.

MR. ZUEGNER: I guess we'll have -- I was going to say we have someone here.

MR. BURKE: This is -- many of you know Mark Villamar.

M A R K V I L L A M A R, being first duly sworn by the Notary, testifies as follows:

MR. BURKE: Mark, just for the benefit of everyone here, just state what your role is with

the Legion.

MR. VILLAMAR: I'm the financial officer of the Legion, and I'm spearheading this effort to develop this property and to get these houses, homes up and running.

MR. GALVIN: Okay.

MR. VILLAMAR: This effort is not only an effort of Hoboken, it's very closely connected to the County of Hudson and to the homeless shelter in Hoboken.

So the County of Hudson maintains a database of homeless veterans. So the apartments are going to be rented through the office of -- the appropriate office in Hudson County that maintains lists, and depending upon the needs, the size of the apartments, and their residency, they'll be selected and they'll be living in this facility. The homeless shelter in Hoboken will provide the services that would probably be necessary because these residents get acclimated to living in an apartment as opposed to being homeless, so somebody will come by and make sure they're feeding themselves properly, that they're clothing themselves, that they're maintaining the kind of lifestyle that is appropriate for this.

MR. GALVIN: Is that the County Veterans' Affairs Office.

MR. VILLAMAR: In --

MR. GALVIN: No. All I'm asking, Mr. Villamar is, and I don't want to waste a lot of time on this because we could even sort it out after the hearing, but I want -- I just thought that somebody must be in charge of who makes the determination. Do we know who that is?

MR. VILLAMAR: There's a homeless organization that's run out of Hudson County. I'm not sure of the exact name. I can find that out, though.

MR. GALVIN: I thought usually it would be like a government agency or something like that.

MR. VILLAMAR: It is, but I think it encompasses more than just veterans.

MS. BANYRA: Mr. Villamar, isn't HMFA, or is the grant not restricted and dedicated for homeless vets?

MR. VILLAMAR: Yes.

MS. BANYRA: So probably because it's a -- it probably is HMFA is regulating that in stipulating that it's veteran housing and affordable.

I mean, do you know that? Because that's what I understand.

MR. VILLAMAR: That is correct.

MS. BANYRA: Is that what your understanding is?

MR. VILLAMAR: Yes, that's for the funding of the construction. But the actual vouchers that maintain the subsidy going forward is county managed.

MR. BURKE: It's an office of the county government, and there was a representative at the open house that was held several weeks ago who appeared with County Executive Tom DeGise, and it's run through that office.

MR. VILLAMAR: And then finally the administration of this shelter will be conducted by the Post. It will collect the rent and pay the bills and all those kinds of functions.

CHAIRMAN AIBEL: So is the Post the owner of the project?

MR. VILLAMAR: Yes.

CHAIRMAN AIBEL: So it would be, in effect, the landlord for the veterans?

MR. VILLAMAR: Correct. Correct.

CHAIRMAN AIBEL: Okay.

MR. VILLAMAR: And one of our functions, frankly, is to help the veterans in need so this fits into our mission very nicely.

MR. GALVIN: So it would be appropriate to say the building is to have six

affordable housing rental units, which are to be used by homeless veterans in accordance with the grant under which this project is being created?

MR. VILLAMAR: Yes.

MR. BURKE: Yes, to state it accurately.

CHAIRMAN AIBEL: Any other questions of Mr. Villamar?

MR. GALVIN: I'm good.

CHAIRMAN AIBEL: Okay.

COMMISSIONER MARSH: If it's being administered by HMFA, what happens when the mortgage is paid off? I mean, some have affordable.

MR. GALVIN: What it is also -- what they're also -- what they're also saying is, yeah, it's interesting, too, I didn't know did. You look at the paperwork plan from.

MS. BANYRA: HMNA?

MR. GALVIN: No, from the city planner. I didn't really look at it as close as I might have.

COMMISSIONER MARSH: You understand what I'm asking? Right? I want to make sure --

MR. GALVIN: No, no, I'm agreeing with you. Because, well, one of the things that's going on is we have this agreement, and the agreement says

if it's not used for this purpose, the land is going to -- some of the land reverts back to the city.

COMMISSIONER MARSH: Right.

MR. GALVIN: So it's going to mess the whole thing up. It's going to be a controversial problematic thing, but you're -- that's what I'm thinking on the fly. That's what I'm saying. If we a ten percent set aside, we would have our formal housing specialist would be taking a look at this and there would be an agreement, and it would be for 30 years. This is -- we don't -- there's some stuff here that I don't know, you know.

MR. BURKE: Well, the initial term of the easement agreement is 50 years.

MR. GALVIN: Right. With five ten-year extensions.

MR. BURKE: Right.

MR. GALVIN: So it makes it a hundred year document. So it's almost like granting them the property, because it's like a hundred year lease, I get it, but what we're talking about is who, you know --

COMMISSIONER MARSH: Like, do you lose -- that's -- does that mean it's only the affordable housing that's on that side of the --

MR. GALVIN: Here's one of the things that I want to do: We could spend a lot of time

trying to fish around and figure this out. And what I'd like to do is if we're favorable, you know, we'll find this out between now and the time of memorialization as to who really the supervising entity is for this and how it should run. I would like to know from the city to make sure that they're okay with whatever proposal.

MS. BANYRA: I mean, it has to be deed restricted. I think that goes kind of without saying, number one, and I think that it -- because they're getting vouchers from the federal government, so whatever the voucher period is, that's kind of another layer.

COMMISSIONER MARSH: It sounds like it.

MS. BANYRA: I don't know what the -- you know, I don't like them to --

MR. GALVIN: But who -- it's not the technicality. The building is going to get built, that's great, and it's like normally, though, there's somebody, like a housing, you know, public housing entity somewhere or public housing somebody or an veteran's affair or somebody who's going to have a list of people who qualify for this housing, and as it becomes available they determine off that list who gets in there.

MS. BANYRA: He's testified that it

was Hudson County, but we have to --

MR. GALVIN: You know, that's.

MS. BANYRA: Yeah, yeah -- we have to get the whole -- yeah.

MR. GALVIN: Try to get some more specifics between now and the time of memorialization.

Is that okay?

MR. BURKE: That's fair, yeah.

CHAIRMAN AIBEL: Okay. Good. All right.

I think now is the time that we usually open up the floor to the public opinion.

There are a lot of people here tonight and I'm sure everybody would like to express an opinion.

MR. GALVIN: I was going to say anyone with the American Legion is represented by Mr. Burke.

CHAIRMAN AIBEL: By Mr. Burke, exactly right.

MR. GALVIN: So you wouldn't get up and testify to those circumstances.

CHAIRMAN AIBEL: But if there are other people who wish to come up and give a brief statement or have an opposition view, this is the time to come forward. Please come forward.

FATHER HALL: I'm Father Warren Hall, the associate pastor of St. Peter and Paul Church. F A T H E R W A R R E N H A L L, being first duly sworn by the Notary, testifies as follows:

FATHER HALL: My father and two of my uncles proudly served in the Korean War. Although I was not yet born, or probably even thought about, when they were honorably discharged in January of 1954, what I do know is that when they returned home to Jersey City, they came to the arms of loving families. I'm told the community downtown celebrated not only their return, but that of many from the neighborhood, some of whom may be gathered here tonight. My grandparents received a letter hand-signed from Cardinal Spellman, who was the Archbishop of New York at the time, and he was the chaplain of the armed services. The letter stated gratitude for their service, but also a promise of assistance if that were to be needed.

Thankfully, my family members returned home with only a few cuts and bruises and to families and a community who were ready to meet whatever needs they were to express.

Sadly, not every U.S. serviceman or woman come home to the same loving arms of a family or even a community. Many come home with scars of war, both physical and emotional. Many of these

brothers and sisters of ours find themselves and continue to find themselves living on the streets, under bridges, or in shelters where their service to our country goes unrecognized and simply dismissed. I wonder how many of them wish that they had made the ultimate sacrifice as opposed to coming home to a welcome like this. I'm proud to be a part of this Hoboken unit, who refuses to allow the plight of our servicemen and women to go unnoticed, or their needs unattended.

This housing project, although it would drip in a big ocean of need, can cause ripples of kindness and concern that will have an effect in our communities far and wide. The next time we from here in Hoboken cheer for a veteran being honored at a sporting event, the next time we see a person in uniform at an airport and thank them for their service, we can be confident that our words of thanks are not just words, but that we have backed up those words with an action which will make the lives of those in need better, and to know that we truly and literally concretely thank them for their service.

I'm grateful for the opportunity to be able to offer these thoughts.

MR. GALVIN: Thank you.

COMMISSIONER GRANA: Thank you.

CHAIRMAN AIBEL: Thank you. Does anyone else wish to be heard?

Sir, come forward.

MARVIN KRIEGER, 606 GARDEN STREET, HOBOKEN, NEW JERSEY, being first duly sworn by the Notary, testifies as follows:

PASTOR KRIEGER: I am the pastor of the Community Church of Hoboken, and also I serve as the county director for HIV and AIDS services, and also am the chairperson of the Food and Shelter Coalition for the County. And I also serve on the Alliance to End Homelessness.

Community Church would like to be on record in support of this site plan review for the development as the proposed by the Hoboken World War Vets to create six dwelling units for homelessness, homeless vets and protect the American Legion from future flooding by moving of their operation to the second floor. The American Legion in partnership with Monarch Housing, Hoboken Shelter and the City of Hoboken was awarded the six housing vouchers for homeless veterans in 2015. The church has also supported of the efforts of the Hoboken veterans and the facility of veterans who are in need of housing is not only necessary, but will continue to support those individuals who have given themselves for the

freedoms that we here in Hoboken and our nation currently enjoy. I served as the co-director of the Hoboken Coalition Shelter along with Sister Narverta Honeywinkle for ten years in the late 1980s through 1997, and saw many veterans pass through our doors who had lost their housing and/or could no longer afford some of the room rentals that they had once enjoyed. Hudson County lacks in single room occupancy units and the few that do exist are usually filled within 24 hours of being vacant. Our veterans should not have to compete for these units. The addition of six dwelling units will assist our veterans in securing housing, which they would not otherwise have. We must support our veterans in this endeavor, and I applaud our Hoboken World War veterans for coming to the aid of those individuals in need. Thank you.

MR. GALVIN: Thank you.

MR. BURKE: Thank you very much.

CHAIRMAN AIBEL: Anyone else wish to be heard? Is there somebody else?

COMMISSIONER GRANA: There's somebody else.

CHAIRMAN AIBEL: Please come forward.

R A J M U K H E R J I, being first duly sworn by the Notary, testifies as follows:

MR. MUKHERJI: My name is Raj Mukherji. I'm a state assemblyman. I have a privilege of representing Hoboken, along with Jersey City, Union City and Weehawken in our state legislature. I'm also the Chairman of the Public Housing Authority for the city next door, the Jersey City Housing Authority. I have some familiarity with affordable housing issues and I'm a lawyer or at least play one on TV, and I just -- first of all, I want -- I'll be brief. I want to thank all of the members of the Board for your service and all of the veterans in the audience for their service.

The City of Hoboken and its citizenry need not be reminded in this era in particular about how unnerving the statistics of veteran homelessness are, in this region, in our state, and in the country. We need not be reminded because we are -- we look across the Hudson River every day. We remember how different the skyline was a mere 16 years ago than it is today. We were witnesses to it firsthand, and we, you know, we're often reminded regularly just by that site, by the debt that we owe our veterans. I remember that day and I remember, you know, what went through my mind that Tuesday of the 11th of September, 2001. Two weeks later I enlisted in the Marine Corps. I eventually

served as a sergeant in the reserve in the intelligence field. I'm here today in my capacity as a law maker representing this city because I had the privilege of working with the American Legion and Post 107 to apply for the vouchers for the Department of Community Affairs. I corresponded with the commissioner, spoke with him and others at the State in connection with the application of the project-based vouchers, and I would ask that the Board deem this the inherently beneficial use that I believe it unequivocally to be, and as you've been counseled, that would deem the positive criteria to have been met automatically, if that's the case. And that's because, not only is the fact that there are 58,000 veterans estimated by HUD to be homeless on any given night nationally, but according to DMVA, the New Jersey Department of Military Veterans Affairs, our state has among its homeless population an estimated seven to 8,000 veterans of the armed forces. While it would be great if we could eradicate homelessness totally and across the board, it is inexcusable that those who have served in uniform could, in our first war of democracy, the greatest in the world, be allowed to live on the street, homeless or at imminent risk of homelessness. This is a debt that we must repay. It is the bear minimum.

Now, at the VA level and at the HUD level when they appropriate the various vouchers supporting housing and supportive services have been examined closely when they're looking at the applications and granting the various vouchers and we're looking at working with the DCA at the state level to allocate part of its Section 8 voucher inventory specifically to incentivize new affordable housing units to assist veterans.

The thing is here in Hoboken we have an opportunity. We have a silver lining in a dark cloud which was the loss that we suffered from Hurricane Sandy throughout the city and Post 107. We have an opportunity to take that loss to rebuild, and to actually do something about the veteran homelessness population here in Hudson County and here in Hoboken, just briefly to address a couple of the questions that I heard arise earlier, the way that social services typically work in this, and are administered in this sort of setting, and what's happening next door in Jersey City, with the eight chronically homeless and disabled vets project using project based vouchers, so the local administrator of the continuum of care, which is a federally funded working group of government agencies and nonprofit support service providers to end homelessness in different regions, they pick

a local administrator, in Hudson County it's the Hudson County Alliance To End Homelessness, and they provide the social services. The vouchers themselves are administered through the State Department of Community Affairs. They're project-based, they're allocated not to the tenant, but rather to the site, and, obviously, that provides an stream of revenue that is necessary for the project's viability. So the -- so the DCA grants the vouchers, which has been done in this case, although they're federally funded, if that is responsive with regard to the administrative questions.

Finally, I think I'll end on the note that in addition to the social services that are going to be made available to the veterans on this site, this has been a partnership of a number of organizations in this community. Now, the American Legion has century long -- Post 107, specifically has, a century-long history of providing supportive services to veterans in this city and in this county. So it made perfect sense for them to be the applicant for these vouchers, and six will go a long way. That's six fewer vets on our streets in Hoboken. President Kennedy had said, you know, on a -- at a speech on Veteran's Day he had made reference to the fact that we often

talk about doing things for our veterans, but let our actions speak for our support for our veterans, rather than our words. I would suggest to you that today is a day when we can all go home and be proud that we did something meaningfully towards combating this problem of veteran homelessness that should make us all as ashamed to be Americans as we are proud to be Americans. Thank you very much.

CHAIRMAN AIBEL: Thank you.

Standing the room for anybody else?

Seeing --

VOICE: Hi.

L A U R A C O L L I N S, 309 SECOND STREET, HOBOKEN, NEW JERSEY, being first duly sworn by the Notary, testifies as follows:

MS. COLLINS: All I wanted to say was I just wanted to highlight how important the programs are, not just the housing, to this project. In order to break the cycle of poverty, we to have be able to provide all these support services as well. So housing does help, but I also want to make sure that the Legion is thinking what other programs and services do we need to provide to these veterans in order for them to be self-sufficient members of society.

CHAIRMAN AIBEL: Thank you.

MS. COLLINS: So I just feel like that's an important piece to this whole thing, and I hope the committee thinks about that as well.

CHAIRMAN AIBEL: Thank you.

Seeing no other hands, can I have a motion to close?

COMMISSIONER GRANA: Motion to close public portion.

COMMISSIONER MCANUFF: Second.

CHAIRMAN AIBEL: All in favor?

(Voice vote taken at this time.)

CHAIRMAN AIBEL: Mr. Burke, I guess it's to you.

MR. BURKE: Just real quickly. When I attended the open house at the Legion, Mark Villamar made a remark and it really hit me.

You have to pass a psychological test before you go into the army. So people who are mentally unstable, the likelihood is that person will not be accepted. So to find that veterans are homeless, in my mind, it means that they've come back with something. So they got that when they were serving the country. It was not that they were predisposed to have that issue. So they're homeless for a reason, and the reason was that they served the country. So I appreciate the hearing tonight and how expedited it was. And I'll quote

on a lighter note, the coach from UCLA Bruins, who used to tell his players, "Be quick, but don't hurry." So I think tonight what we tried to do in a very quick manner without hurrying was lay out the proofs required so that this Board, hopefully, can grant the relief requested. Thank you.

CHAIRMAN AIBEL: Thanks, Mr. Burke. Okay. Let me open it up for deliberations.

I guess Mr. Burke just said it, it's a matter of have they met the burden, and I don't know who would like to kick off on the discussion.

COMMISSIONER GRANA: I'll go.

CHAIRMAN AIBEL: Thank you.

COMMISSIONER GRANA: I agree with what I've heard and I've also agree with our counsel that the Sica balancing test applies here, and that the inherently beneficial use associated with this application has been satisfied. So it is the Zoning Board, so we should talk about zoning, and that's important because of our two D variances for height, for density. And with respect to the variances themselves, I think we've seem to have heard testimony that the height is in alignment with the structures next door. There's no impact to the other structures, the municipal parking lot, and there are also other structures that have near similar lot coverages. There will be some impact

as a result of building lot coverage, but it is a substandard lot, or I should say non-conforming lot where, I think, that from the C-1 perspective, the applicant would come in with a hardship either way. Considering that the six units is -- requires the physical use of the land and to satisfy the needs of the use itself, I think that the application is well supported.

And then on a just a personal note I would just add that I have not seen many applications that have come to this Board that I would so enthusiastically support.

CHAIRMAN AIBEL: Anybody else wish to add to the deliberation.

COMMISSIONER MCANUFF: Well, I agree that the inherent beneficial use is there. I'm glad to see that the veterans post is going to find a safer home now above the waters. I was there after Sandy. It was heartbreaking to go see at its memorabilia just being turned moldy and having to be thrown into a dumpster. Just broke my heart, but I'm glad that memorabilia they did save will be safe now. And, you know, the height may be a problem in the future, but this is based that we're giving the height based on the fact that this is a beneficial use, so I hope in the future we'll keep that in mind if any other height variances come up

nearby. But that's all I really have to say.

COMMISSIONER COHEN: I want to echo the fact that I think the Sica balancing test applies here. This is an inherently beneficial use. We've seen applications that have had ten percent affordable housing before us and we haven't treated them as inherently beneficial. This is an entirely affordable housing project, which in itself is inherently beneficial, but here we're talking about affordable housing for homeless veterans, which puts it in a class of its own. I don't think -- I concur with Commissioner Grana. I've never seen an application more beneficial than this one before us. I do think there are some negative impacts, particularly to some of the houses on Clinton Street and their backyards, but the height doesn't bother me because it essentially matches the height of the neighboring properties on one side and the parking lot on the other. There are no windows on the sides of the buildings, so I think the height is not really the negative impact, but I do think that going to 95 percent is. That being said, the positive aspects of this application, the inherently beneficial aspects of this, are so extraordinary that whatever negative impact this application has is far outweighed by the extraordinary good that's coming from this

application, and I would enthusiastically support it.

CHAIRMAN AIBEL: Anyone else?

COMMISSIONER WEAVER: I would -- I think that the application is full of merit. What I'm going to say is really about the property adjacent to it, which is the city's property, which I know is not up for discussion, per se, tonight, however I would hope that the city would be a better neighbor because I think this building actually by taking over part of the parking lot, it actually improves an eyesore, which occupies a very prominent corner. The low concrete wall, the chain link fence, I think is disgraceful, and I think that's the real problem here, not this application. It's really that ugly parking lot.

I can only add, it's nice to hear testimony and not feel like I need a shower afterwards. That's kind of refreshing.

MR. BURKE: I don't like the way you're looking at me.

COMMISSIONER WEAVER: You didn't give testimony, so you're good.

MR. BURKE: Okay. You're right, you're right.

COMMISSIONER COHEN: Can I just say one other thing? Just a quick comment that with

respect to the social services, I do think on that comment that we heard testimony that the homeless shelter will be providing social services to the residents. To the -- they'll be checking on them, they'll be seeing how they're doing, and helping them how to re-enter the community. So I think that that should be part of the approval. Right?

MR. GALVIN: I got it.

MS. BANYRA: Maybe Mr. Burke can provide us with, you know, some more language to that, you know, there's more specification to what's been testified to.

CHAIRMAN AIBEL: So my only last comment is detriment to the community has to be substantial, and I don't think I've seen anything substantial that would qualify, so I think we're ready for conditions and then a motion.

MR. GALVIN: Thank you, Mr. Chairman.

The proposal is strictly contingent on the City entering into an easement-appertinent agreement with the City. Well, actually, the applicant entering into.

This agreement must be recorded prior to the issuance of the first certificate of zoning.

Two, the building is to have sprinklers and to have an elevator as described to the Board at the time of the hearing.

Three, the Board and its professionals have sped this application along to assist the Post in its filing for grant money with the understanding that all details to be resolved -- that all details will be resolved to the satisfaction of the Board's engineer and planner prior to the issuance of -- prior to the memorialization, I guess is what I want to say.

Four, the applicant agreed to comply with the comments of the Board's planner and engineer and will make any outstanding changes to the plan prior to the time of memorialization.

Five, the applicant is to comply with the comments of the floodplain administrator.

Six, the building is to have six affordable housing rental units, which are to be used by homeless veterans in accordance with the grant under which this project is created.

Seven, the applicant is to provide specifics to the Board's professionals as to how the rental units will be distributed, administered, and maintained. So I don't need -- I don't think we need to know about the activities that --

MR. BURKE: I understand.

MR. GALVIN: -- the Hudson County Veterans Affairs are going to keep the guys and help

them, but we need to know how the units are rented, if there's a problem, what if somebody does need for whatever good cause to be, you know, their actions need to be corrected, and then that the building itself is going to be maintained. If there's some issue, who would we contact? So if you can try to figure that out and give us a response to that.

Those are my conditions, unless --

MS. BANYRA: Excuse me, Dennis, can you also just reference the plans dated, revised, last revised 3/15/16, because that -- those are the plans that were testified to tonight, and differ from what was submitted.

MR. GALVIN: Give me the date again.

MS. BANYRA: 3/15/16. Last revised 3/15/16.

MR. GALVIN: Okay. All approvals are based on that plan.

MS. BANYRA: And/or revisions thereto.

CHAIRMAN AIBEL: Okay. Ready for a motion.

COMMISSIONER GRANA: Motion to approve.

CHAIRMAN AIBEL: With conditions.

COMMISSIONER GRANA: With conditions

as read.

COMMISSIONER MCANUFF: Second.

MS. CARCONE: Commissioner

Branciforte.

VICE-CHAIRMAN BRANCIFORTE: Yes.

MS. CARCONE: Commissioner Cohen.

COMMISSIONER COHEN: Yes.

MS. CARCONE: Commissioner Grana.

COMMISSIONER GRANA: Yes.

MS. CARCONE: Commissioner Marsh.

COMMISSIONER MARSH: Yes.

MS. CARCONE: Commissioner McAnuff.

COMMISSIONER MCANUFF: Yes.

MS. CARCONE: Commission Weaver.

COMMISSIONER WEAVER: Yes.

MS. CARCONE: Commissioner Aibel.

CHAIRMAN AIBEL: Yes. Thank you very much, everybody. Congratulations. We'll take a ten-minute break.

(Concluded at 8:52 p.m.)

CERTIFICATE OF OFFICER

I, THERESA L. TIERNAN, A Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and correct transcript of the proceedings as taken stenographically by and before me at the time, place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

THERESA L. CARIDDI TIERNAN
Notary Public of the State of New Jersey
C.S.R. License No. XI01210

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

BOARD AGENDA ITEM:
50 HARRISON STREET -
JDA HOBOKEN BUSINESS
CENTER, LLC,
CASE NO. HOZ-15-37
BLOCK 5, LOTS 1-22

MARCH 15, 2016

9:10 p.m.

HELD AT: 94 WASHINGTON STREET
HOBOKEN, NEW JERSEY

B E F O R E:

Chairman James Aibel
Vice Chairman Branciforte
Commissioner Phil Cohen
Commissioner Dan Weaver
Commissioner Carol Marsh
Commissioner Cory Johnson
Commissioner Owen McAnuff

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

Paul J. Winters P.E., C.M.E.

Eileen Banyra, AICP/PP, LLA, RLA

Patricia Carcone, Board Secretary

THERESA L. CARIDDI TIERNAN
CERTIFIED COURT REPORTER
146 LINDBERGH PARKWAY
WALDWICK, NEW JERSEY 07463
(201) 925-7474

APPEARANCES:

DENNIS GALVIN, ESQ.,
Attorney for the Board.

ROBERT MATULE, ESQ.,
Attorney for the Applicant.

I N D E X

WITNESS	DIRECT
JOHN NASTASI	108
CRAIG PEREGOY	147
GREG DELLAQUILA	161
KEN OCHAB	178

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENT</u>
A-1	RENDERINGS	108
A-2	PHOTOS	178
A-3	PHOTOS	178
A-4	PHOTOS	179

CHAIRMAN AIBEL: All right. Let's come to order. Okay. We're back on the record. It's 9:10. Thank you for waiting for us.

MR. MATULE: Good evening, Mr. Chairman. Robert Matule appearing on behalf of the applicant.

Just a quick overview, we're going to try to move this along expeditiously because of the hour.

This is an application with respect to the Hoboken Business Center. I think most of you are familiar with it. It's down at 50 Harrison Street. The property is in the I-2 zone.

The applicant is seeking preliminary site plan approval and variances to build out the balance of the fourth floor, there's a partial fourth floor there now, and also to add a fifth floor. I'll be having three witnesses tonight, the architect, John Nastasi; our traffic engineer, Mr. Peregoy; and our planner, Ken Ochab. I also --

MR. GALVIN: Just could I stop you for a second? We just want to do a roll call.

MS. CARCONE: Commissioner Aibel.

CHAIRMAN AIBEL: Here.

MS. CARCONE: Commissioner Branciforte.

VICE-CHAIRMAN BRANCIFORTE: Here.

MS. CARCONE: Commissioner Cohen.

COMMISSIONER COHEN: Yes.

MS. CARCONE: Commissioner Grana.

MR. GALVIN: Mr. Grana is recusing himself in this matter.

MS. CARCONE: Recused. Okay.

Commissioner Marsh.

COMMISSIONER MARSH: Here.

MS. CARCONE: Commissioner Murphy is absent.

Commissioner McAnuff.

COMMISSIONER MCANUFF: Yes.

MS. CARCONE: Commissioner Weaver.

COMMISSIONER WEAVER: Present.

MS. CARCONE: Commissioner McBride is also recused?

MR. MATULE: Yes.

MS. CARCONE: Yes.

MR. GALVIN: Could be.

MS. CARCONE: Commissioner Johnson.

COMMISSIONER JOHNSON: Here.

MS. CARCONE: And Commissioner DeGrimm is absent. Okay.

MR. MATULE: All right. So we have a full Board.

CHAIRMAN AIBEL: We have seven.

MR. GALVIN: Yeah.

COMMISSIONER MCANUFF: We have a full board.

MS. CARCONE: Yup.

MR. MATULE: As I said, we'll be presenting the testimony of our architect, our traffic engineer, and our planner.

We're requesting several variances. Obviously, Mr. Ochab will go into more detail, but we have two height variances for both the height in feet and height in stories. We have an FAR variance floor-air ratio and also a couple of C variances for front yards and parking.

One thing that has changed, originally we were talking about 230 parking spaces versus the requirement of 252. We currently have 224, but because of some comments from the ARC meeting and providing some more van accessible on-site parking, we are now providing 222 parking spaces where 252 are required. So we have a deficit of 30 parking spaces. Our traffic engineer will also talk to that, both in terms of ITE standards and other ameliorating circumstances. I also would just like to address upfront, initially there was some discussion about the need for a D-1 use variance for this office use in the I-2 zone. There was apparently a Zoning Board interpretation

in 1996. I wasn't the attorney for the applicant, but apparently the interpretation was whether or not dividing the space up into suboffices fell within the purview of the I-2 permitted uses, and the Board did resolve that the applicant can divide the second and third floors into several smaller offices, operations, for the purposes contained in the ordinance in an I-2 district. I've discussed it with the Board planner, retail business and service is a principal permitted use in the I-2 zone, and within that definition are business and professional offices. So I think, clearly, it's -- I'm not taking pride of ownership for the ordinance, but that's what it says. And as you all know this is office and incubator space, so I think we're all in agreement that we're not asking for a D-1 use variance, because the use falls under that definition of professional business office --

MR. GALVIN: What D variance are you asking for?

MR. MATULE: We're asking for a D variance for height in feet and height in stories. I guess that would be a D-5.

MR. GALVIN: D-6.

MR. MATULE: D-6. And I believe a D-4, which is FAR.

MR. GALVIN: Uh-huh.

MR. MATULE: So those are our three 3-D variances.

MR. GALVIN: How is it three? That's two.

MR. MATULE: Well, we have height in feet and height in stories.

MR. GALVIN: Got it.

MR. MATULE: There's two parameters in the I-2 zone. As in the old R zone, they measure both feet and stories.

MR. GALVIN: I'm good. Thank you.

MR. MATULE: So Mr. Nastasi, if we could have him sworn.

MR. GALVIN: Let me just say this, so you know -- so you understand my thought process.

In order for the Zoning Board to have jurisdiction, there has to be a D variance. So when you start telling me that there's no use variance in implied, the next thought in my head is Ds are there? That's why -- that's why I asked the question.

Raise your right hand.

J O H N N A S T A S I, being first duly sworn by the Notary, testifies as follows:

DIRECT EXAMINATION BY MR. MATULE:

MR. GALVIN: Mr. Chairman, you accept Mr. Mr. Nastasi's qualifications?

CHAIRMAN AIBEL: We do.

MR. MATULE: All right.

Mr. Nastasi, as usual, if we're going to refer to any exhibits that are not part of the plan package, we'll just have them to mark them.

You have a rendering there?

MR. NASTASI: The only thing additional from the drawing package is this rendering.

MR. MATULE: All right. So why don't we just we'll mark that --

MR. GALVIN: A-1.

(Exhibit marked A-1 for identification.)

MR. NASTASI: A-1.

MR. MATULE: And just identify it for the record.

MR. NASTASI: A-1 is a dusk rendering of the new -- the proposed expansion of the business center looking south at the north facade.

MR. MATULE: Okay. Would you describe the existing site and the surrounding area for the Board Members?

MR. NASTASI: Okay. If I refer to Z-1 of my drawing package, the existing Hoboken Business Center is here at the intersection of Observer and Harrison. From the vantage point of the business center to the east is the My-T-Fine

industrial building, which is also known as the Chambord Building, which is just east on the corner of Harrison and Observer. To the north of my client's site is a parking lot where cars are being parked presently. To the west of the site is the light rail line and the border with Jersey City. To the south of the existing structure is my client's parking lot, which expands and onto the Jersey City territory to the south. So the -- other than the Chambord Building to the right, it's an open structure. The rendering kind of illustrates --

MR. GALVIN: Let me just ask this: We noticed in Jersey City also, right?

MR. MATULE: Yes. We noticed and we will -- I'll make a proffer, Mr. Nastasi is going to testify, we ran it by the Director of Planning in Jersey City.

MR. GALVIN: And because of it was just a -- a remainder area, they didn't care.

MR. MATULE: Just that little sliver, yeah, he said that the Jersey City Planning Department did not have any interest in having an application presented to them.

MR. GALVIN: All right. Cool.

MR. MATULE: All right. We also noticed the County because we're within 200 feet

of the adjacent municipality, but we are not on a county road.

MR. GALVIN: All right. I was thinking about that. There's something, too, about the County, because you have two -- not just that you were within 20 feet, but also that affects two properties in two different town, we have to give notice to the County.

MR. MATULE: So and approximately how big is the site?

MR. NASTASI: The existing site is approximately 55,000 square feet in lot area, and the existing structure on the property occupies 48 percent lot coverage on the site.

MR. MATULE: And that percentage is not changing as a result of this?

MR. NASTASI: We are not expanding the footprint. We're not proposing to expand the footprint of the structure.

MR. MATULE: And the current height of the building?

MR. NASTASI: The current height of the building is 62 feet above grade, and we're proposing 77 feet above grade, which actually aligns -- approximately aligns with the Chambord My-T-Fine structure to the east, and by my calculations, I'm showing that this, this Chambord

structure is approximately 85 feet to the top of the bulkhead. We're proposing 77 feet, but in the expansion we create a visual alignment with that intersection.

MR. MATULE: And we're also -- the floor area will be increasing, obviously, as a result of these almost two additional floors?

MR. NASTASI: Yes, we're going from an existing 1.45 floor area ratio to a proposed 2.28.

MR. MATULE: All right. And you heard me in my opening remarks to the Board. Now, we're at 220 parking spaces?

MR. NASTASI: Yes. We're proposing 222 parking spaces. I will -- I would like to clarify, that this is -- this is a plan of the proposed parking, and there's two things to notice; we have eight loading zone spaces to the west of my client's project, which are not counting as parking spaces. So even though they are there, they're not included in our calculation. They're adjacent to the daycare entry and this is also where the courier FedEx and UPS guy comes in and out, where parents come and drop kids off. So we leave that dedicated for loading, and we don't put that against our parking count. The second thing is during the ARC meeting, you'll see along the southern edge we've softened the southern edge to

some extent with planting, and this was based on the recommendations of Miss Banyra, and that also caused a slight reduction in our parking calculation.

MR. MATULE: And you did -- did you also increase the number of handicapped spaces?

MR. NASTASI: Yes, we're showing -- right up against the main entrance to the building, we're showing seven, seven ADA accessible spaces, including van spacing.

MR. GALVIN: I'm late to the party here. I just want to jump in, that Mr. Marsden and I were talking about the 1996 resolution and that the resolution had required some greening or whatever and my -- my advice to Mr. Marsden was, just so it's on the record, he did a good job of telling us what it was, but I think that it's such a long time ago to kind of try to -- we don't we have no way of reconstructing what happened at the time.

MR. MATULE: Well, I appreciate those thoughts and I -- I concur, but to supplement the record and the response letter that I think Mr. Marsden had written about on 58-point letter and Mr. Nastasi's office responded point by point, and one of the things we provided, and I provided to the Board secretary as well was in 2002 there

was a first certificate of zoning compliance issued to install a public parking lot as per the Hoboken zoning code and review of corporation counsel. I don't know, again, what the facts were, but -- but a layout was attached to that, which is fundamentally the layout you have there now, which, sort of, explains how it got from being parallel to Harrison Street, when it was originally perpendicular to Harrison Street, but, again, it's ancient history, I agree, at this point because they've been operating for over 15 years.

MR. GALVIN: And then when I said the next thing that we would probably want to do is green up the site, which is what you guys are doing. That's good.

MR. MATULE: All right. Now, if you would, Mr. Nastasi, we know we've talked about the site and the surrounding area, can you just walk the Board through the proposed addition?

MR. NASTASI: As you know, the business center has been around Hoboken for a while. My client officially opened Joe Dellaquila and his son Greg, and Greg is with us tonight, officially opened the business center in 2003, and at that time they were providing business -- business space for the City of Hoboken, and they were providing incubator space, and they

were providing this idea of flex-space and incubator space long before incubator space became a very kind of popular term, and from working with the clients for the past several years, I know for a fact that this space, this business center is hugely successful and it's relatively full all the time.

MR. GALVIN: I'm sorry. Again, I apologize. Can you explain to us what incubator space is?

MR. NASTASI: Incubator space is, as my client explains to me, he has a minimum of 50 businesses which are one-to-four person businesses, and what incubator space is, it allows you to come into a space, small and upstarting with the business, and grow into larger space. And many of the clients in the business center started at one-to-four person businesses and are now much bigger businesses. So it's a building that allows you to incubate your business and provides the space to grow into. It's very similar to what happens in Newman Leather as well.

MR. GALVIN: Thank you. Okay.

MR. MATULE: All right.

So if you would take us through the proposed additions and the improvements that are going to be made to the building?

MR. NASTASI: So because the building has historically been full providing a much-needed benefit to the City of Hoboken, the clients are proposing that we complete the partial fourth floor. So currently the fourth floor is simply the western edge of the building, and on page Z3 you can see this white area is an existing fourth story. We're proposing to complete that fourth floor giving us 25,000 square feet of business space on the fourth floor, and then proposing an additional fifth story.

In the rendering that I'm presenting tonight, you can see behind the insulated curtain wall, this is the new fourth floor, that's the new fifth floor and the new height of the building will align with the Chambord Building to the east.

So one of the things we're doing in expanding the fourth and fifth floor is making the building more, I would say, more architecturally friendly to the north side of Hoboken where we all know we're building a new park, the city will be building a new park and the southwest zone is getting gentrified in a very nice way. We're doing two things: We're lighting the facade up much stronger on the north side, and we're providing what I feel is a much-needed pedestrian entrance from the north side. So if you're walking from

Hoboken into the business center, you don't have to walk around the south, which has historically been the main entry, we will now have the courtesy of the north entry, which is a pedestrian entry. So that this building is catering to the businesses in Hoboken and allowing a walk-up -- a walk-up entry and facility into the expanded business center.

MR. MATULE: And we'll get back to that facade in a minute, but how about the -- you're proposing a roof deck?

MR. NASTASI: Yeah. There is extensive -- there is extensive green roofing proposed on top of the building, and I think that's bring a big benefit it to the project, and apart from -- apart from that, we're also providing a small terrace for the businesses inside the building. So the combination of the terrace and the green, the green roof, makes the roof very active in a positive structure.

MR. MATULE: And that roof will be accessible to tenants of the building.

MR. NASTASI: Yes, the roof will be accessible to all the tenants in the building.

MR. MATULE: And that green roof is approximately 9,400 square feet?

MR. NASTASI: That is correct.

MR. MATULE: And the proposed roof, just so for the record, is approximately 24 percent coverage?

MR. NASTASI: Yes, that's correct.

MR. MATULE: So that's within the 30 percent roof deck --

MR. NASTASI: Allowable.

MR. MATULE: -- parameters?

MR. NASTASI: That is correct.

MR. MATULE: Now, with respect to the new pedestrian entrance on the -- I guess that would be the north?

MR. NASTASI: East.

MR. MATULE: East corner of the building, you have a small canopy projecting?

MR. NASTASI: Yes, what we've done is we've improved the signage at the northeast corner, we've improved the lighting, we've added a glazed entry, and we also added a canopy. So we've architecturally improved that corner of the building, which faces the Hoboken community, providing, what I feel, will be more of a primary entry into the building.

MR. MATULE: Okay. And you are aware if the Board is disposed to approve this application, that that canopy would have to be approved by the City Council because it extends

over the public right of way.

MR. NASTASI: That is correct.

MR. MATULE: You'll be using all the existing utilities, gas, electric, water, sewer.

MR. NASTASI: Yes. We -- our civil engineer, George Glody (phonetic) looked at the application, and has determined that we're not increasing the impervious coverage of the site, so we will not be needing an updated permit.

MR. MATULE: And the project has been reviewed of by the flood plain manager?

MR. NASTASI: He's been reviewed by Ann Holtzman, the flood plain manager, as well as the Jersey City head of planning, Bob Cotter, as well.

MR. MATULE: And we have also submitted that -- just for the record, we submitted that as part of the revised drawings, the correspondence back and forth with Mr. Cotter, and I guess, not lastly, but H2M submitted letters dated 12/21 and 2/16. You've responded to them?

MR. NASTASI: Yes, my office has responded to a point by point Mr. Marsden's letter and submitted it back to the --

MR. MATULE: And if there are any additional issues that need to be resolved, you'll work with Mr. Marsden's office to address them?

MR. NASTASI: Yes, of course.

MR. MATULE: Because I know we didn't get a -- I know Mr. Marsden's been under the weather.

MR. GALVIN: Well, Mr. Winter is here. He can respond to anything that you have.

Is there anything going on?

MR. WINTERS: I did have an opportunity to address the letter. Thank you for your response submitted. You made it more convenient to go through everything.

A number of items are addressed. Thank you. Anything else we can address afterwards, will be fine.

One question I did want to ask you about, while we're looking at it, there is the addition of the sidewalk and I don't want to take too much time, again, with a technical matter, but it's somewhat important, just so I want to clarify for the record, there's the addition of a sidewalk, there's the head-in ADA parking, which I believe is to be 3 feet in width. Can you confirm that there's enough width in that drive aisle as that ADAs are on to perhaps provide the typically required 5-foot width for ADA compliant sidewalk there?

MR. NASTASI: Are we speaking about

these ADA parking spaces?

MR. WINTERS: Yes, those ADA.

MR. NASTASI: Yes, I do confirm that they do.

MR. WINTERS: Okay. Good. As long as there's the room, then that can be -- I just wanted to make sure that's some that can be accommodated for in the comments --

MR. NASTASI: Yes.

MR. WINTERS: -- addressing that. That was the main one I had right at this moment. Thank you.

MR. MATULE: Thank you.

MR. NASTASI: Thank you.

MR. MATULE: Is there anything else you'd like to add?

MR. NASTASI: No. I think I've hit all the points.

MR. MATULE: And just again to reiterate, we're now down to 222 parking spaces, correct?

MR. NASTASI: Yes. To be clear, we're proposing 222 parking spaces, which includes seven ADA accessible spaces, and it did not include the eight loading spaces, which we're keeping outside the calculation.

MR. MATULE: Right. Okay. Fine.

Thank you. No further questions.

CHAIRMAN AIBEL: Quick question, how tall are the bulkheads or the parapet on the -- first the parapets and then the bulkheads.

MR. NASTASI: We're proposing four standard 42-inch parapets, which is the minimal required by code.

CHAIRMAN AIBEL: And so the 77 or 78 feet of height from grade goes -- is measured to what -- to the bottom of the parapet?

MR. NASTASI: It's measured to the top of the roof, not the top of the parapet.

CHAIRMAN AIBEL: So we're -- visually, we're at 82 or change.

MR. NASTASI: Right. And then the neighbor is 85.

CHAIRMAN AIBEL: Okay, good. And why do we have 10-foot enclosures, metal enclosures around your mechanicals?

MR. NASTASI: We're enclosing the mechanical -- we're enclosing the mechanical equipment for acoustic reasons, for visual reasons. It's really for a visual -- a visual benefit only.

CHAIRMAN AIBEL: Okay. Board members.

COMMISSIONER MCANUFF: A couple of

questions. Are there set operating hours for the center?

MR. MATULE: I could bring the --

COMMISSIONER MCANUFF: Okay --

MR. MATULE: -- the applicant up to answer.

COMMISSIONER MCANUFF: And the only other question I have is: Is the new lobby handicapped accessible?

MR. NASTASI: The new lobby is not handicapped accessible. The entry around the south end is at grade and it's roll in and fully accessible.

COMMISSIONER MCANUFF: Okay.

MR. NASTASI: The pitch changes, so you could see --

COMMISSIONER MCANUFF: Right. Got it. Okay. That's all I have.

VICE-CHAIRMAN BRANCIFORTE: You said that there was a wall around the mechanicals, it is for visual?

MR. NASTASI: The visual screening, acoustic screening, just for to -- clean up the appearance of it.

VICE-CHAIRMAN BRANCIFORTE: But who's going to see it actually? I mean, are you going to see it from the street or people across

the street going to be able to see the mechanicals on the roof?

MR. NASTASI: You can -- this is an actual rendering that's optically correct from across the street. You will not see that from the street. The height of the building doesn't allow that. I think it's more for the visual aesthetics of the terrace, for the occupants, and to knock down -- knock down the ambient acoustic noise.

VICE-CHAIRMAN BRANCIFORTE: On that note, just why don't you go to, I guess, it's Z-4? Because you also have a -- besides the wall around the mechanicals you also have a shrubbery wall?

MR. NASTASI: We have -- if you look on the Z3.1 at the bottom right of the drawing, there is the mechanical areas, the southeast and west are surrounded with green roofing. On the north side we have a shrubbery buffer to absorb sound acoustics, and that also further hides the mechanical equipment and then the roof terrace is just north of that.

So we're buffering -- we're buffering the ambient sound of the mechanical equipment on the roof to absorb it at the point where it emanates.

COMMISSIONER MCANUFF: I think your rendering shows it better. Go back to it.

VICE-CHAIRMAN BRANCIFORTE: So the facade has changed also from what's existing now, right? I think you went over it, but I may have missed it. You're adding more glass there to the first floor?

MR. NASTASI: Well, we're doing a couple of things. We're improving the signage, the lighting, we've increased glass at the ground floor at the pedestrian entrance on the northeast corner the top two floors are thermal insulated glass, and I think it -- the building will now be more of a beacon, and I think it will illuminate this area and sort of more warm up architecturally this intersection, which I think is -- is very quickly becoming domesticated and residential and necessary industrial.

VICE-CHAIRMAN BRANCIFORTE: It seems like the facade looks really clean and new in this drawing. I mean, do you guys plan to wash down the facade or something or --

MR. NASTASI: I think we're going to do two things: We're going to, obviously, wash down the facade, but we're going to recoat -- we're going to re-skin the existing facade.

VICE-CHAIRMAN BRANCIFORTE: The entire --

MR. NASTASI: Yes.

VICE-CHAIRMAN

BRANCIFORTE: -- around?

MR. NASTASI: Because when we construct this addition, we have to tie this seam in, so it behooves us to re-skin this.

COMMISSIONER MCANUFF: So we're going to put the fresh coat of stucco on the whole building?

MR. NASTASI: Yes, exactly.

MS. BANYRA: John, is that referred to on your plans, though? I don't remember seeing that note.

COMMISSIONER MCANUFF: I saw it.

MS. BANYRA: Okay.

COMMISSIONER MCANUFF: On Z-4.

MR. NASTASI: Other bottom right of Z-4, we finish stucco facade and on the bottom left in the west elevation, it says refinish stucco facade.

MS. BANYRA: Okay. Thank you.

MR. NASTASI: Okay.

MS. BANYRA: I got it.

MR. NASTASI: Thank you.

VICE-CHAIRMAN BRANCIFORTE: Where is the new park going to be exactly in relation to this building?

MR. NASTASI: It's directly north of

the My-T-Fine building, which is diagonally across.

VICE-CHAIRMAN BRANCIFORTE: Okay.
Is it like Block 12, right?

MR. NASTASI: Yes.

COMMISSIONER COHEN: I'm wondering, there's talk about the new walkway. Is -- from that view that we're looking at, is that -- did that sidewalk lead to the Second Street rail stations? Would that be -- is that being accessible in that direction? Okay.

MR. MATULE: Why don't you refer to the map, but we're looking southwest from this perspective.

COMMISSIONER COHEN: Okay.

MR. MATULE: The light rail is north, due north.

MR. NASTASI: Well, the light rail station is over here.

MR. MATULE: Second Street.

MR. NASTASI: And this is the walk -- this is the new walkway, that leads to the light rail. It's directly behind my client's property. So you can get on that walkway and walk along here to the light rail. This is a very short walk to that light rail station in the back of town.

COMMISSIONER COHEN: Is that walkway

open, this new walkway yet or is that --

MR. NASTASI: It's opened.

COMMISSIONER COHEN: Okay. And it's literally just on the other side of the property line.

VICE-CHAIRMAN BRANCIFORTE: I suppose I should ask about bicycles. Are you making any -- what's the -- how do you accompany -- how do you --

COMMISSIONER WEAVER: Provisions for bicycles?

COMMISSIONER MCANUFF: Two existing racks on the top left corner of the building?

MR. NASTASI: We have existing bicycle -- they've already been accommodated bicycle racks, right there at the main entry of the building, and I think -- so at the main entry of the building bicycle racks were already there, and I believe bicycle racks were just installed here as well.

VICE-CHAIRMAN BRANCIFORTE: Okay.

MR. NASTASI: So it's already been a bike-friendly intersection.

COMMISSIONER MARSH: Okay. I think it's right -- of all the blocks that are adjacent to this building in all directions except the ones in Jersey City, I mean, the Hoboken blocks that

are -- the blocks that are adjacent to this, the block that this building is on, they're all in I-2, right?

MR. NASTASI: That is correct.

COMMISSIONER MARSH: Okay. Thank you.

COMMISSIONER WEAVER: I guess, like, three questions. I'm sorry. You were pointing to, are there -- is there bicycle parking opposite where the park will go, because right now your plan only indicates bicycle parking on the opposite side of the building away from the park.

MR. NASTASI: There are bicycle racks installed right here.

VICE-CHAIRMAN BRANCIFORTE: Bike share.

MR. NASTASI: It's racks. My client has existing bicycle racks right at the entry of his building.

COMMISSIONER WEAVER: In the opposite side away from the park, right?

MR. NASTASI: Right. Which is where his main entrance is right now.

COMMISSIONER WEAVER: But then you said that you're making another entrance opposite the park?

MR. NASTASI: Which would be this

corner.

COMMISSIONER WEAVER: And there's no bicycle parking there?

MR. NASTASI: Right now there is not.

VICE-CHAIRMAN BRANCIFORTE: You don't plan on adding any?

MR. NASTASI: I'm sure my client would be more happy to add bicycle racks in there.

MR. MATULE: It would be subject to getting a -- some easement ordinance from the city, because it would be on the city's right of way.

COMMISSIONER WEAVER: But --

MR. MATULE: But we certainly wouldn't have any objections to putting bike racks out there.

MS. BANYRA: Is there any space inside to put it? So if somebody is working inside, that they don't have to compete for a bike space, or is there any storage inside that you could have the bicycles? Inside the building on the lower floor?

VOICE: There isn't any.

MR. MATULE: You have to be sworn to answer.

MR. GALVIN: That's all right. We're okay. We'll keep going.

MR. MATULE: Okay.

COMMISSIONER WEAVER: If we could go

to Z-3. The sidewalk is wider on Harrison Street, so that might be a better location for the bicycle parking to ask, if that happens. The second thing is, where it says "new lobby" in gray there appears to be an elevated entryway for stairs. And I guess that's a -- can you confirm to me that that's a ramp? Stairs to the left and ramp to the right?

MR. NASTASI: You see in the rendering it's a porch.

MR. MATULE: Z-5 has a detail in the upper right-hand corner.

COMMISSIONER WEAVER: So and that's new?

MR. MATULE: It's proposed.

COMMISSIONER WEAVER: And there's no handicapped entrance there?

MR. NASTASI: No, because the existing entry is at the -- the existing entry on the south is at grade you can roll in, while the topography on the north end, that same first floor is now several feet above the sidewalk.

COMMISSIONER WEAVER: Okay.

MR. MATULE: And if I might --

VICE-CHAIRMAN BRANCIFORTE: All the ADA parking is on the south end where that ADA compliant entranceway is, correct?

MR. NASTASI: That's correct. The

seven ADA parking spaces adjacent to the ADA entry.

COMMISSIONER WEAVER: And presumably if you're being dropped off by a service, you could just have them drop you off at the back of the building.

MR. NASTASI: Which is really the main entry at this point.

COMMISSIONER WEAVER: I thought you were testifying that you were creating another main entry opposite the park?

MR. NASTASI: I am, but the existing main entry for the main -- for the past 13 years has been on the south side of the building, and that's where the ADA space is, and I'm assuming that's where you'd be dropped off.

COMMISSIONER WEAVER: Okay.

MR. NASTASI: To answer your question.

COMMISSIONER WEAVER: It just doesn't seem equal, and also your testimony is that only the areas that are hatched in gray will be part of the scope of this project on Z-3?

MR. NASTASI: What I was testifying partially correct, what I was testifying is that this -- and the partial -- on the fourth floor plan, this already exists.

COMMISSIONER WEAVER: Uh-huh.

MR. NASTASI: Now, it's going to be renovated, so it's in the scope, but it's not an addition so that partial fourth story already exists and is currently incubator space.

COMMISSIONER WEAVER: But if we go, if we just start at the bottom, the ground floor, the only work that will take place is this grayed area where the new lobby is going to be added.

MR. MATULE: Upper left.

MR. NASTASI: The only thing I would clarify is that that's the significant change in the scope of work, yes. This lobby that we're introducing on the ground floor.

COMMISSIONER WEAVER: I know, and think I'm just looking at the letter from the flood plain manager, and it's stating that it will not exceed 50 percent of the market value of the existing structure, and I don't know if it was explained to her that there would be other renovations in the building besides, you know, the adding of the floor and finishing out the fourth floor.

MR. NASTASI: Yeah. I gave a very thorough presentation and description to Miss Holtzman about the scope of work. Begun.

COMMISSIONER WEAVER: What's the height of mechanical equipment itself.

MR. NASTASI: I'm showing a 10-foot high mechanical equipment visual barrier. The mechanical would be less than that. So it will be hidden behind that and depends there's several different pieces of equipment from compressors which are only 30 inches high to some larger equipment, but it's sort of standard mechanical equipment, which varies in size based on the manufacturer.

COMMISSIONER WEAVER: But you don't know what the height of it is?

MR. NASTASI: No, I don't at this point.

COMMISSIONER WEAVER: So we could lower it to the height of the equipment.

MR. NASTASI: We could, correct.

COMMISSIONER WEAVER: Okay. And then --

MR. NASTASI: Just be careful, I just want to make sure we can muffle that acoustic sound, so if you can dampen it at the source, it's always better than letting it get --

COMMISSIONER WEAVER: I know, but we're not going to have an acoustician come and testify about what the actual makeup of the screen is, and, you know, the frequencies, the decibels, then maybe we should have that.

MS. BANYRA: Well, there's a requirement that it be screened with and, again, I'm -- you guys will know what this means more than I, but it talks about the screening being -- hold on, sound attenuation, roof-mounted equipment, such as emergency generators, should have a Level 3 sound enclosure, or highest available manufactured standard. That's in the ordinance, so...

COMMISSIONER WEAVER: But that's for the emergency generators, that's not for a compressor.

MS. BANYRA: It's relative to rooftop appurtenances, it's under the same category, and it's used under the subcategory of sound attenuation.

COMMISSIONER WEAVER: What was the --

MR. NASTASI: Level 3.

COMMISSIONER WEAVER: So you guys testified you're going to have a Level 3?

MR. NASTASI: We would meet or exceed all of the requirements.

COMMISSIONER WEAVER: Okay. And then just, I mean, I think the rendering is beautiful. What's really nice about it is the top that glows like a lantern, because it a very, sort of, monolithic, you know, muted paper lantern on

the top, which helps to diminish the mass of it. One of the things I'm worried about, though, is that when individual tenants come in, do they then get to put in their own window treatments, and, you know, how will that actually -- how will that consistency in the facade, you know, be managed?

MR. NASTASI: I mean, that's a great point to bring up. I think we're looking at a muted -- I know this is insulated glass system, but muted optically, so either fritted or acid etched. And Mr. Dellaquila highly maintains this facility, and if you've been through it, it's sort of meticulously maintained by Mr. Dellaquila and, although I can't testify for him, but I'm almost certain that he will assure that this place is properly maintained, so it doesn't become this ad hoc, you know, visual aesthetic, and if you -- if the past 13 years of seeing this facility is any indication, between the parking lot and the lobbies and the elevators and the bathrooms and the spaces, it's pretty professionally maintained by this family.

CHAIRMAN AIBEL: Should there be consistency with window treatments?

COMMISSIONER WEAVER: Sometimes you do, I mean.

MR. NASTASI: So you can get shades at

different heights and curtains.

COMMISSIONER WEAVER: Exactly. I mean, it's -- I mean, sometimes you even do the light fixtures, too, because somebody is going to have one temperature -- color temperature, and either have a pink light fixture or a blue light fixture.

MR. MATULE: I think I could get to the heart of it. It's my understanding from the applicants that currently they have -- they install all the window treatments on all the windows in the building, so they're consistent, and the plan is to continue that --

COMMISSIONER WEAVER: That's great.

MR. MATULE: -- plan up on the fourth and fifth floor, so they will be consistent, and avoid the very concern you have.

COMMISSIONER WEAVER: And then, I guess, one last one. Are there -- more about, sort of, sustainability, and are you adding any light fixtures to the parking lot? I see there's some -- seems to be a lighting -- this looks like a foot candle study, metrics, are you adding lights, are they dark sky compliant?

MR. MATULE: If I might, that was done in response, some questions were raised by the Board professionals and the applicant had

responded that all of the lighting in the parking lot was designed by PSE & G when they installed all the lights there, and this was just to give a visual representation of what the current lighting there is. Correct?

MR. NASTASI: Correct. That is correct.

COMMISSIONER WEAVER: And then, lastly, about the sustainability, I mean, we're adding two floors. Is there anything that you guys, besides the green roof, you know, wireless urinals, anything, low VOC materials, you're not going for LEED.

MR. NASTASI: The only thing we have in this proposal is the substantial green roof.

MR. MATULE: And the additional greenery in the parking lot.

MR. NASTASI: The southern edge of the parking lot we're introducing a green buffer, a modest green buffer, but the predominant sustainable component is the green roof.

COMMISSIONER WEAVER: And I guess, yeah. No. Thank you. That's it.

MR. NASTASI: Thank you.

CHAIRMAN AIBEL: Anybody else.

Board Members?

MS. BANYRA: Mr. Nastasi, the

lighting, as you indicated, some of the projects across, is it Newark Street, I think? There are some residential projects, and I guess I'm wondering, and I wasn't sure if your testimony was that -- I don't know what the hours of operation are, but the light, because there's a big expansive glass. Is it muted, somehow, so that while it might glow, it's not going to be glaring? Because there are two blocks away probably a row of residential.

MR. NASTASI: What we spoke about earlier is that this is either an acid etched or a fritted glass.

MS. BANYRA: And what does that mean?

MR. NASTASI: It has the aesthetic of a a paper lantern.

MS. BANYRA: Okay. Okay, great.

MR. NASTASI: It's muted.

MS. BANYRA: Okay.

MR. NASTASI: It's not fully transparent office glass.

MS. BANYRA: And then the other thing was I -- I couldn't read the photo metrics at all on the big plans or the little plans, but I wanted to know if you're testifying that there's adequate lighting at any of the entrances and particularly on the corner of Harrison and Observer where this

new entrance is, because I couldn't read whether or not there's actually adequate lighting there.

MR. NASTASI: Well, in the rendering, you could see that we're introducing new lighting under the canopy.

MS. BANYRA: Great. So right at the street corner --

MR. NASTASI: Yes.

MS. BANYRA: -- there? There's adequate light. Is there street lighting out there as well? So if you come off those steps, is it dark then, John? Again, I couldn't read the photo metrics at all.

MR. NASTASI: It's not -- it is adequate, actually, though. The foot candles are consistent, so the two point six foot candles at the corner are actually -- it's at its brightest at that corner, actually.

MS. BANYRA: Okay. And then the last comment I have is relative to the parking lot and the greening of the parking lot. I mean, the perimeter parking, first of all, is not in Hoboken. I'm not sure how we could maintain that or require that or do anything on that, and, second, if you're familiar with -- I think they're called Rutgers Diamonds that go in the parking lot for trees, that you could put lots of them and not lose parking

spaces, and they basically are diamonds.

MR. NASTASI: At the intersection --

MS. BANYRA: And you could substantially green up that, which would also help in terms of mitigating, you know, storm water and, again, ensuring that that's an adequate space.

COMMISSIONER WEAVER: Yeah, there was storm water, there was heat island --

MS. BANYRA: Yeah, I don't need to get into -- we all know what the things are, but, you know, I think one of your original approvals talked about landscaping the parking lot. I think what you went back to, maybe, was the landscaping that was proposed on one of the plans on that perimeter, but we have no control over that and while it might be okay, I don't know that we could do anything about it, and to me we should be looking to it's a big parking lot, and I understand the need not to lose spaces, but I think a substantial, you know, some landscaping there could be done and still keep your spaces.

MR. NASTASI: If we could -- we could --

MR. MATULE: We could look at that. I've spoken with the applicant. We're going to look at that, and see Mr. Nastasi can lay out without impacting the parking.

MS. BANYRA: John, are you familiar with what I'm talking about? They're right at the intersection.

MR. NASTASI: I know exactly what you're talking about. They have it at these points so they don't take away the parking spaces.

MR. MATULE: If I might also, Miss Banyra, on sheet Z-2 they show existing overhead street lamps with supplemental flood lamps on both corners of the building, and also down on Observer Highway, and in three places, so it seems like it's pretty well --

MS. BANYRA: Again, I couldn't read this. On the big or little plan I couldn't read it. So as long as you're testifying that it's adequate, then that satisfies my question.

And then the final comment relative to the roof deck, is there a reason why the perimeter of the roof deck didn't have some kind of green accent on it to -- I know there's a rail, safety rail, and that there's one screening, the sound attenuation equipment to kind of soften that edge.

Is there a reason not to soften the other edge?

MR. NASTASI: There's not a particular reason not to do that. I mean, I don't see any problem with creating plantings along the

parapet edge.

MS. BANYRA: I mean, I think it's a big space, I think it could actually be sitting areas. It could be some really cool space up there, up to the deck, and the landscaping, again, would probably enhance that deck area and also knock off, you know, maybe a little bit of the activity in terms of that. So those are my comments. Thank you.

MR. NASTASI: Thank you.

CHAIRMAN AIBEL: Is there going to be? Will there be any public parking?

MR. MATULE: Will there are enough parking?

CHAIRMAN AIBEL: Will there be parking available to the public?

MR. MATULE: I don't believe that the lot is operated as a public lot.

CHAIRMAN AIBEL: Okay.

MR. MATULE: But just for the occupants of the building.

CHAIRMAN AIBEL: It would be nice with that park across the street, I could drive down and park in there.

MR. NASTASI: Give him a private space.

MR. GALVIN: Mr. Chairman, I heard you

say you were going to take your bike over there.

CHAIRMAN AIBEL: We'll get to the traffic expert. Yeah.

MR. MATULE: If I may also, just in response, I have also confirmed with the applicant the general hours of operation are eight to six, but people do have 24/7 access to the building. I mean, that's the very nature of the incubator space.

VICE-CHAIRMAN BRANCIFORTE: Who would be the best expert to ask about the parking allocation and --

MR. MATULE: The traffic expert. He addresses that in his report, but he will talk to it in his testimony.

CHAIRMAN AIBEL: Anything else from Mr. Nastasi? Seeing no public --

MR. WINTERS: Chairman, just one or two quick comments to add on to the professional comments. Mr. Nastasi, I just did want to point out one minor item from -- and I did read your responses that you provided to our letter. The handicapped access ability the ADA ramps, in our letter we asked about the ADA section at the intersection corner, which I did see there was a picture provided on your plans, but while this project is being considered for approval, I think

it would be a good time just to clarify that that ramp is in still in compliance. It looks favorable in some pictures, but I would just ask that as part your response to that that you verify if that it is a compliant ramp and if need be, upgraded.

MR. NASTASI: I will testify that we'll access if it is compliant. I'm pretty sure it is, and if it isn't we will make sure it is compliant.

MR. WINTERS: Okay. Thank you.

MR. MATULE: My understanding, Mr. Winter, it's my understanding that was just recent -- that corner was just recently.

MR. WINTERS: It looks pretty good from the photo, but --

MR. MATULE: But --

MR. WINTERS: I just want to make sure we have that covered, and also the in the tree category, again, at the same time that improvements were being done to the property, we had a comment in our letter asking that the existing street trees be evaluated by arborists, and I'm sure the applicants amenable to maintaining those properly.

MR. NASTASI: The shade trees that were planted by the city all died, and they've all been replaced, and they're all new trees right now.

MR. WINTERS: Okay.

MR. MATULE: They're at all new within the last year.

MR. WINTERS: Okay. Good. I just -- I saw it was new within the year, I just figured that would be okay. Thank you. That addresses everything I believe I have. Thank you.

CHAIRMAN AIBEL: Okay. Again, seeing no public, is there anybody in the public who wishes to question Mr. Nastasi? Seeing none.

COMMISSIONER MCANUFF: Motion to close public portion.

COMMISSIONER COHEN: Second.

CHAIRMAN AIBEL: All in favor?

(Voice vote taken at this time.)

MR. MATULE: Mr. Occur away.

C R A I G P E R E G O Y, being first duly sworn by the Notary, testifies as follows:

DIRECT EXAMINATION BY MR. MATULE:

MR. GALVIN: And your expertise?

MR. PEREGOY: Traffic engineer.

MR. GALVIN: Okay. Can you give us three boards you've appeared before recently. Give me three others.

MR. PEREGOY: I've been here, and every other board in Hudson County.

MR. GALVIN: Okay. If that's good --

CHAIRMAN AIBEL: I think I recall

seeing this gentleman. Nice to accept you.

MR. GALVIN: Okay.

MR. MATULE: Okay. Mr. Peregoy, you're familiar with the proposed site and the proposed addition?

MR. PEREGOY: I am.

MR. MATULE: And you were one of the co-authors of the Traffic Impact Study dated September 717th, 2015?

MR. PEREGOY: Yes.

MR. MATULE: By Dynamic Traffic.

MR. PEREGOY: Yes.

MR. MATULE: And you've also heard the testimony about the fact that there's been a slight reduction in the number of parking spaces.

MR. PEREGOY: I have, yes.

MR. MATULE: Could you go through your report and give us your professional opinion regarding the packet of the new addition on the existing traffic, and also while you're doing that, you probably heard while you were sitting here some of the questions some of the Board Commissioners have regarding the adequacy of the parking also.

MR. PEREGOY: Yes, I'll start with the traffic impact stuff first, it's the primary focus of our report. We took a look at the intersections of Harrison Street and Newark Street, and also

Observer Highway and the existing driveways of the business center, and we took traffic counts there seven to nine in the morning and four to six in the evening on weekdays, because that's obviously when the roadways are the busiest, and also in the office building would be its busiest. We've taken counts in this area for a number of different projects over the years going back to 2006, and as much change has happened in Hoboken, the traffic lines have been very consistent over those -- the past ten years or so. So we have pretty good solid baseline data with that regard.

In terms of the actual business center, what it's generating today is on the order of 65 to 70 trips. A trip is a vehicle either entering or exiting the facility. Typically, when we do trip generation projections and try to determine how much traffic the use will generate, we use the ITE, Institute of Transportation engineers trip generation data. If I run that data and take a look at what I would project for the existing office building, it says we generate 110 entering vehicles during that morning peak hour and vice versa leaving in the evening. In this case we have we counted 49 entering vehicles, so less than half, about 47 percent of what the ITE would say. I also took a look at the census data for

Hudson County, which is presumably where most of the workers are coming from, and that also says that about 47 percent of people use a vehicle to commute. So those numbers match up pretty well. On top of that our -- the applicant, Mr. Dellaquila had done a survey of the people who work in the building, tried to determine: Do you walk? Do you drive? Do you take mass transit? And during the peak hour, the one busiest hour in the morning, he had 99 people arrive at the building and 47 of them drove to the site. So, again, a little bit less than half than the ITE would have told me. So to make the projections for the additional square footage that we're adding and use the ITE data and then cut it by half to match, basically, what's going on there -- what's going on there today, and that's backed up again by not only what we've counted, but census data as well. The distribution of that traffic, obviously, is probably going to follow the patterns of the existing building. So we distributed the site traffic onto the roadway network based on the distribution that you see coming in and out of there today, and then prepared capacity analyses of the site driveways and the two adjacent intersections, both with and without the proposed development, the no build and the build condition for comparison.

The site driveways operates very well at levels of service I'm sure you're all familiar with levels of service from other traffic engineers. They operate at a level of service B. So no issue getting in and out of the building. The Observer Highway, the four-way stop intersection at Observer and Harrison operates in the range of level of service C to D. We impact it by an increase of maybe a second and a half of delay per vehicle, so not too much. Harrison Street and Newark Street, obviously, that's a fairly congested location. It's calculated to operate at level of service F, and it certainly does in the morning coming out, it queues down Harrison Street quite a bit, more so in the morning than in the evening. One thing interesting that's happening is the signature that went in at Jackson Street, although it didn't actually help the left turn into Jackson Street too much, it does break up the traffic exiting town on Newark Street, and has loosened up Harrison Street a little bit in the morning, and, again, the evening you really don't see too much congestion on Harrison Street, and that's why this is actually a good use for this location because it's the opposite flow of traffic. Office space is going to be arriving in the morning and leaving in the evening, whereas most of the

traffic volume coming in and out of town is residential, so it's the opposite flow.

So where we're going to generate the most impact at the busiest intersection is the opposite time period where it sees the worst, the worst level of service. So in terms of traffic impact, it's very compatible. We're not -- certainly not going to generate enough traffic to really notice the difference between one day or the other when we add the additional square footage.

In terms of the parking, the ITE data I had to adjust because it's based on suburban locations primarily for traffic. But they also have parking generation data, which basically is a compilation of the maximum parking demand counts at various land uses. In this case, looking at office they break it out suburban versus urban, they actually have separate data for that. And if I used the urban data, which obviously this is going to qualify for, you have mass transit readily available, more than half of the existing workers there walk or take mass transit or bicycle. So certainly it qualifies for that. If I use the ITE data for urban it's 179 parking spaces required based on this square footage that we have proposed, based on the total square footage, and, again, we

have 222 provided. And just in terms of the location, easy access to the light rail, the nature of the tenants and there you have a lot of small start-up businesses, as you heard from the prior testimony, so it's not like a typical nine to five office building where everybody shows up working all day and they leave. It's a lot of staggered hours, different hours, a lot of people telecommute, aren't there during the day, work later at night, it is kind of a unique animal in terms of an office building because it does have so many different tenants in there, they have different operating procedures and different peak time periods. So that also loosens up the parking demand a little bit. And, like I said, less than half of the people who work there today use a car and drive to the facility.

But for all those reasons I think the parking is sufficient, and just on a personal note, I lived in this area for five years and worked from home during the day. I can't remember seeing that lot more than half full, really, so, I think we have the extra parking available, we can clean up the lot, we'll lose a few spaces, but it will more than accommodate the additional square footage.

MR. MATULE: So just to conclude, the impact on the local traffic, in your professional

opinion, will be negligible?

MR. PEREGOY: Negligible impact.

MR. MATULE: And the parking?

MR. PEREGOY: The will still be brutal down in that part of town.

MR. MATULE: So --

MR. PEREGOY: And certainly we have enough excess parking and will accommodate the additional square footage, not a problem.

MR. MATULE: And no significant degradation in the current street operating conditions?

MR. PEREGOY: No.

MR. MATULE: Okay. Thank you.

CHAIRMAN AIBEL: Questions, Board Members?

COMMISSIONER MARSH: When did you do the studies?

MR. PEREGOY: We took our traffic counts in September, Wednesday, September 16th, and then we also got counts from that whole area, but at that specific intersection, specifically from May of 2006, April of 2009, May of 2009, and then there was a study done by another engineering firm the Jersey City/Hoboken Connectivity Study from 2011, so we have lots of --

COMMISSIONER MARSH: 2006, 2009.

MR. PEREGOY: Two in 2009. The 2011 data from another study. And we did our counts in September of 2015.

COMMISSIONER MARSH: Okay.

MR. PEREGOY: They're all pretty close surprisingly. For ten near period, the volumes are not substantially --

COMMISSIONER MARSH: Because my follow-up question was did the closing -- does the Pulaski Skyway construction affect this.

MR. PEREGOY: I don't -- I don't think so. It certainly wasn't apparent in the counts that we took in September, so I think people were just using the Turnpike extension as the alternate.

COMMISSIONER MARSH: Okay.

VICE-CHAIRMAN BRANCIFORTE: I'm trying to figure out how many new square feet are we adding altogether on the fourth and fifth floor.

MR. PEREGOY: I could give you the exact number in just a moment. I got it right here. 46,156.

VICE-CHAIRMAN BRANCIFORTE: So what I'm trying to go after here is -- so right now we say --

MR. PEREGOY: No, that may be total. You're right.

VICE-CHAIRMAN BRANCIFORTE: It

shows --

MR. PEREGOY: That's the addition.
The existing 80,253.

MR. MATULE: I see, 7,630 and 7,600.

VICE-CHAIRMAN BRANCIFORTE: Yeah.

MR. MATULE: 15 something per floor.

VICE-CHAIRMAN BRANCIFORTE: Right.
That's what I was going after. You had two
different numbers there.

My question is this: Existing right
now you have a lot of small incubator businesses,
one to four employees, they arrive however they
arrive, by car or by foot by mass transit, but let's
say on that third and fourth floor, the fourth and
fifth floor of this being added, let's say those
aren't -- those are no longer small businesses, one
to four people. Now it's an -- I don't know, a law
firm or a data processing center or something like
that. Are we talking more people then per square
foot on the floors versus an incubator business?

MR. PEREGOY: Not necessarily. It's
not necessarily people per square foot, and I don't
believe that's the intention. I think he wants to
continue to use this as incubator space, but I
understand your theoretically if it became a law
firm, you might see -- might see more of a parking
demand than the existing per square foot.

Traffic-wise what I used to generate the traffic was for general office building, basically, a nine-to-five type of office building, where you would have a law firm or something like that. There's nothing specific to this unique kind of use. So the only impact you may see a little more parking per square foot, but there's plenty available.

VICE-CHAIRMAN BRANCIFORTE: That's where I was going. I'm worried about the parking, and, you know, maybe I should drive through there one afternoon and see how much parking is available versus how much taken, but that's what I'm worried about is that too many people are going to show up and the parking lot is going to turn into a zoo and just a complete mess.

MR. MATULE: I might -- two things, the intention, the applicant's intention is to build this new space out as flexible incubator space as well. Part of what's driving that is the applicant has a grant from the Economic Development Authority of the State of New Jersey to build a minimum of 15,000 square feet of new incubator space.

VICE-CHAIRMAN BRANCIFORTE: So out of the --

MR. MATULE: I think this building is

approximately 40,000 square feet total is in the two floors, which, if the intention is that it will all be incubator space. I mean, sort of how this works is somebody rents a hundred square feet and then if they're doing well, in six months maybe they expand that to 200 square feet, and there are people in there who are renting 2,000 square feet, eventually, but it depends on how a particular business grows and some people move out and it all comes and goes.

VICE-CHAIRMAN BRANCIFORTE: I understand.

MR. MATULE: But the underlying demand and need is for the flexible incubator space.

CHAIRMAN AIBEL: How many people are we talking about? You know, what is full occupancy -- I know Mr. Dellaquila is here.

MR. MATULE: Why don't I get him up here.

CHAIRMAN AIBEL: That would be a good idea.

COMMISSIONER WEAVER: I have a question.

MR. MATULE: Mr. Dellaquila, why don't you come up and get sworn.

COMMISSIONER WEAVER: I have one

question.

MR. GALVIN: Sorry.

CHAIRMAN AIBEL: Okay.

COMMISSIONER WEAVER: There's entrance for parking with a rolling iron gate off of Harrison, how does that play into your traffic pattern?

MR. PEREGOY: Yeah, we counted that driveway and the driveway on Observer. There's two driveways.

COMMISSIONER WEAVER: So Observer is open.

MR. PEREGOY: Yes.

COMMISSIONER WEAVER: But this one is closed.

MR. PEREGOY: No, the access on Harrison is open.

COMMISSIONER WEAVER: It's open all the time.

MR. PEREGOY: I don't know. I assume so. It's open during peak hours. It might close at night, I'm not sure, but it's open when we do work.

MR. MATULE: Are you talking about Observer or Harrison?

COMMISSIONER WEAVER: No, no, Harrison.

MR. MATULE: Okay.

COMMISSIONER WEAVER: It's not going to be like a key card where you've got to wait until the queue up on the sidewalk, until the gate opens and, no?

MR. DELLAQUILA: No.

MR. PEREGOY: No.

VICE-CHAIRMAN BRANCIFORTE: But there is an island shown there.

MR. DELLAQUILA: It is there because--

MR. GALVIN: I know, I know, I know. Stop. Stop. Everyone, stop.

Mr. Dellaquila wants to get up here and get under oath, okay? Can I do it?

CHAIRMAN AIBEL: Please.

G R E G D E L L A Q U I L A, being first duly sworn by the Notary, testifies as follows:

DIRECT EXAMINATION BY MR. MATULE:

MR. GALVIN: Thank you, sorry.

I'm the sheriff. Everybody has got to take their turn.

MR. MATULE: So Mr. Dellaquila, you heard the question about how the gate at the Harrison Street entrance operates.

Could you enlighten us?

MR. DELLAQUILA: Yes. Both gates,

one on Harrison Street and the one on Observer Highway's entrances, they're open during the day, and then they electrically close at night, and any of the tenants who have a parking space have transmitters to access at night, it's 10 p.m. is when they close.

MR. MATULE: The other question, I think, Commissioner Branciforte had was he's looking -- or perhaps Commissioner Aibel, a sense of how many people are in this building during the day, if you have a sense.

MR. DELLAQUILA: So I think from other testimony you heard it's -- it was accurate that because these businesses are -- you know, there's a 10-person law firm, there's a two-person software development company, they come and go throughout the day. I would say to give a, you know, a guess to how many people would be there at a peak time in the office building, I would say maybe 250.

CHAIRMAN AIBEL: Would that be approximately the same amount estimate for the newly built space?

MR. DELLAQUILA: I think it's going to be a little bit less because the -- there's currently three floors, and we're adding one, and, you know, we'll call it seven-eighths, so it will kind of be that proportion we're projecting.

MR. MATULE: So would that be an
another --

MR. DELLAQUILA: Probably like
another maybe 175.

VICE-CHAIRMAN BRANCIFORTE: Well,
the calculations that, you know, looking a Z-3, if
you add up, you know, typical number of employees,
you come up with 320 people. Typical -- total
number of employees per typical shift is 320. So
it's a little bit more than, I guess, you're
estimating.

CHAIRMAN AIBEL: Is that existing?

VICE-CHAIRMAN BRANCIFORTE: Well,
that includes -- I think the 320 includes the extra
floors.

MR. MATULE: Maybe Mr. Nastasi can
address that.

COMMISSIONER MCANUFF: He just said
425 he was figuring on. How much did you say?

VICE-CHAIRMAN BRANCIFORTE: Did he
say 400? I think it was 200.

COMMISSIONER MCANUFF: Well, he said
250 currently and then another 175 expected with
new addition.

MR. NASTASI: Wait, the 320 is when I
queried the client, the 320 is with the expanded
square footage.

VICE-CHAIRMAN BRANCIFORTE: And what did --

MR. NASTASI: That's on Z-3.

VICE-CHAIRMAN BRANCIFORTE: And what did Mr. Dellaquila just testify to? An additional --

MR. MATULE: 250 now, and then maybe another 175.

VICE-CHAIRMAN BRANCIFORTE: You're up to 425.

MR. MATULE: That's a peak, right?

MR. DELLAQUILA: I would say that would be the maximum. And I think, I think, to be clear, we're the property management company as well and our offices are on site, it just doesn't ever get that full because everyone is just not there at the same time because of the different businesses. I mean, there's probably currently probably about 80 different businesses inside the building. It just doesn't ever get a hundred percent occupied with all the employees who are employed.

CHAIRMAN AIBEL: So on the assumption that you had 250 people in the existing building today, how many people are coming in with cars? What does your parking lot look like today?

MR. DELLAQUILA: It varies, it really

does. I would say total parking, you're at like 60, 70 percent on average. That many -- that many cars are there, I would say, at peak, but it's really -- I mean, we've tried to look at it and assess it, reserve parking versus not reserved parking to try to just work the business, and because it varies so much, we can't even get a handle on it, really.

MS. BANYRA: Mr. Chairman, may I ask a question?

CHAIRMAN AIBEL: Go ahead, sure.

MS. BANYRA: Mr. Dellaquila, do you rent the parking out to anyone other than the people that are occupying the building?

MR. DELLAQUILA: No.

MS. BANYRA: Okay. And I think for the traffic engineer, did you testify that you did -- did you do any counts of a parking lot, or just was it an anecdotal observation?

MR. PEREGOY: We did counts of the vehicular access. Mr. Dellaquila surveyed the people who were working there, and it was over in the peak hour, the one busiest hour that we look at for traffic, it was about 47 percent of the actual occupants drove, but over the entire course of those it was probably a four hour study, they did, like, 6 a.m. to 10 a.m. it was closer to a

third. It was like 36 percent or 35 percent drove, so even if you said 50 percent of the building occupants drove there, with 222 spaces, you could theoretically have 444 people go there and that was just I'll assume they're all there at one time, which you've heard from the testimony is rarely the case, there's operating hours --

MS. BANYRA: And do you know how many of those trips were people driving and dropping somebody off? Is that -- is that a scenario as well?

MR. PEREGOY: Yes. I didn't see much of that activity in terms of the office, but the daycare had, obviously, pick up and drop off.

MS. BANYRA: That's a totally different thing.

MR. PEREGOY: I mean, that was basically it. In fact, exiting in the morning from the Harrison driveway, it was, I think, three cars left the facility. Most of them came in. And all the exiting traffic was in the Observer traffic, was associated with that area.

MS. BANYRA: That's all I have.

CHAIRMAN AIBEL: Go ahead.

COMMISSIONER MARSH: Is there any other, besides the light rail, is there any other public transportation that's -- like, does the HOP

go around there?

MR. DELLAQUILA: The HOP stops on First and Harrison. The one HOP that I don't know what -- what color it is.

COMMISSIONER MARSH: It wouldn't help me anyway.

MR. DELLAQUILA: But that's for the PATH train, and we've informed our tenants over the years when that came on line. Few people use it.

COMMISSIONER MARSH: Few or a few?

MR. DELLAQUILA: Few, few people use it. The 87 bus stops on the corner of Paterson Avenue and Harrison Street, which people do use that, but mostly light rail, walking, biking, and then driving.

COMMISSIONER MARSH: Okay.

VICE-CHAIRMAN BRANCIFORTE: I want to get back -- I hate to beat a dead horse here, but about the bicycle racks? We're adding racks to -- we're hopefully adding racks to the front entrance, with the City's permission. I'd like to see more bike racks added to the back, and if you could build some sort of shelter out to protect the bikes from the environment, from the weather and whatnot, that would be nice too, because I am really concerned about the additional cars coming in, and if we don't make it really attractive for people

to come in on the bikes and protect their bikes from the rain during the day and whatnot, I'm afraid that people just won't do it. And, you know, are you agreeable to that?

MR. DELLAQUILA: I am. I mean, I will tell you that we're on owner/operators, I think is the best way I could put it, and especially because our company's offices are on site, when we see the need, we accommodate it. So we had to increase bike storage.

VICE-CHAIRMAN BRANCIFORTE: I'd like you to increase bike storage in the anticipation of the need right now.

MR. DELLAQUILA: Right.

VICE-CHAIRMAN BRANCIFORTE: Rather than --

COMMISSIONER WEAVER: If I might ask, what's this on sheet Z-2, just to the south of the loading zone. There's an area that's not for parking, it's not for anything right now. What is located there?

The actual text it says "existing bike racks".

MR. MATULE: Right.

MR. DELLAQUILA: Oh, no, I see where you're --

COMMISSIONER WEAVER: What is that?

MR. DELLAQUILA: That is an outdoor seating area.

You're saying where it says north 32 degrees?

COMMISSIONER WEAVER: Yes.

MR. DELLAQUILA: Outdoor seating area. There's just a couple -- I mean, when I say "outdoor seating area", I mean, literally a couple of picnic benches.

COMMISSIONER WEAVER: I see it, yeah.

VICE-CHAIRMAN BRANCIFORTE: I wonder, also, how many trips in the morning are for people dropping their kids off at daycare, do you know?

MR. PEREGOY: I can tell you pretty much based on who's going out in the morning. If you're leaving in the morning, you're probably dropped off. It's 16 out in the morning, and then 18 in the evening. So on the order of 15 pick-ups and drop-offs.

COMMISSIONER WEAVER: I'm sorry, I don't want to beat a dead horse again. I dare say, I'm looking at the pictures of your outdoor seating area, when the new part comes on line, it's going to be much more attractive to go to the park, than to sit at the picnic tables on the asphalt. So it's just maybe a general suggestion, a better

utilization of that space might be some covered bicycle parking some sort of landscaping amenity.

MR. DELLAQUILA: I would agree with that.

COMMISSIONER WEAVER: And that way even if you maintain and clean up, let the City do it. I guess, while I'm -- I have your attention, I would in that same vein about the park -- yeah, the park, which is catty-corner, the complete opposite side off the handicapped entrance, if I'm a handicapped individual in a wheelchair, I have to leave the -- I have to leave the building, complete opposite side from the park, if I want to go have lunch in the park, and go all the way around the building past a new entrance to get to the park. So I would consider, since you have the space there and you're making an ask of the City, to put that in. I don't think it would be in the City's best interest, and I don't speak for the City, but I don't think it would be in their best interest to allow an entrance which is not handicapped accessible in such a prominent position opposite the corner of the park.

MR. NASTASI: Can you propose a combined entry with the stair to the east and a ramp going west, so that the same structure can handle and -- accommodate.

COMMISSIONER WEAVER: We do all the time right. And then finally, I'm going to beat the sustainability horse, daylight harvesting. You have a huge open roof and there's plenty of opportunity, you know, the lost spaces, they like lots of daylight, it would be an amenity for the tenants and it would also maybe decrease your electric bills, you know, you have to offset the capital costs of the skylight, you know, however you want to harvest the daylight, but you have very deep floor plates, and that might be a nice -- even on the terrace where I would imagine there could be parties even or you could have rental space, and, you know, these could be nice objects that could be designed very well as these, sort of, shapes that come out that help pre-populate the space, but also provide some way of daylight harvesting to increase the value of that top floor.

MR. MATULE: That's something you could look into, Mr. Nastasi?

MR. NASTASI: That's fantastic, yes.

COMMISSIONER WEAVER: Otherwise, I think it's beautiful. This was a building, which is obviously in an I-2 zone, and I, as a citizen of Hoboken, I appreciate what you're trying to do.

VICE-CHAIRMAN BRANCIFORTE: Question for Eileen. If they were to start adding retail

to this building, would they have to come back for a variance?

MS. BANYRA: I think it fits under the same category, I think the office and retail, we went through this when I asked Mr. Matule about his interpretation, because I thought they originally needed a use variance, so within that same category it indicates you need -- you can use retail as well as office, as well as I think it's using the term general businesses and commercial.

MR. MATULE: Service is a pretty broad category in our ordinance. I mean, it's like banks, beauty shops.

MR. GALVIN: What's the difference in the parking demand?

VICE-CHAIRMAN BRANCIFORTE: Yeah, that's what I'm getting at, is the parking demand.

MR. MATULE: That's not to say it might not trigger a need for some site plan approval or something.

MS. BANYRA: Right.

MR. GALVIN: You know, or variance.

MR. MATULE: The particular business, but --

MR. GALVIN: You already have a lack of parking now that you're getting a variance.

MR. MATULE: I mean, but that's not

the business model, though, of the applicants.

MR. GALVIN: I should keep my mouth shut, but something that I am sitting here and I have -- I feel like I need to, like, express it, is this kind of space is market driven. It's different than a residential space or a -- that's John's point, it's a good point, it's different than retail. You know, the people -- if you didn't have enough parking spaces, and I wanted to bring my law firm there, I really couldn't bring my law firm there, because I couldn't drive from down by me and come to that space.

COMMISSIONER MARSH: Or you would take public transportation, which is available.

MR. GALVIN: Which is -- that's what I'm saying --

COMMISSIONER MARSH: I could take public transportation. It's available.

MR. GALVIN: It's self-policing. This one is self-policing, unless you change the nature of this from the incubator businesses and make it a retail and then -- then all bets are off.

CHAIRMAN AIBEL: Put a Trader Joes in there.

MS. BANYRA: No, no.

MR. MATULE: I agree, if it were a destination type retail business.

MR. GALVIN: It's a difference.

MR. MATULE: Some really fancy hot restaurants went there and a lot of people were coming, but, you know.

COMMISSIONER MARSH: They're not going to do that, because they're not going to be able to park.

MR. MATULE: Well, I think that goes to Mr. Galvin's self-policing comment.

COMMISSIONER WEAVER: But there could be some commercial aspect, I mean, from just as in the lobby of my building, Manhattan, there's a new shop, you know, there's a candy store, there's a little bodega, if you will, to go and get, you know, a Gatorade, if you need, something which maybe lacking --

MR. DELLAQUILA: We currently have that.

COMMISSIONER WEAVER: There you go.

MR. DELLAQUILA: I mean, it's literally like a little kiosk-type facility, but it's a captive audience.

MS. BANYRA: And retail business and service is actually explicitly permitted uses in the I-2 zone.

CHAIRMAN AIBEL: Carol?

COMMISSIONER MARSH: No, I just --

CHAIRMAN AIBEL: Are you ready?

COMMISSIONER MARSH: No, Mr. Galvin just stole all my thunder.

MR. GALVIN: Oh, I'm sorry, Carol.

MS. BANYRA: SO relative to Mr. Branciforte's question then, so when a use is permitted, then it's assumed that the governing body and/or the Board, when they developed the ordinance, that they've assumed that that calculation for parking should be acceptable for that use, and it's a Dunkin' Donuts case, right, Dennis? I think yeah.

MR. GALVIN: Oh yeah, no, no, no doubt about it.

MS. BANYRA: So retail and business are permitted, food processing, manufacturing, you know, so anyway we're okay.

MR. GALVIN: So, I thank you for your testimony.

Is there anybody from the public?

MR. MATULE: We have the planner. Do you want the planner?

MR. GALVIN: Yes, we do want the planner. We need the proofs, but --

CHAIRMAN AIBEL: Thank you.

MR. GALVIN: That's my back talking. It's been doing great, but I think it wants to do

something else.

COMMISSIONER MCANUFF: We have to open up the public, no?

MR. GALVIN: I did.

MR. WINTERS: I had one comment from Mr. Marsden's --

MR. GALVIN: Time out. Nice and loud.

MR. WINTERS: Yes, at the risk of letting Mr. Peregoy off, I completely -- I had one comment from our letter, which for Mr. Marsden's benefit, is not here, I just wanted to get on record.

MR. GALVIN: Don't go away, Mr. Ochab.

MR. WINTERS: The item 58 from our letter was the queue lengths should be discussed for Harrison Avenue, I know that the level of service was briefly discussed and to quote Mr. Marsden's letter: How often does gridlock occur and when? Can you speak a little bit the queuing and the impacts of the intersection of Harrison?

MR. PEREGOY: Yeah, I thought I touched on that before. Harrison backs up primarily in the morning. People are leaving town and we're not really generating any of the traffic there. In the evening, it's sporadic, but it's far

less frequent since the traffic is going on Jackson Street, which provides an artificial gap to keep that going, so really during our count period, it never steadily did --

MR. WINTERS: I was going to ask, were there any visible moments of conflict on that count that back up at Harrison, that driveway?

MR. PEREGOY: No, it's a very infrequently used driveway, but no it worked well.

MR. WINTERS: That's all I had.
Thank you.

CHAIRMAN AIBEL: Okay. Thank you.
Thanks.

K E N O C H A B, being first duly sworn by the Notary, testifies as follows:

DIRECT EXAMINATION BY MR. MATULE:

MR. GALVIN: And do you have photos to mark? We accept your credentials.

MR. OCHAB: Yes, I do. You want to do them one at a time?

MR. GALVIN: Do them together.

MR. MATULE: We only have one exhibit so far, which is A-1, and you're going to write on your photos. Okay, so our first photo board we're going to mark A-2.

I'm just going to mark them all A-2. A-2 consists of four photos, since we don't have

stickers. Is that it?

(Exhibits marked A-2 and A-3 for identification.)

MR. OCHAB: There's more.

MR. MATULE: You want to do all of them? Let's do them all.

MR. OCHAB: Okay.

MR. MATULE: I know Miss Carcone loves to collect them as at the end.

MS. CARCONE: Send the e-mails to me.

MR. MATULE: This is A-2. You'll discuss them in your testimony, and then this is going to be A-4. So Mr. Ochab, thank you for that.

(Exhibit marked A-4 for identification.)

You're familiar with the zoning ordinance and the Master Plan of the City of Hoboken?

MR. OCHAB: Yes.

MR. MATULE: And you're familiar with the proposed project?

MR. OCHAB: Yes.

MR. MATULE: You prepared a planner's report dated September 11th, 2015?

MR. OCHAB: I did, yes.

MR. MATULE: And can you go through your report and give us your professional opinion regarding the requested variance relief and, I

guess, to paraphrase, Mr. Burke's comment, which I like, Be quick, but don't rush.

MR. OCHAB: Okay.

MR. GALVIN: Be quick, but don't hurry.

MR. OCHAB: Right. Okay. So with respect to the zoning and variances, we have three D variances this evening. We have a height variance with a number of stories, we have five stories where two is permitted, and we have a height of 77 feet where 40 is permitted, and 62 exists. We also have a D variance for floor area ratio. We're proposing 2.28 floor area ratio where 1.25 is permitted in the I-2 zone.

We also have several C variances, we have a C variance for front yard setback. Front yard setback both on Harrison Street and on Observer Highway. Where we are on the front line as opposed to 5-foot setback, and we have a parking variance where we have 222 spaces proposed, and I believe 252 spaces required.

And, finally, we have a variance, sort of a catchall variance for expansion of a nonconforming structure, because the existing structure is already nonconforming with respect to front yard setback, and also with respect to height and floor area ratio.

So all those existing conditions incorporated into the variance scenario.

So because we don't have a use variance, we don't need to talk about the Medici or the particular suitability, but we do have D variances with respect to, again, both height and FAR. Both of those variances are covered, generally, under what we call a Coventry criteria, which is to look at the proposal being in front of you today, and determine whether or not the site is -- can still accommodate the use notwithstanding the fact that we're proposing the variances, but also the Coventry criteria especially needs to have us look at the negative criteria with respect to the impacts that the variances we're proposing would have on the surrounding area.

So with that in mind again, I have three photo boards. First photo board is A-2, and A-2 shows the current building and the Chambord Building, which is across Harrison Street. So the upper left photograph is a photograph of the existing building from the south parking lot. Upper right photograph is a photograph from the -- actually, the sidewalk of where the park is going to be, looking diagonally across to the south, so we're looking at the existing building.

Photo in the lower left is a photo from basically in front of the Chambord Building looking across Harrison at the existing structure. And, of course, the lower right photograph is from standing on the corner of Observer Highway and Harrison, looking at the Chambord Building itself.

So with respect to, again, the visual image here, the visual image of, I think, the application's building is quite, quite nice. It's neat, it's well done. Looking at the Chambord Building, you know the Chambord Building certainly has character, but it's beginning to show signs of wear and deterioration. Of course, you have completely different use characteristics of the two buildings where our building, basically, is office and office environment, office setting, where the Chambord Building is a combination of artists, artisans, different manufacturing, and perhaps some offices as well. So that's that one.

A-3 is now looking at the surrounding area. So while everybody is talking, I'm thinking of this building is like an oasis in the middle of a desert, because there's nothing really around it and when we talk about, particularly, the negative aspects of the variances being proposed here, we think about, well, how do they affect the immediate neighboring properties? And when we're in, I'll

call it Hoboken proper, and in the residential zones, there's always a discussion that we have about the heights of other buildings and the rear yard setbacks and how do we affect the open space, and here with the exception of the Chambord Building, there is absolutely nothing immediately surrounding us except what you see on these photographs.

So the photograph in the upper left is actually the Cast Iron Lofts Building, which is in Jersey City, and I'm actually on the roof of the existing roof of our bidding looking to the south. So I'm looking over the parking lot, over the light rail line, which is -- I don't know if you can see this green band coming across, over that and looking at the Cast Iron Buildings to the south.

To the north, again, I'm looking across Observer Highway, and I'm looking at the two buildings, the two residential buildings which are actually almost at the Second Street light rail station. Again, just off of -- I think these are actually off of First Street, not necessarily Newark Avenue, and in the foreground I'm actually looking at the -- what we have referred to as the Academy Bus property. Of course, there's no buses there. It's completely vacant, but, of course, this -- look at the -- I've been reviewing the

Master Plan, 2010 Master Plan, this site has been designated in the plan as park as well. So what will happen to this I'm not privy to those kinds of answers, but just to note that we were looking over a site, again, that has ten-story buildings in the background and in the foreground potential park situation here.

Lower left photograph is a photograph of our particularly beautiful view of Jersey City across the tracks. So here's the light rail coming directly across, about midway up the photograph, and, of course, you can't see the walkway, but it's there just to the -- just in the foreground of the tracks, and then we have a major recycling paper facility in the -- in the industrial part of Jersey City, and then, of course, to the lower right photograph, again, from the roof of our building I'm looking directly at where the park is going to be, so I'm looking straight down at the -- Harrison Avenue is here and Observer Boulevard is just off the photograph. And looking back towards, again, Paterson Avenue, and that park is right in the foreground.

So in terms of how the variances that we're requesting, particularly the D variances, would affect the surrounding properties, they really don't affect the surrounding properties.

The major properties that we have affected at all is the Chambord Building, which Mr. Nastasi has already testified is 85 feet in height, and our height is 77 feet plus is another 42 inches for the -- for the parapet, so we're actually almost equivalent in height to this corner portion of the Chambord Building, and, of course, our building is elongated along Harrison, not necessarily along -- I'm sorry along Observer Boulevard, not necessarily along Harrison Avenue. So we're -- we have very similar buildings, although in character they're completely different as you can see.

And then finally I wanted to just make sure that we identified the streetscape views of the buildings. So in the upper left photograph, we have the streetscape looking from the access driveway on Harrison Street, we're looking north, so we see that our streetscape is, again, well-landscaped, well-maintained, street trees, and, of course, the Chambord Building. Again, it's the different character, it's not quite matured, shall we say? Some day it will mature, but it's not quite there.

Upper right photograph is turning around the driveway, looking south, and, again, here is that green band where the light rail is.

Again, we've got an iron fence, street trees planted along the street and pretty white sidewalk as well.

Lower left photograph is a photograph looking west on Observer Highway. So, again, you could see the sidewalk, street trees, landscaping along the building edges, and then finally you have to make a pitch for the walkway, so this is the Second Street station sign. This walkway is at the very bottom end of Harrison Street, and that walkway then leads around to the Second Street station a couple of blocks away.

So with respect to the variances then, my view on the variances with respect to height and also -- well, with respect to height is that we don't affect -- our additional height does not affect any other buildings around us, it doesn't affect the neighborhood. We are the neighborhood. We're the only building on the entire block, so there's no impact there, and there's the -- sort of the site can certainly accommodate the additional height.

With respect to FAR, the FAR is really written for an industrial base because the I-2 is an industrial zone, and it allows permitted uses that -- which are industrially oriented. So an FAR of 1.25 would be very appropriate for

industrial, two-story industrial building, but it would be not be appropriate when you're doing office buildings. So what we're proposing, again, is 2.28. We have sufficient coverage. The parking has been testified to with respect to accommodation of parking, and certainly there is -- I don't want to make -- everybody's beating a dead horse, so I'll just put my two cents in on the parking issue, which is a number of things happening here; one, you have the Second Street light rail station; two, you have three bus lines on Paterson Avenue, one to Jersey City, one to Secaucus, one to Cliffside Park. So there's certainly opportunity for people to come down to this area by bus. Three, we do have the walkway, which leads to light rail station. And four, the last time I looked at the Hoboken's bike plan, there was a proposed bike station at the terminus of Harrison Avenue. I haven't been back there lately. I don't know if it's there yet. I see them at the parking garages, but I don't know if it's here yet. Nevertheless, it's on the bicycle sharing plan for the City of Hoboken. So maybe someday it's going to be there.

So certainly there are alternative ways to get to the site, and you don't always find yourself in that situation where you actually can

take an alternative to driving your car to your work location, which I think certainly is a benefit here with respect to, again, the FAR issue.

With respect to the C variances again I already addressed parking, front yard building is already on the front yard. Certainly from a planning standpoint nothing is to be gained by moving the upper floors back. Architecturally I think Mr. Nastasi has done an excellent job at representing the building, and again, it's going to be one of those buildings which is, as I said earlier, an oasis in the middle of an architectural desert here.

So with respect to that, certainly there's C-2 issues to justify the variances there as well.

And from a negative criteria, again, the two aspects of negative criteria are what -- is there any substantial detriment to the public by granting the variances, i.e. is there any substantial impact from the Board granting the variances? And here I don't think so because of the, sort of, the general environment that I just laid out to you.

And the second aspect of the negative criteria is whether or not there would be any substantial impairment to the zone plan if the

Board were to grant the variances. And here I also think there would not be a substantial impairment to the zone plan. The zoning -- I'll just say this, if you go back through the Master Plan iterations over the last few years, this area has changed from the Master Plan in I-2, to industrial transition, which, sort of, implied a more residential character to it and then now back to I-2 again, which basically said, no, we don't want to do residential character, we want to keep the industrial image of this portion of Hoboken, and I think that's what this building actually does, and with respect to the Master Plan and how it affects the zoning.

So based on that, I wouldn't think there would be any substantial impairment to the zone plan.

So with that, Mr. Chairman, I'll stop and be happy to answer any questions.

CHAIRMAN AIBEL: Thank you, Mr. Ochab.

Questions, Board Members?

VICE-CHAIRMAN BRANCIFORTE: I mean, my question still goes back to the question of retail space and in case a big box user came and decided to go on the first floor, if Mr. Dellaquila decides to sell the property and leave town and the

new owner come in and says: You know, I'm putting a Bed, Bath and beyond on the first floor, and a room and board furniture store on the second floor, I mean, how that's going to all affect the neighborhood and the parking. I think that's my biggest worry.

MR. OCHAB: I didn't look it up, but I was thinking about the question when you asked earlier. It would -- it would kick in an entirely different parking calculation, which would mean there would be a variance for parking, which would mean if the use was acceptable, it would go to the Planning Board for a review as a site plan and a variance for parking, and your whole discussion would go into the planning board, take place at that level.

VICE-CHAIRMAN BRANCIFORTE: Okay.

MR. OCHAB: So I think you're covered.

VICE-CHAIRMAN BRANCIFORTE: You've covered my concern, yes. Thank you.

CHAIRMAN AIBEL: My only comments, Mr. Ochab, I didn't hear the word obsolete in connection with the current zoning in the I-1, and I assume that's not part of your argument.

MR. OCHAB: Well, I would have made that argument if we were talking about a use variance, but because we're not, it's not necessary

for me to go into that.

CHAIRMAN AIBEL: Okay, good. Thank you. Professionals? Okay, open it to the public.

COMMISSIONER MCANUFF: Motion to close.

VICE-CHAIRMAN BRANCIFORTE: Second.

CHAIRMAN AIBEL: All in favor?

(Voice vote taken at this time.)

CHAIRMAN AIBEL: Motion to open it up to public comment?

VICE-CHAIRMAN BRANCIFORTE: Motion to close public portion.

CHAIRMAN AIBEL: Second?

COMMISSIONER WEAVER: Second.

CHAIRMAN AIBEL: All in favor?

(Voice vote taken at this time.)

MR. MATULE: Thank you.

Just a few closing comments.

I think you're all very familiar with the applicant's operation, but he has been operating at this sites for well over ten years, probably close to 15 years. It was probably a very pioneering effort when they originally started this project back in that section of town 15 years ago, but they have filled a substantially unmet need for flexible office space and incubator space in the city, and one of the reasons we're here

tonight is because that need has not only not diminished, but it's increased. There's greater demand for it now than ever. As Mr. Ochab opined, the size of the proposed building is not out of character for what neighborhood there is there. There's virtually no impact on the surrounding properties. We have multiple methods of public transportation. The light rail, buses, as well as a more than sufficient parking lot. So overall there's no significant impact by the proposed application. There is substantial positive benefits, and I think as the rendering in A-1 shows, it's really a -- really handsome building, it would be a terrific addition to the neighborhood and to the city.

So having said that, I would ask that you grant the variances being requested, obviously subject to the comments that have been made here tonight in terms of tweaking the plan.

CHAIRMAN AIBEL: Thanks, Mr. Matule.

Do we have any conditions?

MR. GALVIN: Yes, I do.

Sorry. The applicant agreed to additional bike racks to the site and will revise the plan in consultation with the Board's planner and engineer.

COMMISSIONER MCANUFF: Does that

apply to the covered bike racks that were requested as well?

MR. GALVIN: Including covered shelters? Covered shelters?

COMMISSIONER COHEN: Bike shelter also.

VICE-CHAIRMAN BRANCIFORTE: Bicycle racks that are sheltered.

MR. GALVIN: Two, the applicant is to obtain the City's approval for any encroachments the city right-of-way.

Three, all window treatments are to be centrally controlled by building management to ensure a consistent look. We're not dictating what the look is, we just don't want it to be a hodge-podge, where it's all kinds of different things.

Four, the plan has to be revised to green the parking lot as discussed at the time of the hearing.

These modifications are to be reviewed and approved by the Board's planner and engineer. I would say compliance with the Board's professional letters.

Anything else, guys?

COMMISSIONER MCANUFF: Revise the --

COMMISSIONER WEAVER: The

handicapped entrance.

COMMISSIONER MCANUFF: Yeah, the
handicapped entrance.

MR. MATULE: The handicapped ramp on
the corner of Observer and Harrison.

COMMISSIONER WEAVER: The daylight
harvesting?

MR. GALVIN: I don't know about that.
I don't think if you were making a suggestion that
they change the plan to do that. You know, the
other thing, too, is you were talking about being
able to use the roof space. At this point we didn't
really have a plan for using the roof space, so my
opinion would be they can't. You know.

MS. BANYRA: There is a plan.

MR. MATULE: A deck.

MR. GALVIN: Oh, okay.

MR. MATULE: Roof deck.

COMMISSIONER WEAVER: Two means of
egress, it's going to be used --

MR. MATULE: If I might, the
applicant --

COMMISSIONER WEAVER: -- which is
fine.

MR. MATULE: -- has no objections to
revising the plan to put some of that daylight
harvesting features.

MR. WINTERS: Yeah, that's kind of like--

MR. MATULE: They could probably incorporate it into the deck.

MR. GALVIN: I'm with you, Dan. I just didn't know if you were making that a requirement, that's all. If they're willing to do it --

COMMISSIONER WEAVER: Yeah, I mean, I just think it's a idea, because I thought of it and --

MR. GALVIN: If it was my building --

COMMISSIONER WEAVER: I think it adds value.

MR. GALVIN: If it was my building, you sold me, because I don't want to power the electric more than I have to.

COMMISSIONER WEAVER: I mean, on two levels, I think it adds value, it makes it -- you know, I like to think of Hoboken, you know, in bigger terms, you know, instead of making the better all over, is with the quality of office space. You know, the sustainability of it, it's going to use less electricity. I mean --

VICE-CHAIRMAN BRANCIFORTE: If you walk into new big box store space now and on a sunny day you notice have the lights are off, and they're

being -- the place is being lit by sunlight, and then on cloudy days, they turn the lights on.

MR. GALVIN: So the handicapped ramp on the corner of -- give me the streets again.

MR. MATULE: Harrison and Observer. Observer Highway and Harrison Street.

MR. GALVIN: Harrison and Observer. What's supposed to happen with that?

MS. BANYRA: To be reviewed by the board for suitability.

MR. MATULE: We are going to have a ramp.

COMMISSIONER MCANUFF: And a handicapped ramp on that entry.

MR. MATULE: Subject to the city approving.

MR. GALVIN: All of the encroachments are subject to the right of way.

MS. BANYRA: Landscaping along the deck parapet.

MR. NASTASI: The northern edge of the deck parapet.

MS. BANYRA: Yes, thank you.

COMMISSIONER MARSH: You're taking -- can I make a comment? This is a total segue, which we're talking about the sustainability and harvesting and everything else,

while I appreciate now neat this is, you don't need to send me this with a plastic cover. Is that okay? Drives me crazy.

MR. OCHAB: We dropped that.

COMMISSIONER MARSH: Okay, good this is okay.

COMMISSIONER MCANUFF: The planter should be a height that it can't be used as a step.

COMMISSIONER WEAVER: What's that one? We'll meet the building code.

MR. GALVIN: No, wait a minute. One at a time. Owen was trying to make a statement.

COMMISSIONER MCANUFF: The planter that you're referring to against the parapet should be at a height similar to the parapet, so it can't be used as a step.

MR. MATULE: I'm sorry, it can't be used what?

COMMISSIONER MCANUFF: A step. To on and step over the top of the parapet.

MR. NASTASI: It has to be 42 inches as well, the parapet, so you can step onto something lower.

MR. MATULE: I believe it also has to be set back either 3 feet or 10 feet depending --

COMMISSIONER MCANUFF: Or it can't go right up against it.

MR. NASTASI: Okay.

MR. MATULE: No, I don't think so.

COMMISSIONER WEAVER: I'm sure Mr. Nastasi will meet the building code.

MR. MATULE: Okay. Thank you.

MS. BANYRA: Dennis, can we put a stipulation, because this will -- if the D variance is granted, that if the use changes, i.e. big box, it would have to come back to the Zoning Board?

MR. GALVIN: To be honest, I don't think so -- I'll tell you why I don't think so, because -- well, just let me say this, sorry. The answer is: It depends, okay? A D-4 and a D-6 variance, that's the height and that's the massing of the building. That's not going to change no matter how we use the interior of the building. So I don't think that that's an issue.

MS. BANYRA: But the intensity, D-6 goes -- FAR goes to intensity of use.

MR. GALVIN: No, it doesn't, not in my opinion. You're a planner, I always --

MS. BANYRA: Okay. I'm just asking the question because of whether or not that could, because I think that the parking regulations are the same for an office and retail.

MR. GALVIN: I think that's a mistake.

MR. MATULE: Can I get my 2 cents?

MR. GALVIN: Well, just -- let me just throw one more -- let me throw one more fish onto the plate.

MR. MATULE: Okay.

MR. GALVIN: There is a place where you make a change here, and I don't know what it is, I mean, there are parking stands are the same for everything, doctors?

MS. BANYRA: No, no, I'm saying for retail and for office, it's the same.

MR. MATULE: But what I could find, I suggest under our -- under our site plan review ordinance, any change of use that generates a need for ten or more additional parking spaces, than the current use triggers site plan review, and you got to come to the planning board.

MS. BANYRA: Well, this would come back to the Zoning Board because it's been at the Zoning Board. Yeah? Maybe.

MR. GALVIN: Yes, yes, yes. Because, again, we're not changing the height, which is a D-6 variance or the -- yes, so we would have continuing jurisdiction. I think, I don't know that people will listen to me in the future, but I think that I'm right.

MS. BANYRA: Okay. That was it.
Thank you.

CHAIRMAN AIBEL: Okay. Can we keeping moving?

MR. GALVIN: I'm done.

CHAIRMAN AIBEL: Okay. Board Members.

COMMISSIONER MARSH: I'm fine with it.

COMMISSIONER MCANUFF: Motion to approve with said conditions.

VICE-CHAIRMAN BRANCIFORTE: Well, I think we should have some discussion.

COMMISSIONER MCANUFF: Okay. Go ahead.

CHAIRMAN AIBEL: We'll conduct a discussion.

COMMISSIONER MCANUFF: I'm sorry.

VICE-CHAIRMAN BRANCIFORTE: That's all right.

COMMISSIONER MCANUFF: Sorry.

VICE-CHAIRMAN BRANCIFORTE: No, I am worried about the height, but I'm willing to accept the height if it's going to expand business opportunities for small incubator companies in Hoboken, so I am worried about the parking, but, again, we'll have to keep an eye on it, and I hope it self-polices like Mr. Dellaquila said. That's all.

CHAIRMAN AIBEL: Other comments?

COMMISSIONER COHEN: Well, the Zoning Board in '98 approved this as a use in the I-2 zone. It seems to me to be an excellent use in the I-2 zone, to have this kind of space and it's a good use of an old industrial building, to turn night into a modern, attractive site, that it would be nice to see more buildings like this in the industrial area, you know, renovating an old building and turning it into something that's modern and beautiful.

MR. GALVIN: I just want to correct the record, because you were talking about being a use, and what we concluded was that it wasn't a use that -- what the Board is they made an interpretation that this facility falls into the uses that are permitted into the zone. That's all.

COMMISSIONER COHEN: That's what I meant to say.

MR. GALVIN: And everything else you said, exactly.

COMMISSIONER COHEN: So, yes, I do think that the height is an issue, but I think in this neighborhood it's really -- it's not a problem. I support it.

CHAIRMAN AIBEL: I'm not concerned about the height, but I think we should not ignore

that traffic that parking are substantial issues down at the Bermuda Triangle at the, but I think it's a nice building. I was moved by Mr. Weaver's comments about it, and I wish the applicant well in making it a nice facility for Hoboken.

MR. MATULE: Okay.

CHAIRMAN AIBEL: Anybody what to make a motion?

COMMISSIONER WEAVER: I make a motion to accept the application with conditions.

COMMISSIONER MCANUFF: Second.

MS. CARCONE: Commissioner Branciforte.

VICE-CHAIRMAN BRANCIFORTE: Yes.

MS. CARCONE: Commissioner Cohen.

COMMISSIONER COHEN: Yes.

MS. CARCONE: Commissioner Marsh.

COMMISSIONER MARSH: Yes.

MS. CARCONE: Commissioner McAnuff.

COMMISSIONER MCANUFF: Yes.

MS. CARCONE: Commissioner Weaver.

COMMISSIONER WEAVER: Yes.

MS. CARCONE: Commissioner Johnson.

COMMISSIONER JOHNSON: Yes.

MS. CARCONE: And Commissioner Aibel.

CHAIRMAN AIBEL: Yes.

Thanks, everybody.

MR. MATULE: Thank you, everyone.
Thank you for staying.

CHAIRMAN AIBEL: Motion to adjourn.

COMMISSIONER MCANUFF: Motion to
adjourn.

COMMISSIONER WEAVER: Second.

CHAIRMAN AIBEL: All in favor?

(Voice vote taken at this time.)

(Concluded at 10:59 p.m.)

CERTIFICATE OF OFFICER

I, THERESA L. TIERNAN, A Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and correct transcript of the proceedings as taken stenographically by and before me at the time, place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

THERESA L. CARIDDI TIERNAN
Notary Public of the State of New Jersey
C.C.R. License No. XI01210