

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

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REGULAR MEETING OF THE HOBOKEN : April 19, 2016  
ZONING BOARD OF ADJUSTMENT : Tuesday 7 pm  
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Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Philip Cohen
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner Dan Weaver
- Commissioner Edward McBride
- Commissioner Cory Johnson
- Commissioner Frank DeGrim

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

- Eileen Banyra, Planning Consultant
- Jeffrey Marsden, PE, PP  
Board Engineer
- Patricia Carcone, Board Secretary

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

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## I N D E X

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1                   CHAIRMAN AIBEL: Good evening,  
2                   everyone.

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

11                  Please help me in saluting the flag.

12                  (Pledge of Allegiance recited)

13                  CHAIRMAN AIBEL: Good evening,  
14                  everybody.

15                  We are at a Regular Meeting of the  
16                  Hoboken Zoning Board of Adjustment.

17                  We are going to switch the agenda. So  
18                  when we have our hearings, we will start with 328  
19                  Jackson, and then follow it up with 1414-1418  
20                  Willow.

21                  So, Pat, how about a roll call?

22                  MS. CARCONE: Commissioner Aibel?

23                  CHAIRMAN AIBEL: Here.

24                  MS. CARCONE: Commissioner Branciforte?

25                  VICE CHAIR BRANCIFORTE: Here.

1 MS. CARCONE: Commissioner Cohen?

2 COMMISSIONER COHEN: Here.

3 MS. CARCONE: Commissioner Grana is  
4 absent.

5 Commissioner Marsh?

6 COMMISSIONER MARSH: Here.

7 MS. CARCONE: Commissioner Murphy?

8 COMMISSIONER MURPHY: Here.

9 MS. CARCONE: Commissioner McAnuff is  
10 absent.

11 Commissioner Weaver?

12 COMMISSIONER WEAVER: Here.

13 MS. CARCONE: Oh, I didn't see you come  
14 in.

15 (Laughter)

16 Commissioner McBride?

17 COMMISSIONER MC BRIDE: Here.

18 MS. CARCONE: Commissioner Johnson?

19 COMMISSIONER JOHNSON: Here.

20 MS. CARCONE: Commissioner DeGrim?

21 COMMISSIONER DE GRIM: Here.

22 CHAIRMAN AIBEL: Great.

23 And we have a few administrative  
24 matters. We have two withdrawals.

25 Pat, do you want to read those?

1 MS. CARCONE: Yes. We have two  
2 projects to be withdrawn, 333 Park Avenue and 302  
3 Garden Street, which is an appeal, that was on  
4 tonight's agenda.

5 CHAIRMAN AIBEL: Do you need a motion  
6 on them and a vote?

7 MR. GALVIN: They are withdrawals,  
8 right?

9 MS. CARCONE: They are. Both, yes.

10 COMMISSIONER MURPHY: Motion to accept  
11 the withdrawals of 333 Park and 302 Garden.

12 MR. GALVIN: Is there a second?

13 COMMISSIONER WEAVER: Second.

14 COMMISSIONER MARSH: I'll second.

15 MR. GALVIN: Roll call. We'll do a  
16 roll call.

17 MS. CARCONE: Should I take Carol on  
18 that one?

19 MR. GALVIN: For both of them unless it  
20 becomes a problem.

21 MS. CARCONE: Okay.

22 Commissioner Branciforte?

23 VICE CHAIR BRANCIFORTE: Yes.

24 MS. CARCONE: Commissioner Cohen?

25 COMMISSIONER COHEN: Yes.

1 MS. CARCONE: Commissioner Marsh?

2 COMMISSIONER MARSH: Yes.

3 MS. CARCONE: Commissioner Murphy?

4 COMMISSIONER MURPHY: Yes.

5 MS. CARCONE: Commissioner McAnuff?

6 Commissioner Weaver?

7 COMMISSIONER WEAVER: Yes.

8 MS. CARCONE: Commissioner McBride?

9 COMMISSIONER MC BRIDE: Yes.

10 MS. CARCONE: Commissioner Johnson --

11 wait a second -- one, two, three, four, five, six,

12 seven, and Commissioner Aibel?

13 CHAIRMAN AIBEL: Yes.

14 MS. CARCONE: Okay.

15 COMMISSIONER COHEN: Is 302 Garden not

16 coming before us any longer at this point?

17 CHAIRMAN AIBEL: It is withdrawn, and I

18 believe it's going to -- do you want to make a quick

19 statement?

20 MR. MATULE: I could answer the

21 question.

22 Good evening.

23 Robert Matule, I was the attorney for

24 the applicant in the matter.

25 The variance application was denied.

1 The appeal of the zoning officer's decision was  
2 withdrawn, and the applicant is going to refile with  
3 the Planning Board for a more quote, unquote,  
4 as-of-right project.

5 MR. GALVIN: We are doing our job.  
6 You're complying with the ordinance. We did our  
7 job.

8 CHAIRMAN AIBEL: Great.

9 We have two resolutions this evening.  
10 We have a resolution of denial for 339-341 Garden  
11 Street.

12 MR. GALVIN: Let's do that one first.

13 MS. CARCONE: Eligible to vote is John  
14 Branciforte, Commissioner Murphy and Commissioner  
15 Weaver.

16 VICE CHAIR BRANCIFORTE: Motion to  
17 accept the resolution.

18 COMMISSIONER WEAVER: Second.

19 MS. CARCONE: Commissioner Branciforte?

20 VICE CHAIR BRANCIFORTE: Yes.

21 MS. CARCONE: Commissioner Murphy?

22 COMMISSIONER MURPHY: Yes.

23 MS. CARCONE: And Commissioner Weaver?

24 COMMISSIONER WEAVER: Yes.

25 MR. GALVIN: There you go. The denial

1 is approved. The form of the denial is approved.

2 CHAIRMAN AIBEL: And we have a  
3 resolution of approval for the American Legion Post  
4 at 308 Second Street.

5 MR. GALVIN: Let me just say that with  
6 Eileen's assistance, we made a couple of changes to  
7 the resolution. I was provided with the explanation  
8 of how the units are going to be rented.

9 We learned that because it is less than  
10 ten units, the city is not going to be administering  
11 it, and I am comfortable that the plan for  
12 administering it is adequate.

13 So with that, I ask that someone make a  
14 motion to adopt it.

15 COMMISSIONER COHEN: Motion to approve.

16 MR. GALVIN: Thank you.

17 CHAIRMAN AIBEL: Second?

18 VICE CHAIR BRANCIFORTE: Second.

19 MS. CARCONE: Commissioner Branciforte?

20 VICE CHAIR BRANCIFORTE: Yes.

21 MS. CARCONE: Commissioner Cohen?

22 COMMISSIONER COHEN: Yes.

23 MS. CARCONE: Commissioner Marsh?

24 COMMISSIONER MARSH: Yes.

25 MS. CARCONE: Commissioner McAnuff?

1 MR. GALVIN: He is not here.

2 MS. CARCONE: Oh, I'm sorry.

3 Commissioner Weaver -- did I --

4 MR. GALVIN: You did.

5 MS. CARCONE: -- and Commissioner

6 Aibel?

7 CHAIRMAN AIBEL: Yes.

8 MR. GALVIN: There you go. The

9 resolutions are done.

10 CHAIRMAN AIBEL: Great.

11 And the final order of business is  
12 approving the annual report of zoning variance  
13 requests for 2014-2015. They had been previously  
14 distributed to the Board members, and I believe  
15 since you saw it last, no additional changes have  
16 been made.

17 COMMISSIONER COHEN: Motion to approve.

18 CHAIRMAN AIBEL: Do we have a second?

19 COMMISSIONER DE GRIM: The 20 --

20 COMMISSIONER COHEN: 2014 and 2015, the  
21 City of Hoboken Zoning Board Annual Report.

22 COMMISSIONER MURPHY: Second.

23 COMMISSIONER WEAVER: We are not going  
24 to discuss it?

25 COMMISSIONER MURPHY: Oh, I think --

1 well, I just put a motion out there, so, yeah, sure.  
2 We can discuss it.

3 CHAIRMAN AIBEL: Do we have a protocol?

4 COMMISSIONER WEAVER: There were three  
5 things that I wanted to mention.

6 One was, you know, there seems to be --  
7 we get historic properties, and they come before us,  
8 and -- or they are in historic -- they should be in  
9 historic districts. We often talk about the  
10 historical fabric, and then we get buildings that,  
11 you know, are not taken care of or demolished when  
12 they actually, you know, are good examples of the  
13 character of Hoboken.

14 Yet, there is no, at least from the  
15 city administration, there seems to be no support  
16 for furthering the historical districts in the City  
17 of Hoboken. And maybe we don't have to put it in  
18 here, but it is seems like it's something that is  
19 worth mentioning, that, you know, whether it is the  
20 northern part of town, you know, Bloomfield, Garden,  
21 areas which people were sensitive to when they  
22 talked about the floodproofing, right?

23 And how -- I mean, and how dare we run  
24 a barrier -- a flood barrier wall down these areas,  
25 but yet there is no protection, and there are

1 certain properties, which are falling to neglect,  
2 and there are absentee landlords, and they're not  
3 taking care of them and yet there is no standard  
4 that's being applied to the renovation of these  
5 properties.

6           Oftentimes, you are getting, you know,  
7 hundred-year-old windows, which are replaced with  
8 white vinyl, and it seems like, you know, sometimes  
9 here we talk about, at least we banter to the idea  
10 of historical fabric in Hoboken, how we have to be  
11 masonry, and how we have to have a certain amount of  
12 masonry, and there are only certain ways we can go  
13 about that, but there's nothing -- the most -- the  
14 best you can do for historical properties is not to  
15 emulate them, but yet to protect the ones that we  
16 have.

17           And it seems that we should at least  
18 talk to the City Council and show some support for  
19 creating these districts, which would help to  
20 protect those properties as opposed to just, you  
21 know, having people come up and say, oh, well, we're  
22 going to make it brick, and we're going to put, you  
23 know, slate on the roof, and we are going to put  
24 dormers on, and we going to make it look old when,  
25 in fact, that is really just insulting the

1 historical fabric that we have that we are not  
2 taking care of. That is one thing.

3 The other one was, and we talked about  
4 it before the planning -- when I was on the Planning  
5 Board was some sort of a fund. Like I think Fort  
6 Lee has a fund for parking, where if you can't  
7 provide the parking spaces that are required, you  
8 actually pay into a fund, which then goes to help  
9 build these structures which pay for the parking.

10 I think there is -- we talked about  
11 this before, but there has to be something from the  
12 City Council -- there has to be another mechanism  
13 behind that that they have to put in place, because  
14 even the applicant -- even the applicant tonight,  
15 they don't have parking, right?

16 And so we are just going to say, that  
17 is fine, whereas if this was in place we could at  
18 least say there is another -- there's another  
19 avenue, you know, there is a way to provide relief,  
20 and it could be a monetary contribution to this  
21 fund.

22 And the other is one we often talk  
23 about lighting here and the amount of glare that  
24 certain fixtures have, and how they, you know,  
25 create glare for people across the street, and

1 sometimes the fixtures that are shown to us in a  
2 meeting aren't the ones that are installed, and it  
3 seems like that -- I don't know how we address that,  
4 but it seems like it's something we constantly --  
5 these are three things that we constantly talk  
6 about.

7 Other than that, I thought the reports  
8 were fine.

9 (Laughter)

10 CHAIRMAN AIBEL: I'm going to make -- I  
11 think that they were fair comments. Some of the  
12 other Commissioners -- one other Commissioner had  
13 some additional comments after we had completed the  
14 reports, and I guess my view of this is we are a  
15 little bit delayed in getting out our 2014 and 2015  
16 reports, so I would encourage everybody to approve  
17 these reports as is. But counsel suggests there's  
18 no reason we couldn't submit an amendment, and Dan  
19 and Carol in particular had some ideas, and I am not  
20 adverse at all to doing some work on that and  
21 presenting them in a, you know, a nice way.

22 MR. GALVIN: Yeah.

23 I think it is important to understand  
24 what the process is, which is since the Board, the  
25 Zoning Board is on the front line of granting

1 certain kinds of variances, it is the only place  
2 where we can touch planning. We are not really  
3 supposed to be involved with planning. We are  
4 supposed to be like a judge making calls on  
5 variances and making interpretations of the  
6 ordinance. The only place we can make a  
7 recommendation as to what's going on is with this  
8 annual report.

9           The general philosophy is that, you  
10 know, based on the kinds of cases that you got last  
11 year or the year before, what did you learn from  
12 those cases?

13           What do you think that there was  
14 lacking in the ordinance, that if they could clarify  
15 a provision this way or that way, then that should  
16 be the focus of what we do.

17           The other thing that I advise Boards is  
18 that many Planning Boards and councils don't really  
19 listen that carefully to what the Zoning Board does.

20           In the last year or two, I think the  
21 administration and the Planning Board has listened  
22 pretty good to what the Zoning Board has  
23 recommended, and that is why they made the change in  
24 the ordinance, and the change in the ordinance for  
25 good or for bad has shifted some of the work away

1 from the Zoning Board and shifted it back to the  
2 Planning Board.

3 I think you can make recommendations,  
4 but what I generally tell other Boards is that you  
5 want to make a reasonable amount of suggestions that  
6 they will consider and look at and actually get  
7 something done, and there is a point where you could  
8 put too much into the package, and then you start to  
9 lose them and lose their attention.

10 What I would suggest -- what I would  
11 suggest is that we -- I know you wanted to vote on  
12 this and then we do an amendment, but I think the  
13 more sensible thing is to maybe draft up what you  
14 think you want -- like if you are writing to them,  
15 we are not telling them you should add a new  
16 provision.

17 You might want to say, we think that  
18 you should take a look at strengthening the historic  
19 preservation in this neighborhood or that  
20 neighborhood. In other words, we need a  
21 recommendation -- if you have a recommendation, make  
22 a recommendation that we can just add as a plank to  
23 the report, you know --

24 COMMISSIONER COHEN: But, Dennis, how  
25 about this?

1                   What if we voted on the 2014 report and  
2 held off on the 2015 report --

3                   MR. GALVIN: Yeah, that's fine.

4                   COMMISSIONER COHEN: -- so that if  
5 people have recommended additional --

6                   MR. GALVIN: Yeah. I don't like  
7 stopping it at all based on where we are in the  
8 year, but I understand the need to fairly consider  
9 when the Board members have points --

10                  CHAIRMAN AIBEL: Well, let me just  
11 throw this in. I am asking Eileen a question.

12                  Were the recommendations principally in  
13 the 2015 report?

14                  MR. GALVIN: Well, it wouldn't matter.  
15 I mean, you are not questioning any -- you are not  
16 questioning what was in the reports. You are saying  
17 in addition to what is in the reports, I think we  
18 should make these following recommendations.

19                  COMMISSIONER COHEN: Right.

20                  CHAIRMAN AIBEL: Well, I understand,  
21 but the value of issuing the 2014 report may not be  
22 very great.

23                  MS. BANYRA: It doesn't matter, but  
24 again, Jim, I think the point that Dennis is making  
25 is it is late. You know, it's been -- we didn't

1 adopt it. I don't know why. It was done last year,  
2 and I don't know why we didn't move it, but we made  
3 some tweaks to it since we are bringing it now, so  
4 let's get that one done.

5 A lot of what is in the 2015, as you'll  
6 recall, if any of the Board members who have been on  
7 the Board for a long time, often when the Council  
8 doesn't adopt those ordinances, they show up next  
9 year. So for many years a lot of the changes up  
10 until recently have been just spit out again and  
11 again.

12 The 2014 and 2015 are different,  
13 because some of the changes actually occurred in  
14 2015, so I would say adopt the 2014 because that has  
15 less meaning. The 2015 will have more meaning  
16 because it is going to be reiterating some of the  
17 2014, so...

18 MR. GALVIN: It is your call.

19 CHAIRMAN AIBEL: Again, I am speaking  
20 out of a belief that 2014 standing alone will not be  
21 as valuable as 2015, and rather than lose the  
22 Council's attention, I would prefer to see them  
23 submitted together. If the Board wants to wait a  
24 couple of weeks, I have no problem with that.

25 MR. GALVIN: So what I would say is:

1       Why don't we wait -- why don't we hold this for two  
2       weeks and maybe Dan and Carol can submit, and if  
3       anybody else has a suggestion, submit to me, Eileen  
4       and Jim, and we will modify the report and get the  
5       report back out.

6                   CHAIRMAN AIBEL: Well, I would like to,  
7       you know, vote on the committee of Carol and Dan to  
8       do this amendment.

9                   Mr. Weaver?

10                   (Board members talking at once.)

11                   COMMISSIONER COHEN: I mean, it is just  
12       a proposed --

13                   CHAIRMAN AIBEL: I'm sorry. No. I  
14       am --

15                   MR. GALVIN: You may not agree with  
16       what the Commissioner is suggesting.

17                   COMMISSIONER COHEN: Right.

18                   CHAIRMAN AIBEL: Okay.

19                   MR. GALVIN: We can have that debate,  
20       if you want to, you know.

21                   CHAIRMAN AIBEL: Okay. So I think the  
22       consensus, unless I'm misreading the Board, is we  
23       are going to defer the annual reports for a couple  
24       weeks, and we'll bring it up when we have input from  
25       additional Board members.

1 COMMISSIONER MURPHY: Maybe at our May  
2 meeting.

3 CHAIRMAN AIBEL: I think that is a good  
4 time to do it. Okay?

5 COMMISSIONER MURPHY: Okay.

6 CHAIRMAN AIBEL: Great.

7 Thanks, everybody. Thank you for  
8 bearing with us.

9 VICE CHAIR BRANCIFORTE: So are we  
10 going to move 2014?

11 COMMISSIONER MURPHY: No, we're --

12 CHAIRMAN AIBEL: No, we're not going to  
13 vote.

14 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN  
HOZ-15-40

- - - - - X  
RE: 328 Jackson Street : April 19, 2016  
BLOCK: 46, LOT 19, ZONE R-3 :  
Applicant: 328-330 Jackson Street, LLC:  
Minor Site Plan & Variances : Tuesday 7:30 pm  
- - - - - X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
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## E X H I B I T S

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1                   CHAIRMAN AIBEL: 328 Jackson Street.

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

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

6                   This is an application for minor site  
7 plan approval and variances to construct a  
8 four-story, four residential unit building at 328  
9 Jackson Street.

10                  As you will see in the exhibits, the  
11 property is currently a vacant lot, just north of  
12 one of the larger subsidized housing projects.

13                  I will have the testimony of our  
14 architect, Mr. Minervini, and our planner, Mr.  
15 Ochab, tonight.

16                  So without further adieu, can we have  
17 Mr. Minervini sworn?

18                  MR. GALVIN: Raise your right hand.

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

22                  MR. MINERVINI: I do.

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

25                  MR. GALVIN: State your full name for

1 the record and spell your last name.

2 THE WITNESS: Frank Minervini,  
3 M-i-n-e-r-v-i-n-i.

4 MR. GALVIN: Mr. Chairman, do we accept  
5 Mr. Minervini's credentials?

6 CHAIRMAN AIBEL: Well, I just learned  
7 he's a Boston Bruins fan, so I am not so sure,  
8 but...

9 THE WITNESS: I shouldn't have passed  
10 that information on.

11 CHAIRMAN AIBEL: It was too much.

12 (Laughter)

13 THE WITNESS: It was too much.

14 MR. MATULE: Mr. Minervini --

15 MR. GALVIN: It could have been worse.  
16 You could have been a Penguins fan.

17 THE WITNESS: That's true.

18 VICE CHAIR BRANCIFORTE: Or a Flyers  
19 fan.

20 MR. MATULE: -- do you have any  
21 exhibits or renderings that we need to mark?

22 THE WITNESS: Yes. The only drawing  
23 this Board doesn't have is a rendering.

24 MR. MATULE: A facade elevation?

25 THE WITNESS: Yeah. A facade elevation

1 and a colored front facade.

2 MR. MATULE: I am going to mark this  
3 A-1, and again, just for the record, tell us what it  
4 is.

5 (Exhibit A-1 marked.)

6 THE WITNESS: There are two drawings on  
7 this board. One is a proposed side elevation. The  
8 other is a colored front elevation.

9 MR. MATULE: All right. Very good  
10 then.

11 Please describe the existing site and  
12 the surrounding area.

13 THE WITNESS: As Mr. Matule said, our  
14 site is currently a vacant lot, and I will use Sheet  
15 Z-1 as I am describing it.

16 It is a vacant lot 25 feet in width by  
17 71 feet in depth on the west side of Jackson Street,  
18 just 50 feet off the intersection of Jackson and  
19 Fourth Street.

20 Directly to our south is, as Mr. Matule  
21 also said, Harrison Gardens. It's a housing  
22 complex.

23 To our west is a one-story retail  
24 building. It is a poultry store currently.

25 To our north are two four and a half --

1 well, four residential floors with a basement,  
2 residential buildings of four stories, and I have  
3 photographs to keep that in more context.

4 Across the street we got a six-story  
5 building here, and a five and a half and another  
6 six-story, and these are all residential.

7 As you further go down the street  
8 towards the south on Jackson, you see the different  
9 heights. This is a church, and as you further get  
10 to the corner, there is a commercial retail and  
11 market actually.

12 To our north is the sports facility,  
13 there's a baseball field there. It's used for  
14 several sports.

15 We are within the R-3 Zone, and our  
16 site is 25 feet, 75 -- 71 feet in depth, and that is  
17 the same for the three lots that compose this  
18 portion of the block, the same as the two to our  
19 north.

20 MR. MATULE: If I could, just look at  
21 the width again. I believe it is 24.67.

22 THE WITNESS: Pardon me. That's right,  
23 yes. It doesn't meet the exact -- it is not 25. It  
24 is 24.67 -- thank you, Bob, for reminding me -- and  
25 that also applies to the other two down the street.

1           I don't know why in this case, they are  
2 smaller than the standard 25 feet, but they are.  
3 It's also 71 foot in depth, which is another oddity.

4           So what we are proposing is a building  
5 of four residential stories above flood plain, so  
6 the lower floor we are calling it, let's call it the  
7 ground floor, is storage, and I will go through the  
8 plans to describe that more, with four residential  
9 units above it, a total of five stories.

10           We do not need a height variance  
11 because of the elevation in this part of town. We  
12 are within the 40 foot above DFE.

13           Now I will go through the plans.

14           Here is our survey, so it shows our lot  
15 is vacant, 24.67 wide by 71 feet.

16           The building to our north is a  
17 residential building of four and a half to five  
18 stories. It is 56 feet four inches.

19           So we are proposing -- this is a better  
20 plan to show it -- our building at 60 feet in depth,  
21 and there's the adjacent building. So if this is  
22 approved, it would have an 11 foot rear yard.

23           Directly behind us is a 14 foot high  
24 structure. It is that poultry store that I  
25 mentioned going to this way, so the actual frontage

1 of the poultry store is along Fourth Street, and the  
2 adjacent building to our north ends here, and this  
3 is a concrete rear yard for that adjacent building.

4 This portion is the parking for the  
5 housing complex that I mentioned.

6 Z-3 shows our ground floor plan, so on  
7 the northern portion of the facade, we got two  
8 residential entries. This is the main lobby, which  
9 takes you to one egress stair as well as the  
10 elevator, and the elevator is required in this case  
11 because we have three or more units.

12 So in the center of the building, we  
13 got trash and recycling, and then this would be  
14 storage for the tenants or residents of the building  
15 in the rear. This door is access to our 11 foot  
16 depth -- deep rear yard.

17 We have got a small recess here for  
18 plantings. That will make more sense when we get to  
19 the other plans.

20 This is a similar drawing just showing  
21 the schematics of our stormwater retention system.

22 Z-5 shows our first residential floor  
23 plan at the second floor. So, again, because of  
24 where we are in the flood zone, we have to raise all  
25 of our meters and sprinkler valves to that second

1 floor level, so this portion of the front of the  
2 building is taken up, gas, electric, water and  
3 sprinkler valves.

4 The apartment itself will be 1,086  
5 square feet, two-bedroom unit, served by an  
6 elevator, at the first residential floor, which is  
7 the second floor overall.

8 The next floor above, I will call it  
9 our second residential floor, is 1,148 square feet,  
10 and that additional space comes because we no longer  
11 need to take space for the meters.

12 The third floor is the same as the  
13 second.

14 Our top fourth residential floor,  
15 again, the same, 1148 square feet. These are all  
16 two-bedrooms units. You could maybe get three in  
17 this. It will be tight, but it is a possibility.

18 So two or three-bedroom units smaller  
19 than I think what you've seen in a lot of the  
20 projects that we have presented as of late.

21 And then to the roof plan. So we do  
22 have a roof deck that was at first going to be a  
23 common deck. But after looking at the requirement  
24 of bringing an elevator to that roof, if this was a  
25 common deck, the elevator would have to come to the

1 roof, which would then mean, and you'll see when I  
2 get to the elevations, that this penthouse  
3 bulkhead -- elevator would have been 20 feet in  
4 height above this roof plain, that we now made the  
5 decision to have this connected to one of the  
6 apartments, so would then not meet the ADA  
7 compliance.

8 Building elevations, now I will move to  
9 Sheet A-1. The rear of the building, simple, very  
10 simple. There are two -- four windows per apartment  
11 on the back of the building, so this will be the  
12 demising wall commonly.

13 The material will be a low maintenance  
14 material, probably a Hardie board or something  
15 similar, which is a cement composite board panel.

16 The front, we got a bay projection.  
17 There may be aluminum panels and brick as you see.  
18 We do not need a variance for those materials. This  
19 is a colored version of what we are presenting on  
20 the front of the building.

21 What we didn't have, and it was pointed  
22 out in the planner's report, is a side elevation,  
23 and I guess -- and I guess I understand that this is  
24 important because our south facade, which is this  
25 facade, will be seen from this portion of the street

1 and the parking lot.

2 So what we have done, and this was just  
3 done this evening after receiving the report  
4 yesterday, we continued the brick, the same brick as  
5 the front facade around for -- this would be about  
6 ten feet, and then the same Hardie board that is on  
7 the back of the building will be on the majority of  
8 this facade. We are not permitted to have windows  
9 on this facade because it is on the property line.

10 In terms of green elements, we are  
11 proposing the green roof, as I showed on the roof,  
12 so that is in conjunction with outdoor space.

13 Stormwater retention, as you see on  
14 Sheet Z-3, you have low E dual pane glass --  
15 glazing. The building is, again, as I mentioned,  
16 because we have three or more units, it has to be  
17 served by an elevator. So you will see the reason  
18 that these apartments are smaller than the Board has  
19 often seen, even on a building of 60 feet, is  
20 because the amount of space taken by the stair and  
21 elevator core, whatever, the resulting apartment  
22 size is 1148.

23 MR. MATULE: Just for some specifics  
24 about the roof and the elevator bulkhead --

25 THE WITNESS: Yes.

1                   MR. MATULE:  -- I know one of the  
2                   comments called out in one of the professional  
3                   reports was you are showing the air-conditioning  
4                   compressors up on top of the elevator bulkhead, so  
5                   do they have to come off there and go on the roof?

6                   THE WITNESS:  We will absolutely place  
7                   them on the main roof.

8                   MR. MATULE:  And is the green roof  
9                   going to be a minimum of 50 percent of the roof?

10                  THE WITNESS:  Correct.

11                  MR. MATULE:  Because I just don't know  
12                  if that was clear on the plans or not.

13                  THE WITNESS:  Well, we have square  
14                  footage shown.  I will -- of the roof, the green  
15                  roof on that same roof sheet, it plants it right  
16                  here, Sheet Z-6, and I can confirm that is the case.

17                  It will have to be slightly smaller now  
18                  that some of this space will be taken up by those  
19                  condensing units.  I can make that adjustment very  
20                  easily.

21                  MR. MATULE:  So that basically, you're  
22                  going to have a minimum of 50 percent green roof,  
23                  and then the balance of the roof will be broken up  
24                  between the bulkhead, the condensers and the deck?

25                  THE WITNESS:  And the deck, yes.

1                   MR. MATULE: I just wanted to get that  
2 out on the record.

3                   You also -- I see you'll have a new  
4 street tree going in front of the building?

5                   THE WITNESS: Yes. A street tree on  
6 the southern side of that facade. It is shown  
7 here -- it's shown on the site plan and it's also  
8 shown on the front elevation, which is here.

9                   MR. MATULE: And one of the other  
10 questions that was called out in one of the  
11 professional reports is in that commercial building,  
12 for lack of a better word, to the west, there is an  
13 overhead door on the side of the building facing our  
14 backyard. You are planning on having a six foot  
15 high fence in the backyard?

16                   THE WITNESS: Yes. And I talked to the  
17 owners of that, well, at least the tenant of that  
18 space, and it looks like there is a wall built  
19 inside of that, so the door was left there, but  
20 there is a wall there, but our fence in any case  
21 will be built to it.

22                   Mr. Matule is referring to there's an  
23 overhead door right here, which is part of this  
24 poultry store. Our fence will cover that, but it is  
25 not currently used anyway.

1                   MR. MATULE:    And then one of the other  
2                   questions that was raised in the professional  
3                   reports was the building to our immediate north, it  
4                   looks like there is side windows in that building,  
5                   but could you elaborate on the condition?

6                   THE WITNESS:   Yes.

7                   This is the photo board that is part of  
8                   your drawing set.

9                   So what we are looking at, and you  
10                  really can't see them there, so this drawing, this  
11                  photograph on the top right corner shows part of it.  
12                  The openings are still there, but in each case they  
13                  are closed from within, and some with glass are  
14                  left, but there are no operable windows on that  
15                  facade currently, and the owner of that building is  
16                  here as well.

17                  MR. MATULE:   Okay.

18                  And was this project reviewed by the  
19                  Flood Plain Administrator?

20                  THE WITNESS:   Yes.

21                  MR. MATULE:    Have you addressed all of  
22                  her concerns?

23                  THE WITNESS:   We have.

24                  MR. MATULE:    And just the other thing  
25                  is you received the Maser report of 4/11 and the H2M

1 report of 4/12?

2 THE WITNESS: Yes.

3 MR. MATULE: Any issues addressing any  
4 of those concerns or comments?

5 THE WITNESS: No. There is nothing  
6 that we can't address easily.

7 MR. MATULE: And the rear yard, just  
8 again for the record, those concrete pavers are  
9 impervious?

10 THE WITNESS: They are pervious.

11 MR. MATULE: Pervious?

12 THE WITNESS: Yes.

13 MR. MATULE: I'm sorry.

14 And then the balance of this rear yard  
15 is going to be seeded areas?

16 THE WITNESS: Correct.

17 MR. MATULE: And will that drain into  
18 the stormwater detention system?

19 THE WITNESS: That gets drained, yes.

20 MR. MATULE: Okay.

21 THE WITNESS: Just since these plans  
22 were submitted initially -- well, in December, some  
23 comments from this Board, which have not made it to  
24 the plan set, we will propose to slide the elevator  
25 in one inch off the property line, so it's not

1 touching the adjacent property, and fill that gap  
2 with a rigid foam insulation. I can add that, too,  
3 if we, of course, get approved and get revised  
4 drawings.

5 MR. MATULE: Okay. That is all I have  
6 for now.

7 CHAIRMAN AIBEL: Okay.

8 Board members, questions for Mr.  
9 Minervini?

10 VICE CHAIR BRANCIFORTE: Frank, you  
11 said you were going to cover a door from the poultry  
12 shop?

13 THE WITNESS: Our fence will cover it.  
14 It is not used, and there is a wall within it,  
15 meaning that if you are standing within the poultry  
16 shop in the back, there is no door access there.

17 VICE CHAIR BRANCIFORTE: All right.

18 So it is not like an emergency  
19 access --

20 THE WITNESS: No, it's not.

21 It was, I guess at one time they used  
22 this parking lot. There was a large garage door,  
23 I'm assuming for shipping.

24 VICE CHAIR BRANCIFORTE: But they  
25 bricked -- but they closed it with brick, so you

1 can't even walk out of this thing, if the door is  
2 open?

3 THE WITNESS: You cannot walk out from  
4 the inside, no. And I am sure that if you were to  
5 open this door, there's nothing but a rear wall.

6 VICE CHAIR BRANCIFORTE: Got you.  
7 Thank you.

8 COMMISSIONER MURPHY: You don't need a  
9 fire escape, because of the internal stairs?

10 THE WITNESS: We have two internal  
11 stairs, which take care of our two means of egress.

12 COMMISSIONER MURPHY: Okay.

13 Can you just tell me what the heights  
14 of the buildings are across the street, numbers 15  
15 and 16?

16 THE WITNESS: Yes.

17 COMMISSIONER MURPHY: You have like the  
18 other three marked.

19 THE WITNESS: I'm sorry?

20 COMMISSIONER MURPHY: Not the -- the  
21 ones on the corner.

22 THE WITNESS: So if you look at Sheet  
23 Z-1, and I think you are referring to the two that  
24 aren't marked --

25 COMMISSIONER MURPHY: Right, number 15

1 and 16.

2 THE WITNESS: So that would be --

3 COMMISSIONER MURPHY: Right on the  
4 corner.

5 THE WITNESS: -- they are part of the  
6 new structure, which is six stories.

7 COMMISSIONER MURPHY: Okay.

8 Thank you.

9 VICE CHAIR BRANCIFORTE: What is the  
10 story with no stoop?

11 You have to explain that to me why  
12 there is no stoop here.

13 Is there a stoop on the building next  
14 door?

15 THE WITNESS: There's a small stoop  
16 because they are about three feet off the flood  
17 plain.

18 VICE CHAIR BRANCIFORTE: Okay.

19 THE WITNESS: It's a discussion we had  
20 at this Board many times, and the ordinance, the  
21 flood plain ordinance, and having to raise this  
22 floor 14 feet above flood elevation kind of limits  
23 what we can do in terms of a stoop.

24 I was here previously for a project at  
25 339 Garden, where we had discussed possibly putting

1 a stoop in, but in that case you only had to raise  
2 the floor about four feet or three and a half feet  
3 off the sidewalk.

4 Here the only way to do it would be to  
5 have a double run stair running parallel with the  
6 building as opposed to a --

7 VICE CHAIR BRANCIFORTE: Traditional --

8 THE WITNESS: -- traditional straight  
9 out.

10 And because we need an elevator anyway,  
11 I don't think it would ever be used. It would just  
12 be I think an appendage.

13 It is not something that I think the  
14 applicant feels so strongly about that he wouldn't  
15 put it there, but I don't see how it really works  
16 given what the requirements are these days.

17 COMMISSIONER MURPHY: The neighbor  
18 right to the north has a side deck.

19 THE WITNESS: Yes, but it's very small,  
20 though, because the height, where that floor is, is  
21 within the flood plain, and we are above that by six  
22 feet or so.

23 VICE CHAIR BRANCIFORTE: The first  
24 floor is 11 feet above the grade?

25 THE WITNESS: Yes, correct, and theirs

1 is about three and a half or so, the adjacent --

2 CHAIRMAN AIBEL: Mr. Cohen?

3 COMMISSIONER COHEN: We had other  
4 applications, where we talked about possibly  
5 introducing color or a pattern into the side walls  
6 that were going to open.

7 The Hardie board wall, which would be  
8 facing the parking lot, is that something you might  
9 be able to do to --

10 THE WITNESS: Yes. And as I mentioned,  
11 this was a last minute addition for us, and we  
12 didn't give it the attention that we should have.

13 I should have thought ahead, knowing  
14 what I had learned at the 339 project. I can  
15 certainly address that side elevation.

16 COMMISSIONER COHEN: Great.

17 CHAIRMAN AIBEL: Carol?

18 COMMISSIONER MARSH: I just wanted to  
19 continue the stoop conversation for one minute.

20 I believe at a couple of other  
21 hearings, somebody, I don't know if it was you, but  
22 somebody said there are other ways to address life  
23 on the street, and at the time I asked why nobody  
24 proposed one.

25 So you're not going to have a stoop,

1           which I understand you have good reasons for.

2                         Can you propose something else to put  
3           life on the street?

4                         You said you could.

5                         THE WITNESS: I don't think that was me  
6           that said that.

7                         (Laughter)

8                         COMMISSIONER MARSH: All right. Sure  
9           enough. Maybe not.

10                        THE WITNESS: Yeah.

11                        Life on the street, I don't know how to  
12           introduce an artificial life on the street.

13                        What you could do is add a commercial  
14           space. That in essence would add some life. It is  
15           not part of this proposal. I don't think it is  
16           something that the applicant necessarily wants, but  
17           that is a way of bringing life to the street.

18                        Other than not having a stoop, this  
19           entry has to be at ADA -- I mean, plus ADA  
20           compliance and flood plain, we are at grade level.  
21           So I think the only way, given the way our hands are  
22           all tied these days is to have a commercial space at  
23           the ground floor. Now, in this case that would, of  
24           course, increase the variance, but that is a  
25           possible way.

1                   Other than that, I cannot think of an  
2                   artificial way, for lack of a better term, I don't  
3                   mean that in a negative way, an artificial way to  
4                   enhance street life.

5                   COMMISSIONER WEAVER: Well, but --  
6                   so -- and you are not proposing any planting, other  
7                   than the street tree?

8                   THE WITNESS: No. There is planting.  
9                   It's in a small recess.

10                  Let me go back to the site plan.

11                  No, we are not. I don't think we would  
12                  be against it, if that is something -- it may not  
13                  add to life on the street, but it would perhaps  
14                  soften the building elevation to sidewalk  
15                  connection. I think we would be happy to do that.

16                  COMMISSIONER WEAVER: I thought you  
17                  said that you were proposing it?

18                  THE WITNESS: No, I was mistaken.

19                  I recall that we had a recessed entry,  
20                  and at one point it was going to be a bigger recess  
21                  for planting --

22                  COMMISSIONER WEAVER: Because I'm  
23                  looking at your -- can we see the elevation again?

24                  THE WITNESS: The colored elevation?

25                  COMMISSIONER WEAVER: Sure.

1                   And the street tree is going to cover  
2                   it up, so this is going on the other side of the  
3                   street, but there is a large -- there's a large  
4                   brick wall there with flood vents in it --

5                   THE WITNESS:   And windows here and  
6                   they're high line windows.

7                   COMMISSIONER WEAVER:  -- yes, which  
8                   don't really add much to the street.  You know, so  
9                   it is not like you are looking into something like a  
10                  retail store, if you will.

11                  THE WITNESS:  I agree.

12                  COMMISSIONER WEAVER:  As far as the  
13                  pedestrian experience, you know, if you're walking  
14                  down the sidewalk, it would go a long way if there  
15                  was either a climbing plant or something softer to  
16                  help, you know, engage the people walking down the  
17                  street.

18                  It's also going to get plenty of  
19                  sunlight, so it is not like --

20                  THE WITNESS:  Yes.

21                  COMMISSIONER WEAVER:  -- it's not like  
22                  the rear yard here, which I don't think you ever are  
23                  going to get anything to grow.  But I think that's  
24                  an opportunity.  I guess you would have to go in  
25                  front of City Council and ask for -- because you

1 would actually be modifying the sidewalk --

2 THE WITNESS: We have to submit an  
3 application to City Council because we have a bay  
4 protection anyway, so we could combine the planting  
5 bed of some sort here with that bay projection.

6 COMMISSIONER WEAVER: Okay.

7 THE WITNESS: So as I am thinking  
8 ahead, it gets a little tricky, but these vents in  
9 the front are for flood purposes, and they have to  
10 be sized accordingly relating to the footprint.

11 So I have to figure out, and I haven't  
12 yet, I'm not sure if there is a way to have a  
13 planting bed in front of those.

14 COMMISSIONER MARSH: Sure. Just build  
15 it up, a raised bed.

16 THE WITNESS: Build the flood --

17 COMMISSIONER MARSH: No, no. Build the  
18 planting bed up, a raised bed.

19 THE WITNESS: Well, it has to be open.

20 The --

21 COMMISSIONER WEAVER: Well, it is  
22 already raised up.

23 THE WITNESS: -- yeah. So the flood  
24 vents can only be in one location obviously, and we  
25 cannot have anything in front of it that would stop

1 water from coming in or out.

2 MR. GALVIN: But it could be -- I  
3 thought the suggestion was that it could be higher.  
4 In other words, more or less kind of like come out  
5 and -- like that, you know --

6 MR. MATULE: Like a window box?

7 THE WITNESS: Oh, I'm sorry.

8 Yeah. We can do that, or we got about  
9 12 inches to the bottom of that flood vent, we could  
10 have that as a planter. Plants can come higher.  
11 Plants won't stop water, so if we're okay with  
12 limiting the height of the planting bed 12 inches, I  
13 can easily, happily address that.

14 COMMISSIONER MARSH: I don't know how  
15 much drain you have to have in the -- I mean, it  
16 would be nice if you had a planting bed that things  
17 could grow in.

18 THE WITNESS: Well, it would be more  
19 than 12 inches. It would be 12 inches above  
20 sidewalk levels. The soil, of course, could go much  
21 lower. I have to consult with the Flood Plain  
22 Administrator to see what the possible problems  
23 would be.

24 VICE CHAIR BRANCIFORTE: I guess the  
25 hope there is to take away that blank wall?

1                   THE WITNESS: Well, as Mr. Matule was  
2                   whispering in my ear, we could also propose this as  
3                   above it, it could be a green screen on that wall.  
4                   As Commissioner Weaver said, we're facing west  
5                   there. That might be the best of all solutions  
6                   because we have a green screen against that wall.  
7                   It could be raised up a bit, have planting beds on  
8                   where there aren't vents to grow up, and I think  
9                   that might --

10                  COMMISSIONER WEAVER: Or even -- yeah,  
11                  you could put a planting -- because the bottom of  
12                  your vent is, it looks like, a couple of inches  
13                  above the sidewalk anyway --

14                  THE WITNESS: Yes.

15                  COMMISSIONER WEAVER: -- so if the  
16                  planting bed was equal with the sidewalk itself, and  
17                  it had a little four-inch, you know, curb on it to  
18                  keep the water and the snow out of your planting  
19                  bed, it seems like it's more than enough to have  
20                  some sort of climbing --

21                  THE WITNESS: I think that is an  
22                  excellent idea.

23                  COMMISSIONER WEAVER: -- and then I'm  
24                  not -- I'm going to go even further. Lights in the  
25                  bottom of the bay to illuminate the vegetation at

1 night.

2 THE WITNESS: Yes. I cannot disagree  
3 with that.

4 COMMISSIONER WEAVER: Thank you.

5 VICE CHAIR BRANCIFORTE: Speaking of  
6 lights, are there going to be any lights on that  
7 bulkhead?

8 THE WITNESS: On the bulkhead itself,  
9 no.

10 VICE CHAIR BRANCIFORTE: Yeah. I am  
11 worried about people being up there, you know,  
12 lights and stuff and keeping the neighbors up or  
13 shining into the windows.

14 THE WITNESS: I will go to the actual  
15 deck plan.

16 So here is our deck, of course, and we  
17 have got a planter all of the way around, which will  
18 screen the majority of this deck, but -- and I  
19 haven't shown them, but I can. We'll have lighting  
20 here and here that will illuminate just our deck  
21 area.

22 VICE CHAIR BRANCIFORTE: And there is  
23 water up there, so if people want a garden and  
24 stuff --

25 THE WITNESS: Yes. There will have to

1 be, as part of our construction drawings, yes.

2 CHAIRMAN AIBEL: So could you just  
3 orient myself to the lot?

4 What is west of the poultry building,  
5 you know, from the west side of the poultry building  
6 to Harrison Street, is that ground parking or --

7 THE WITNESS: So you are asking -- here  
8 is the poultry building --

9 CHAIRMAN AIBEL: That's right.  
10 What's --

11 THE WITNESS: -- that's all open area,  
12 parking for this building.

13 CHAIRMAN AIBEL: Okay. Good.

14 And north is all playing field?

15 THE WITNESS: This is all playing  
16 field.

17 CHAIRMAN AIBEL: Right to the corner of  
18 Jackson?

19 THE WITNESS: Correct.

20 CHAIRMAN AIBEL: Okay.

21 Thanks.

22 THE WITNESS: I think you have these  
23 drawings, but there are some aerial views on Sheet  
24 Z-8 that might help better orient.

25 Here is the parking that goes around

1       these four properties in an L-shape.

2                   There is the field.  There's a  
3       six-story building I mentioned.  There is a market  
4       on the corner, which would be the northeast corner  
5       of the Fourth and Jackson intersection.

6                   COMMISSIONER DE GRIM:  Do you want to  
7       pass that around and show the people?

8                   THE WITNESS:  Sure.

9                   I think you have that.  This is the  
10      colored version.

11                  THE WITNESS:  Yeah.  It's just because  
12      the black and white just doesn't nearly give as much  
13      information.

14                  CHAIRMAN AIBEL:  Commissioners, anybody  
15      else have questions for the architect?

16                  Jeff?

17                  Eileen?

18                  MS. BANYRA:  I think it's good.  He  
19      addressed most of my questions.

20                  MR. MARSDEN:  Yeah, I have one.

21                  You indicated that you are going to  
22      have the drain in the rear yard.  However, the way  
23      it's sloped right now, it drains towards the back --  
24      towards your board-on-board fence.  So you are going  
25      to redo the grade, so everything flows into the rear

1 drain?

2 THE WITNESS: If it does in fact drain  
3 that way, absolutely it will drain towards this  
4 drain as shown on Sheet Z-4.

5 MR. MARSDEN: That's my only question.

6 CHAIRMAN AIBEL: Okay. Seeing no  
7 further questions, let me open it up to the public.

8 Please come forward.

9 MR. GALVIN: Now, you're just asking  
10 questions.

11 So go ahead. Put your name on the  
12 record.

13 MS. HEALEY: Leah Healey, 806 Park.

14 Mr. Minervini, I have a question.

15 What is the size of the bulkhead on top  
16 of the building?

17 THE WITNESS: There are two bulkheads.  
18 They are connected. One is taller than the other,  
19 and I'll go to the -- and I have two drawings that  
20 show it. The first Sheet Z-6 is the plan.

21 So we've got -- you probably can't see  
22 this. I will turn it.

23 This section is a bulkhead, which  
24 covers the required egress stair that goes to the  
25 roof and egress from the roof and allows fire

1 department access to the roof.

2 At its high point, it's eight feet  
3 here. At its low point, it's zero, so this is a  
4 pitch. It pitches and it follows the stair angle.

5 This is about 11 feet above the roof  
6 level, and I think I showed that more clearly on our  
7 elevations -- 15 feet, pardon me -- and the 15 feet  
8 number sounds kind of higher, but the newer  
9 elevators that we use the side mounts --

10 (Witness and counsel confer)

11 THE WITNESS: -- the newer elevators,  
12 the bulkheads are bigger, larger than the standard  
13 piston elevators we used in the past, and the newer  
14 elevators are electric motor driven, so they're much  
15 more efficient.

16 Bob is right. This shows that 15 feet  
17 from the front, but it's about 11 or 12 feet  
18 generally speaking depending on the manufacturer  
19 about the roof level.

20 MS. HEALEY: So the elevator is going  
21 to the roof?

22 I thought you said it wasn't going to  
23 the roof.

24 THE WITNESS: No, no. This is the  
25 elevator bulkhead above roof level --

1 COMMISSIONER DE GRIM: The mechanism?

2 THE WITNESS: Yeah, the mechanism  
3 board.

4 MS. HEALEY: Why isn't it in the  
5 basement?

6 THE WITNESS: Well, you can't put  
7 anything in the basement, and no elevator has a  
8 mechanism in the basement. These type of elevators  
9 are always up on the roof.

10 MS. HEALEY: So you have no elevator  
11 access to the basement?

12 THE WITNESS: Well, there isn't a  
13 basement. There's at ground floor, the elevator  
14 certain goes to the ground floor.

15 MS. HEALEY: So it goes into the floor  
16 area?

17 THE WITNESS: Yes, which is why the  
18 equipment is up higher in case to -- to follow your  
19 train of thought, in case of an emergency, the  
20 elevator in a fire will come down, but in a flood it  
21 can be directed to go one story up, so it's not  
22 damaged.

23 MS. HEALEY: Why don't you have an  
24 elevator going to the basement?

25 THE WITNESS: I just explained there is

1 a basement.

2 MS. HEALEY: Okay. Let's talk about --

3 THE WITNESS: Pardon?

4 MS. HEALEY: -- storage flood area --

5 THE WITNESS: Yes.

6 MS. HEALEY: -- you have an elevator  
7 that goes down to the storage flood area?

8 MR. MATULE: Okay. If we can, I think  
9 we are getting off on a false premise here.

10 MS. HEALEY: I understand. I wanted to  
11 question --

12 MR. MATULE: No. I have no objection  
13 to your asking questions, but I just want to make  
14 sure we are all talking about the same thing,  
15 because I think I am hearing people talking at cross  
16 purposes.

17 Just go back to the ground floor  
18 elevation --

19 THE WITNESS: Elevation?

20 MR. MATULE: -- not the elevator, the  
21 ground floor plan.

22 THE WITNESS: Yes.

23 MR. MATULE: Just explain to Ms.  
24 Healey, you walk in at grade --

25 THE WITNESS: Our storage and what you

1 had discussed is at grade level.

2 Our ADA access lobby is at grade level.  
3 We are required to at grade level have your means of  
4 egress come out there. Also your lobby has to  
5 extend to this elevator.

6 So the elevator can be accessed from  
7 grade level, which is within the flood plain.

8 MS. HEALEY: Uh-huh.

9 THE WITNESS: Not a basement, it's at  
10 grade level.

11 The mechanism is up on the roof is all  
12 equipment for the reasons that you're asking, for  
13 the reasons in case of a flood, everything is up  
14 there now.

15 Lots of buildings in Hoboken during  
16 Super Storm Sandy I think we're aware of, their  
17 elevator machine rooms were at ground level, and  
18 they all had to be replaced and very expensive.

19 MS. HEALEY: Okay. While we are on  
20 this board, can you tell me a little bit about what  
21 those different rooms are that are in that first  
22 level, the flood level?

23 THE WITNESS: In the center we are  
24 proposing to keep our trash and recyclables.

25 The back section and the front section

1 as delineated by these walls will be for tenants or  
2 residents' storage.

3 MS. HEALEY: Storage?

4 THE WITNESS: Yes.

5 MS. HEALEY: Will they have full  
6 electrical for lighting?

7 THE WITNESS: It has to have full  
8 lighting.

9 MS. HEALEY: And will the electrical be  
10 at the normal height, or will it be above?

11 THE WITNESS: Electrical outlets can be  
12 within the flood plain, so they will be there.

13 MS. HEALEY: And what is to prevent the  
14 occupants of this building from using this for other  
15 than storage?

16 THE WITNESS: It is not heated. It is  
17 not cooled. I guess that's one way of controlling  
18 who is there, and the occupant -- the owner of the  
19 building would have to control that.

20 MS. HEALEY: Are you willing to agree  
21 to a condition of this Board's approval that that  
22 space is deed restricted for storage only?

23 THE WITNESS: Absolutely.

24 MR. GALVIN: Time out for a second.

25 Whether we do that or not --

1 MS. HEALEY: I'm just asking the  
2 question.

3 MR. GALVIN: No, no, no. Let me just  
4 say this. It goes to veracity, and I don't think  
5 the deed restriction backs you up.

6 In other words, FEMA doesn't allow them  
7 to use this for residential purposes, and that is  
8 why it's got to be designated storage, and I have  
9 had that in other cases in other towns, where I  
10 didn't believe that the space would be --

11 MS. HEALEY: We already had it in this  
12 town.

13 MR. GALVIN: It can happen, right.

14 So I am saying, but them giving you --  
15 them giving us a deed restriction isn't really going  
16 to do anything because it requires the zoning  
17 officer -- if it gets converted into space -- that's  
18 nobody's plan. That's not what is happening, but  
19 some place it has happened, you know.

20 And if that's the case, the only way to  
21 find that -- and, you know, how does the zoning  
22 officer find out about that to issue a notice of  
23 violation, and it won't matter if there's a deed  
24 restriction or not because FEMA says you can't have  
25 habitation in that location.

1                   But you could have -- that was to the  
2 Chairman's point earlier, you kind of could have  
3 commercial in there, and then we have a use that  
4 makes it not possible to have residential use.

5                   MS. HEALEY: I only have two other  
6 questions.

7                   One: What's the caliper of the street  
8 tree?

9                   THE WITNESS: Let's see. We used the  
10 details given to us by the Shade Tree Commission,  
11 and it would be -- it's generally a three-inch. We  
12 got three inches, a three-inch caliper.

13                   MS. HEALEY: And my last question is:  
14 You have a rear yard depth variance for lot  
15 coverage.

16                   Why is -- what's in that extra footage  
17 that you need that does not allow you to meet the  
18 lot coverage?

19                   THE WITNESS: We are here asking for a  
20 variance for a building that is the standard size in  
21 Hoboken of 60 feet on a lot, where we think having a  
22 60 foot building has no major impact on the  
23 properties.

24                   It is probably a question you should  
25 direct more to the planner.

1 MS. HEALEY: Do you have any  
2 photographs of the rear yard?

3 THE WITNESS: Yes. There is a photo  
4 board floating around that has three -- pardon me --  
5 aerial views.

6 COMMISSIONER DE GRIM: I'll hand you  
7 one. Do you want to get them?

8 MS. HEALEY: Yes.

9 This building here --

10 THE WITNESS: Yes.

11 MS. HEALEY: -- which is to the rear,  
12 this is your -- this is your -- this is Jackson, so  
13 to the rear on Third --

14 THE WITNESS: Fourth.

15 MS. HEALEY: -- Fourth, I'm sorry -- is  
16 that a conforming structure, the poultry --

17 THE WITNESS: I don't think it is.

18 MS. HEALEY: So is there a possibility  
19 that that structure one day will not be a hundred  
20 percent lot coverage?

21 THE WITNESS: I don't know the answer  
22 to that. Of course, it is a possibility, anywhere  
23 in Hoboken, but there is no plan that I am aware of.

24 MS. HEALEY: Okay.

25 Thank you.

1                   CHAIRMAN AIBEL: Go ahead.

2                   COMMISSIONER MURPHY: So in a letter to  
3 us from Ann Holtzman, she made a recommendation of  
4 possibly using instead of doing the walls, maybe  
5 using wire, making like, you know, like a wire fence  
6 to create the storage space and delineating the --  
7 and then you don't really have the walls that  
8 somebody could like decide to make a rec room or  
9 whatever out of, a storage space --

10                  THE WITNESS: I don't think the  
11 applicant would have an issue with that.

12                  And she thinks of it also because then  
13 water travels more freely through those. We do show  
14 flood venting in all of those walls, but to change  
15 it to chain link fence, there's no issue because  
16 it's not going to be used for --

17                  MR. MATULE: I just wanted to ask a  
18 question on that note, so we are clear.

19                  The walls for the common means of  
20 egress, they have to be fire rated solid walls,  
21 correct?

22                  THE WITNESS: Yes.

23                  So thank you, Bob.

24                  We can remove the walls that are  
25 running side to side --

1 COMMISSIONER MURPHY: Right.

2 THE WITNESS: -- we can't remove the  
3 wall that creates our --

4 COMMISSIONER MURPHY: Right, uh-huh.

5 But you could put them around the  
6 recycling, and then that would create the next room,  
7 you know, like it wouldn't --

8 THE WITNESS: Yes.

9 COMMISSIONER MURPHY: -- right. So it  
10 is something that I think you should consider.

11 THE WITNESS: Happily.

12 VICE CHAIR BRANCIFORTE: Every time I  
13 see one of these common trash recycling rooms in the  
14 center, inside the building like this, I just see it  
15 as a rodent, you know, just trash and rodents and  
16 bugs and stuff.

17 THE WITNESS: Certainly, if it is a  
18 maintenance issue, people will have to be --

19 VICE CHAIR BRANCIFORTE: I wish you  
20 would --

21 THE WITNESS: -- residents or the  
22 building manager will have to pay attention to those  
23 things.

24 One of the reasons where you can put  
25 the wall system there, it's also one of the reasons

1       why we put it in the center. We had this discussion  
2       because Ann Holtzman had mentioned that is a concern  
3       that people will use these spaces for an apartment  
4       or whatever, recreation space, so we thought by  
5       putting that in the center, it makes the other two  
6       spaces much smaller and much more difficult to use  
7       for that use.

8                   CHAIRMAN AIBEL: There will be access  
9       to the rear yard from the ground floor?

10                  THE WITNESS: Yes.

11                  CHAIRMAN AIBEL: And you are showing  
12       sliding doors?

13                  THE WITNESS: I don't think we're  
14       showing sliding doors --

15                  COMMISSIONER MURPHY: Looks like it's a  
16       window --

17                  THE WITNESS: -- no. That is a window,  
18       and that is one single door, and it is a high window  
19       that matches, if I recall -- yeah, it's a high  
20       window. So even in that case, it couldn't be used  
21       as an egress window or something that would be  
22       suitable for living spaces.

23                  CHAIRMAN AIBEL: This will be a common  
24       area?

25                  THE WITNESS: Yes.

1                   VICE CHAIR BRANCIFORTE: How deep is  
2 that, that common area back there, from the back  
3 wall to the fence that you're putting up?

4                   THE WITNESS: This dimension?

5                   VICE CHAIR BRANCIFORTE: No, no, the  
6 rear yard.

7                   THE WITNESS: The rear yard --

8                   VICE CHAIR BRANCIFORTE: -- how deep is  
9 it?

10                  THE WITNESS: That's 11 feet. 11 feet  
11 to the wall of the adjacent property, which is --  
12 this wall, of course, is on the property line.

13                  VICE CHAIR BRANCIFORTE: Now I think  
14 the city's ordinances, you can't have barbecues  
15 within like ten feet of the building or something  
16 like that or ten feet of the entrance to the  
17 building or exit to the building?

18                  THE WITNESS: I think you can't have  
19 gas, not barbecues necessarily.

20                  VICE CHAIR BRANCIFORTE: Yeah. I just  
21 remember it being different, so I don't want to  
22 discourage people to go back there, but at the same  
23 time I don't want to turn it into like -- I don't  
24 know -- I was just curious.

25                  THE WITNESS: Well, I will tell you

1 that any gas or anything that we are proposing for  
2 that rear yard has to go through the zoning office  
3 as well as the construction office, where it gets  
4 two more reviews.

5 VICE CHAIR BRANCIFORTE: Well, I'm just  
6 saying it's not going to keep people from putting  
7 a -- it doesn't matter, I will drop it.

8 MS. BANYRA: Mr. Chairman, can I just  
9 ask two questions?

10 Frank, I didn't see a calculation of  
11 the rear yard. You are required to have a maximum  
12 of 30 percent impervious, and just eyeballing it, it  
13 doesn't look like it would meet that.

14 Then the second question I have is  
15 getting to the backyard, there's a door abutting  
16 there, and so will everybody have access to the  
17 backyard, or is it just for one unit or how is that  
18 going to be working?

19 THE WITNESS: So the second question,  
20 that door is for -- it's common use.

21 MS. BANYRA: So even though there is  
22 storage back there, anybody can walk through that  
23 storage and get to the backyard?

24 THE WITNESS: Yes.

25 MS. BANYRA: Okay.

1 THE WITNESS: And the intention was  
2 always to have the storage separate by chain link  
3 fencing within that space --

4 MS. BANYRA: Okay.

5 THE WITNESS: -- the rear yard is 100  
6 percent permeable because those -- I think we used  
7 our standard detail, which would show it as the  
8 permeable system --

9 MS. BANYRA: Okay. I didn't see  
10 that --

11 THE WITNESS: -- and if I missed it --  
12 if I missed it, I will get that on there.

13 MS. BANYRA: I think it's --

14 COMMISSIONER DE GRIM: Pervious pavers,  
15 C3?

16 THE WITNESS: Oh, thank you.

17 There it is, yes.

18 So the pervious paver detail is shown,  
19 and that is the intention.

20 MS. BANYRA: Okay.

21 THE WITNESS: But I will correct or add  
22 to the zoning table to call that out.

23 MS. BANYRA: Yeah. Because, you know,  
24 you have 50 percent roof coverage. It should be  
25 called out just so that there's no question about



1 a chain link, you know, lockers

2 COMMISSIONER MC BRIDE: Yeah, okay.

3 All right.

4 Well, that wasn't shown. I just  
5 thought I'd ask that --

6 MR. MATULE: Yes.

7 COMMISSIONER MC BRIDE: -- it's not  
8 just a free form box where you could throw in what  
9 you want?

10 MR. MATULE: No.

11 THE WITNESS: And I'd certainly add a  
12 detail to make that more clear.

13 COMMISSIONER MC BRIDE: I mean, I would  
14 want it, if I was there, you know, just to know what  
15 is my cage and what isn't, right?

16 THE WITNESS: Understood.

17 COMMISSIONER MC BRIDE: And the other  
18 question was access to the rear yard, the 11 feet is  
19 open for everybody?

20 THE WITNESS: Yes.

21 COMMISSIONER MC BRIDE: Okay.

22 VICE CHAIR BRANCIFORTE: Is there any  
23 reason why you need, as an architect, why you  
24 designed it with four units rather than three?

25 THE WITNESS: Well, the question isn't

1 as an architect we designed it. We are kind of  
2 directed how to design it.

3 But in this case, the thought was to  
4 have units of this size.

5 VICE CHAIR BRANCIFORTE: What is the  
6 size again?

7 THE WITNESS: The smaller units and  
8 the -- at the first residential floor is the  
9 smallest at 1086, and the others are 1148, so three  
10 at 1148, and one at 1086.

11 VICE CHAIR BRANCIFORTE: I mean, these  
12 are two-bedrooms obviously.

13 I guess when you say small units, it's  
14 kind of relative --

15 THE WITNESS: Relative to what this  
16 Board has seen and what we have been proposing.

17 VICE CHAIR BRANCIFORTE: -- just  
18 relative to the apartments I've been in in Hoboken  
19 and lived in.

20 THE WITNESS: Me, too.

21 (Laughter)

22 CHAIRMAN AIBEL: So you're not going  
23 to -- we'll leave it to the planner.

24 You don't have a special reason that  
25 you are offering for the extra density, given that

1 we are going to have extra cars on the street and --

2 MR. GALVIN: You know, it's not the  
3 right question for the architect.

4 CHAIRMAN AIBEL: Okay.

5 MR. GALVIN: I think what he can -- we  
6 rely on you heavily, you know, because you do a good  
7 job, but you can't answer everything, and you  
8 shouldn't.

9 CHAIRMAN AIBEL: Your defense counsel  
10 just cut me off.

11 (Laughter)

12 VICE CHAIR BRANCIFORTE: You know, I  
13 mean, I was just wondering if there was any special  
14 reason to -- the depth -- any special reasons for  
15 the -- yeah, as an architect, does it look better  
16 with four stories?

17 So it looks better at 85 percent lot  
18 coverage --

19 THE WITNESS: The height --

20 THE WITNESS: -- I'm sorry -- the  
21 height is permitted, so we are not asking for a  
22 variance for height. We'll talking about that  
23 dimension.

24 VICE CHAIR BRANCIFORTE: Okay.

25 THE WITNESS: The depth of the building

1 at 60 feet, again, we were thinking of having a  
2 standard Hoboken size, even though this is an  
3 undersized lot, and that allows for one floor unit  
4 that are more -- the market is -- I am trying think  
5 of the proper way to put this -- but there isn't a  
6 market very much -- a big market for these. There  
7 isn't a lot on the market of them these days. So  
8 these are meant to be, if it's smaller, but less  
9 expensive than what people would normally see in  
10 Hoboken.

11 VICE CHAIR BRANCIFORTE: How deep is  
12 the building next door?

13 THE WITNESS: It's 56 -- it's on Sheet  
14 Z-5. The building next door is 56 feet five  
15 inches -- 56 and a half feet.

16 COMMISSIONER WEAVER: So you call it a  
17 typical Hoboken building of 60 feet deep, but yet  
18 two buildings to the north are the exact same lot --

19 THE WITNESS: Uh-huh.

20 COMMISSIONER WEAVER: -- and yet  
21 they're 11 feet shorter --

22 THE WITNESS: Uh-huh. They don't have  
23 to contend with two means of egress nor an elevator.

24 COMMISSIONER MURPHY: But if you did  
25 three stories -- three apartments, you wouldn't have

1 to do an elevator, correct?

2 THE WITNESS: Yes, you do.

3 COMMISSIONER MURPHY: Why?

4 I thought it was four --

5 THE WITNESS: No, it's three or more.

6 COMMISSIONER MURPHY: Three or more.

7 COMMISSIONER WEAVER: The bulkhead will  
8 still be 20 feet high even though the --

9 THE WITNESS: The bulkhead is about 13  
10 feet higher --

11 VICE CHAIR BRANCIFORE: No. You were  
12 saying before that if you put an elevator that  
13 served the roof --

14 THE WITNESS: Correct.

15 VICE CHAIR BRANCIFORTE: -- it would  
16 have to be like a 20 foot --

17 THE WITNESS: Yes.

18 VICE CHAIR BRANCIFORTE: -- so let's  
19 say it was only three stories, and you know, so you  
20 didn't need the variance, and you put in the  
21 elevator.

22 Are we still talking about a 20 foot  
23 bulkhead at that point?

24 THE WITNESS: In any case if an  
25 elevator is -- if you access the roof with this type

1 of elevator, the bulkhead is about that much higher  
2 from the roof.

3 VICE CHAIR BRANCIFORTE: I see your  
4 point. That's a silly question actually.

5 MR. GALVIN: And it's also an exception  
6 of the zoning ordinance, right?

7 MS. BANYRA: Yeah, bulkheads are.

8 But, Frank --

9 MR. GALVIN: Because we know that  
10 they're going to be there, and that's why we don't  
11 include them.

12 VICE CHAIR BRANCIFORTE: My question is  
13 actually kind of silly now that I think about it  
14 anyway, so I'll just drop it.

15 MS. BANYRA: So could I just -- Frank,  
16 the permitted number of units is two, correct?

17 THE WITNESS: Yes.

18 MS. BANYRA: So you wouldn't need an  
19 elevator if you're compliant with the zone, correct?

20 THE WITNESS: That's correct.

21 MS. BANYRA: Okay. Thank you.

22 THE WITNESS: If I may follow that up,  
23 though, the reality of what you would have are two  
24 3500 square foot apartments or so.

25 MS. BANYRA: Two family-friendly.

1 (Laughter)

2 This week is not, but maybe next week  
3 it will be.

4 THE WITNESS: Trying to follow the  
5 trends.

6 MS. BANYRA: Okay. Good job.

7 MR. GALVIN: Are you good?

8 MS. BANYRA: I'm done.

9 MR. GALVIN: Now, Mr. Marsden would  
10 like to say something.

11 MR. MARSDEN: Just a real quick  
12 question.

13 I notice that you don't call out a spec  
14 on the materials for the pavers.

15 Would you just add a note that says,  
16 "Installed in accordance with manufacturer's  
17 specs" --

18 THE WITNESS: Yes.

19 MR. MARSDEN: -- because I saw "bedding  
20 sand," and they don't want no sand in impervious  
21 pavers --

22 THE REPORTER: I can't hear you.

23 MR. MARSDEN: -- it calls out "bedding  
24 sand," and they don't allow sand used with  
25 impervious -- with pervious pavers.

1 MR. GALVIN: Who is "they"?

2 MR. MARSDEN: DEP, EPA, and any  
3 manufacturer.

4 THE WITNESS: I have been corrected.

5 MR. MARSDEN: Okay. Thank you.

6 CHAIRMAN AIBEL: Okay.

7 Let me just close the public portion.

8 Anybody else have questions for Mr.  
9 Minervini?

10 Seeing none, could I have a motion?

11 COMMISSIONER COHEN: Motion to close  
12 public portion for this witness.

13 CHAIRMAN AIBEL: Second?

14 THE WITNESS: Thank you.

15 MR. MATULE: Mr. Ochab.

16 CHAIRMAN AIBEL: All in favor?

17 THE REPORTER: Who said "second"?

18 (All Board members answered in the  
19 affirmative.)

20 CHAIRMAN AIBEL: Mr. Minervini seconded  
21 it.

22 (Laughter)

23 MR. MINERVINI: What happened?

24 MR. GALVIN: He said Mr. Minervini  
25 seconded it.

1 MR. MINERVINI: Oh, did I?

2 MR. GALVIN: You're doing a little too  
3 much there.

4 MR. MATULE: Too much adrenaline.

5 (Laughter)

6 Good evening, Mr. Ochab.

7 MR. GALVIN: I like the way you do  
8 this. You let Frank take the beating, and then when  
9 it's all over, you get up and you just kind of clean  
10 it up.

11 (Laughter)

12 Do you swear to tell the truth, the  
13 whole truth and nothing but the truth?

14 MR. OCHAB: I do, yes.

15 K E N N E T H O C H A B, having been duly sworn,  
16 testified as follows:

17 MR. GALVIN: Go ahead. State your full  
18 name for the record and spell your last name.

19 THE WITNESS: Ken Ochab, O-c-h-a-b.

20 MR. GALVIN: All right.

21 Mr. Chairman, do we accept Mr. Ochab's  
22 credentials as a licensed planner in the State of  
23 New Jersey?

24 CHAIRMAN AIBEL: We do.

25 MR. GALVIN: Very good.



1 record.

2 THE WITNESS: This is a photo board. I  
3 believe all of these photos are in the report, but I  
4 enlarged them for the purposes of this evening, and  
5 all of the photographs obviously were taken by me,  
6 undoctored in any way or cropped, whatever.

7 The upper left photograph is a  
8 photograph of the property in question, which is on  
9 the left side of the photograph. It is the vacant  
10 parcel and also shown is the building just to the  
11 north again. That is a four-story building. Again,  
12 it proceeds to the next corner.

13 The upper right photograph is a  
14 photograph of the side of this building, so if you  
15 look at the side of this building, I am actually  
16 standing just at the entrance to the public housing  
17 project. The parking lot is in the foreground, an  
18 iron fence on the border.

19 Actually our property here is between  
20 the fence and this building itself.

21 And looking at the side of that  
22 building, there had been windows on the side of the  
23 building, but it looked like they are boarded up  
24 from the inside, so that is what is shown here.

25 The lower left photograph is a

1 photograph from inside of the site looking across  
2 Jackson and looking basically at three buildings,  
3 one, two, three, and we will go through those in a  
4 little bit. But these are one, two, three, four,  
5 five, six stories or five over one in terms of how  
6 we describe it.

7 These are the newer buildings, which is  
8 the northern building, and then the southern  
9 building here.

10 Then the lower right photograph is a  
11 photograph of the rear of our site looking north to  
12 the rear yard of the building to the north, so I am  
13 actually looking at the left of that building, the  
14 poultry store building, which is on the property  
15 line, and then the rear of the building to the north  
16 again looking at the rear yard, which, you know,  
17 interestingly enough is not in a condition which is  
18 used for recreation in any way. It is cluttered  
19 with debris and other materials. It's completely  
20 paved, so just to get a context of where we are with  
21 respect to how that rear yard is here.

22 So my report goes through the zoning  
23 criteria for the application, and we have one D  
24 variance. The D variance is for density.

25 And with respect to that, what I

1 typically do is look at the surrounding area to  
2 determine whether we are consistent, or whether we  
3 are in line with the densities of the surrounding  
4 properties, and I do that with respect to the  
5 Coventry or Grubbs criteria that is laid out in the  
6 case law.

7           So in this case, our density, which is  
8 in the report on Page 4, goes through a calculation  
9 as how we stack up relative to the surrounding  
10 properties, and so I want to basically say that  
11 the -- what we are proposing, which is four units on  
12 1752 square feet of lot area, is a less intense use  
13 than the buildings to the north on the same side of  
14 the street as we are located and also to the  
15 buildings on the east side of Jackson, all three of  
16 those buildings.

17           Now, of those buildings, the ones to  
18 the north are obviously -- you can see they are of  
19 old vintage, but the two buildings to the east  
20 across Jackson on the north and south are more  
21 recently constructed, post 2000 constructed  
22 buildings.

23           So in terms of density, I usually try  
24 to calculate some number, which I can identify. So  
25 in this case I am using the amount of land area that

1 is comparable to each unit.

2 So in our situation, in our case, we  
3 have 4388 square feet of land area per unit, per  
4 proposed unit, where as the projects to the north,  
5 the two buildings to the north both are less than  
6 300 square feet of land area per unit.

7 So they basically have the same lot  
8 size, particularly these two buildings to the north.  
9 They have the same lot size. The first one has  
10 eight units, and the second has six units. We have  
11 the same lot size basically as they do and proposing  
12 four units.

13 So with respect to the levels of proof  
14 that we need to discuss with the Board, we're  
15 basically a less intense use than these two  
16 buildings here.

17 Now, if you look across the street,  
18 again, we have basically five-over-one buildings,  
19 both at the north end and the south end. The center  
20 one is again of an older vintage. So the older one,  
21 and I know that, you know, we used that just as  
22 context, the older building in the center has 178  
23 square feet of lot area per unit. That property is  
24 3500 square feet, and it has 20 units in it, so you  
25 can calculate that and come out with that number.

1                   But the newer ones, the ones again on  
2                   the north and the south ends, the one on the -- the  
3                   south end is 385 square feet per -- of land area per  
4                   unit, so it's less than what we are proposing, which  
5                   is 438.

6                   Then the one on the northern end, which  
7                   is this one here in the photograph, is coming in at  
8                   300 square feet per -- of land area per unit, so  
9                   that's the way that I calculated the numbers here,  
10                  and they obviously show that within this small  
11                  little conclave of buildings, we are the least  
12                  intense with respect to density in this particular  
13                  area.

14                  I obviously did not use the public  
15                  housing project to determine density here, because  
16                  it is a completely different animal from my  
17                  perspective. It is not similar to the building type  
18                  that we are measuring, so I did not include that at  
19                  all in my calculation.

20                  Needless to say, that lot coverage is  
21                  almost the entire block, so the only lots that are  
22                  left here are the two lots that contain buildings to  
23                  the north, our block here, and then the poultry  
24                  store, which is again behind the property. Those  
25                  are the only three other lots in our block.

1                   So with that, using that as context, I  
2 think that, you know, if you're looking at the  
3 Coventry criteria alone, it is a pretty decent  
4 argument that what we are proposing is not abhorrent  
5 to what is there under existing conditions, either  
6 old or new development.

7                   On the C variances, we have a lot  
8 coverage variance and we have our rear yard  
9 variance.

10                  We also have obviously a variance for  
11 an undersized lot, undersized lot width and  
12 undersized lot depth, so those are all existing  
13 conditions, but nevertheless, they're called out as  
14 variances.

15                  On the lot coverage and the rear yard,  
16 I am going to talk about these together.

17                  Here again our lot coverage is greater  
18 because we are trying to propose decent sized units  
19 within the lot that is, quite frankly, not up to the  
20 current standard of 2500 square feet.

21                  When you do that, obviously we are  
22 going to exceed the lot coverage requirements of 60  
23 percent.

24                  Nevertheless, with respect to how the  
25 building measures against the building to the north,

1       it is just slightly longer than the building to the  
2       north. I think Frank said three and a half feet, so  
3       three and a half feet is -- this amount doesn't  
4       really affect the building to the north, which again  
5       doesn't affect the rear yard because there is really  
6       nothing happening back there at this point,  
7       notwithstanding the fact it could be redeveloped at  
8       some point.

9                       Obviously, the impact of all of that to  
10       the south is negligible because all we have to the  
11       south is the parking lot for the public housing  
12       project. I'm assuming that will stay for some time  
13       to come, so we don't have any particularly  
14       measurable impact on that as well.

15                      The rear yard is the same basic  
16       argument. Again, we're trying to get a decent sized  
17       unit within the context of the smaller lot, so we do  
18       have a smaller rear yard.

19                      But here, again, when we talk about  
20       rear yard, I'm usually talking about a hole in the  
21       donut, or the open space in the center of the block.  
22       There isn't any such thing here because the housing  
23       project -- the public housing project consumes the  
24       entire block, and it's either parking or building,  
25       so there is no green open space area, and it's best

1 to sort of repeat that as well. So there is no  
2 discussion with respect to planning as it's  
3 concerning the rear yard setback as opposed to, you  
4 know, what the space allocation is for the block.

5 I know that Frank was talking a little  
6 bit about the unit size. So I was thinking a lot  
7 about this because the Municipal Land Use Law  
8 basically says that, you know, one of the purposes  
9 of the Land Use Law is to establish appropriate  
10 population densities that contribute to the welfare  
11 of the neighborhood and the community.

12 So I was thinking, well, what is this  
13 project actually doing, so -- and I kind of agreed  
14 with Frank, that what we see typically are units now  
15 that are increasing in size, greater in size, so we  
16 have 1400 square feet, and you have 1500 square foot  
17 units, so this is coming in at about a thousand  
18 square feet plus or minus.

19 So with respect to the affordability of  
20 the units in terms of, you know, what the market is  
21 going to -- going to -- what the marketability is  
22 going to be, maybe it is more on the more moderate  
23 size than would typically be your 14 or 1500 square  
24 foot unit.

25 And I say that because the other day I

1 got an email from a realtor in Hoboken, showing off  
2 one of the new units that I had, you know, worked on  
3 a project. It was like a 1500 square foot unit. It  
4 was on Clinton somewhere, and the asking price was  
5 \$750,000. And I said holy mackerel, I can't believe  
6 it's \$750,000 for a 1500 square foot unit.

7 So here we have a thousand square foot  
8 unit, maybe that is going to be affordable to a  
9 family that can't afford the \$750,000 unit, but  
10 maybe can afford the 600 or 500 or from a rental  
11 standpoint, you know, you just calculate what that  
12 rental cost is in that respect.

13 So I mean from a planning perspective,  
14 certainly there is an argument, well, why do you  
15 need four units?

16 Well, in this case maybe four units  
17 does actually meet that provision in the Land Use  
18 Law, which says that you should be promoting  
19 population densities that contribute to the  
20 well-being of the communities.

21 You go, what's the alternative?

22 The alternative is, well, they're three  
23 units, in which case maybe one of those units  
24 becomes a duplex, so you still have a four-story  
25 building. Then you have a unit that's a few

1 thousand square feet instead of 1,000. So from a  
2 planning perspective, and I know I won't be able to  
3 say this often, but maybe in this case, maybe in  
4 this one case, the four units make some sense with  
5 respect to how it fits into the community here, but  
6 also what its impact is on the neighborhood.

7 So that's my story, and I'll just  
8 conclude.

9 CHAIRMAN AIBEL: Thanks, Mr. Ochab.

10 MR. MATULE: Thank you.

11 CHAIRMAN AIBEL: All right. Board  
12 members?

13 VICE CHAIR BRANCIFORTE: Okay. Jim,  
14 I'm sorry.

15 CHAIRMAN AIBEL: Go ahead.

16 VICE CHAIR BRANCIFORTE: But if you  
17 reduced it from four units to three units --

18 THE WITNESS: Well, it is still four  
19 units being proposed.

20 VICE CHAIR BRANCIFORTE: Okay. I  
21 understand.

22 MR. MATULE: Let him finish the  
23 question.

24 VICE CHAIR BRANCIFORTE: What is that?

25 MR. MATULE: I was suggesting to Mr.

1 Ochab that he let you finish your question.

2 (Laughter)

3 VICE CHAIR BRANCIFORTE: Let me ask you  
4 another question before I get back to that, because  
5 I think I'll lead up to it.

6 Do you have any pictures of the rear of  
7 the building, of the building next door?

8 THE WITNESS: Just this one. There are  
9 windows back here.

10 VICE CHAIR BRANCIFORTE: Because I am  
11 curious if this extra three feet we're giving you in  
12 lot coverage is going to end up blocking up those  
13 windows of the people next door.

14 And the building across the street, the  
15 six-story building here, did that need a variance do  
16 you think?

17 THE WITNESS: Yes.

18 VICE CHAIR BRANCIFORTE: It needed a  
19 variance?

20 All right. The other -- I don't want  
21 to hold it up here, but I think it is kind of  
22 telling that this building got a variance, and it is  
23 now casting a shadow all over this building here.

24 THE WITNESS: Yeah. I didn't think you  
25 would notice that.

1 (Laughter)

2 VICE CHAIR BRANCIFORTE: So this is why  
3 I would like shadow studies when we do height  
4 variances.

5 THE WITNESS: You know what? When I  
6 put that picture on the board, I said, you know  
7 what, John is going to see that.

8 (Laughter)

9 VICE CHAIR BRANCIFORTE: So I mean,  
10 there's our proof that six-story buildings across  
11 the street throw shadows, and even a five-story  
12 building would still be throwing a shadow across the  
13 first building --

14 THE WITNESS: You know what --

15 VICE CHAIR BRANCIFORTE: -- but that's  
16 neither here nor there, because we are not here to  
17 discuss that.

18 THE WITNESS: -- and just as an aside,  
19 when I put that picture on the board and I saw the  
20 shadow, I went to see what time of the day I took  
21 the photograph, and it was 9 o'clock in the morning.

22 VICE CHAIR BRANCIFORTE: Well,  
23 obviously it was in the morning because the sun is  
24 on the east there.

25 THE WITNESS: No, but I wanted to see,

1       you know --

2                   VICE CHAIR BRANCIFORTE:   But when the  
3       sun travels across the way towards the south, and  
4       this extra three feet on this building is going to  
5       start throwing shadows on the building next door,  
6       we're going to be losing -- a lot of those windows  
7       in the back are going to be losing light for a good  
8       portion of the day.

9                   I don't know, a good portion is kind  
10      of -- it's wrong to say -- but for a portion of the  
11      day, they will be losing light.

12                  And the other thing, too, I'd like you  
13      to discuss to justify the extra three feet, the  
14      extra lot coverage, I realize that you even said  
15      there is not much of a backyard there, but I think  
16      that is even more reason to try to save what little  
17      there is.

18                  I mean, am I wrong to ask you to reduce  
19      the size of the building to save what little light  
20      and air there is back there now?

21                  THE WITNESS:   I would never say you are  
22      wrong --

23                  (Laughter)

24                  -- but I think the issue here is one,  
25      where you are trying to get a reasonably sized unit

1       versus the open area in the rear, so there is  
2       somewhere there that there's a happy medium. I  
3       mean, we tried our best to say, okay, we want to try  
4       to stay with a thousand square foot unit, because we  
5       think that is the -- that's the size that is doable,  
6       and it doesn't really affect anything else around  
7       it, even though we only have I think an 11 foot rear  
8       yard, but that's --

9                   VICE CHAIR BRANCIFORTE: Well, if you  
10       lose the extra three and a half feet, 20 feet, five  
11       feet wide, that's 87 feet more or less -- 87 square  
12       feet of the building would come off on each  
13       apartment.

14                  THE WITNESS: I think that is correct.

15                  VICE CHAIR BRANCIFORTE: So I still  
16       think, in my opinion, these are decent sized  
17       apartments, even for a two-bedroom.

18                  COMMISSIONER WEAVER: I mean, you're  
19       also getting a bay, right?

20                  VICE CHAIR BRANCIFORTE: What's that?

21                  COMMISSIONER WEAVER: They're also  
22       getting a bay. That's extra square foot --

23                  VICE CHAIR BRANCIFORTE: On the front  
24       you mean?

25                  COMMISSIONER WEAVER: On the front,

1       yeah.

2                       And we haven't seen any of the layouts  
3       for any of the units, so really it is just sort of  
4       speculation at this point whether it is tenable, you  
5       know, to take three foot off the back of the  
6       property and still have, you know a livable unit, a  
7       marketable unit.

8                       How less marketable is it, right?

9                       I mean, that is just speculation.

10                      THE WITNESS:   That's always the  
11       question.

12                      VICE CHAIR BRANCIFORTE:   Yeah, but you  
13       know, every -- I don't know if we should be talking  
14       about marketability of units --

15                      MR. GALVIN:   We should not.

16                      VICE CHAIR BRANCIFORTE:   -- I mean,  
17       that's just not -- that's out of our scope.

18                      COMMISSIONER WEAVER:   But that's their  
19       argument.   That's what they're saying.

20                      VICE CHAIR BRANCIFORTE:   And we  
21       shouldn't -- I mean, should we even pay attention to  
22       that argument, Dennis?

23                      MR. GALVIN:   Sometimes there is a  
24       nuance in that discussion to the extent that Mr.  
25       Ochab was making the argument that smaller units

1       serve a certain need in the population. I think  
2       that that is a fair argument.

3                   When he was telling us about the value  
4       of the unit being 750, that starts to get into the  
5       gray area of where we shouldn't go.

6                   You know, I just looked up the case  
7       today for another matter. Actually it goes all the  
8       way back to 1970 where we don't talk about builders'  
9       economic viability.

10                   THE WITNESS: I wasn't trying to go  
11       there, because I understand what the rules are, but  
12       I was using it as an example of --

13                   MR. GALVIN: No. But you were saying  
14       that we should have a mix of housing in the city.  
15       In some places you want family-friendly units, and  
16       in other places it's more appropriate to have  
17       smaller units that may be for younger people or for,  
18       you know, people who can afford less.

19                   MR. MATULE: Going to Mr.  
20       Branciforte's question, I did discuss it with the  
21       applicant, and the applicant would be willing to  
22       pull the rear back to match the building to the  
23       north, that three and a half feet or whatever it is,  
24       just to create a little larger rear yard and have  
25       them on an equal plane in the rear, so we would

1 request to amend the application accordingly.

2 CHAIRMAN AIBEL: And so I don't know,  
3 Frank, whether you can give us some new statistics  
4 for the rear yard?

5 MR. MINERVINI: Certainly.

6 (Laughter)

7 MS. BANYRA: Well, can I ask a question  
8 of the planner, which may elicit some new  
9 statistics?

10 CHAIRMAN AIBEL: You may.

11 MS. BANYRA: So the question, Ken, is  
12 if you did a 60 percent coverage, we're talking  
13 about a 60 foot building, because a hundred foot  
14 depth is typical.

15 So when they are asking for a 60 foot  
16 building, it is 60 percent coverage because the lot  
17 is typically a hundred feet.

18 This is an undersized lot, so if they  
19 actually did a 60 percent coverage proportional to  
20 the lot, what is your building coverage, and how  
21 many units, and would you maybe still end up with  
22 smaller units anyway at two, so could you do some --  
23 has someone done any calculations relative to that?

24 THE WITNESS: Yeah.

25 At 60 percent coverage, we basically

1 have a building that is 40 feet, a little over 40  
2 feet in depth, so --

3 COMMISSIONER MARSH: 42.6.

4 THE WITNESS: 24 times 40 --

5 MS. BANYRA: So you have a footprint of  
6 1,051 is the 60 percent coverage --

7 THE WITNESS: Well, that's the thousand  
8 that's left for gross --

9 MS. BANYRA: Well, understood -- no,  
10 no. Before elevators, before hallways, before  
11 that --

12 (Mr. Ochab and Ms. Banyra speaking at  
13 the same time)

14 THE WITNESS: -- so we are down to --  
15 this is probably a better question for Frank.

16 MS. BANYRA: For Frank?

17 MR. GALVIN: Let me just say this.

18 I know this is not my province, and I  
19 normally don't say this, but this is kind of an  
20 isolated location, and I think that you have to  
21 consider the people that are -- if you're going to  
22 approve this project, you have to think about the  
23 people that are going to live in this space.

24 Are they better off with this three and  
25 a half less feet and having more rear yard to hang

1 out outside, or are they better off having this  
2 three and a half feet in living space?

3 COMMISSIONER MARSH: What about the  
4 people next door to them?

5 We're not allowed to consider them?

6 Isn't that what we're here for?

7 MR. GALVIN: We always consider the  
8 surrounding property owners, but when I looked at  
9 the site, there seems to be a considerable parking  
10 lot there, and on the rear is a poultry facility  
11 that has been there as far as I can tell for a  
12 considerable time period --

13 COMMISSIONER WEAVER: But it may not be  
14 there tomorrow.

15 COMMISSIONER MARSH: It may not be  
16 there tomorrow.

17 MR. GALVIN: I acknowledge that, and  
18 that argument has been used over and over in other  
19 locations. I'm just saying this site -- I just  
20 wanted you to think about it. I am not voting. I  
21 am not telling you how to vote.

22 All I am saying is if the trade-off  
23 should be -- if the people that are going -- if  
24 we're going to have a more affordable space, are  
25 we -- and if we were to approve this, that

1 tradeoff -- not considering the other people, just  
2 considering the people who are going to live there,  
3 are they better served by having three additional  
4 feet.

5 COMMISSIONER WEAVER: We don't know  
6 what they're going to charge --

7 COMMISSIONER MARSH: But I --

8 MR. GALVIN: No, no. I'm not talking  
9 about money.

10 COMMISSIONER WEAVER: You said a more  
11 affordable space. I think we should stop having the  
12 conversation.

13 MR. GALVIN: All right. I can stop  
14 that conversation, but if you're talking about a  
15 smaller unit, the person living in a smaller --

16 COMMISSIONER WEAVER: I apologize --

17 MR. GALVIN: -- all right. That's it.  
18 I am done.

19 COMMISSIONER MARSH: May I comment?

20 MR. GALVIN: Yeah, you can. And you  
21 don't have to agree with me. I just wanted to throw  
22 it out there for thought purposes.

23 COMMISSIONER MARSH: I just wanted to  
24 point out in support of what Commissioner  
25 Branciforte said, this building is south of those

1 other two buildings, and anything that sticks out is  
2 going to almost disproportionately block light on  
3 the buildings north of it.

4 If you have -- because I do live in a  
5 house where I have a house that sticks out to the  
6 south of me and a house that sticks out north of me,  
7 and the one to the south causes a lot -- blocks a  
8 lot more light.

9 MR. GALVIN: That's an excellent  
10 rationale.

11 COMMISSIONER MARSH: Thank you.

12 COMMISSIONER MURPHY: But I think the  
13 owner already --

14 CHAIRMAN AIBEL: Can I just interrupt  
15 everybody?

16 We are not deliberating right now, and  
17 we have an offer to cut the building back, so --

18 MR. MATULE: Mr. Minervini has done a  
19 calculation, so in response to your inquiry --

20 CHAIRMAN AIBEL: I'm sorry, Diane.

21 COMMISSIONER MURPHY: No, no. You're  
22 exactly --

23 MR. MIENRVINI: The lot coverage gets  
24 reduced to 79.5 with that three and a half foot  
25 reduction in depth of the building, which brings our

1 building to 56.5.

2 CHAIRMAN AIBEL: Thank you.

3 MR. MATULE: What does the rear yard  
4 then become, 14 and a half feet?

5 MR. MINERVINI: 14 and a half feet.

6 VICE CHAIR BRANCIFORTE: One other  
7 point that Eileen brought up, though. We're saying  
8 if it was -- Eileen?

9 MS. BANYRA: Yes, I am listening.

10 VICE CHAIR BRANCIFORTE: If it was a 60  
11 percent lot coverage, 60 percent coverage with a 71  
12 foot lot, it would be 42 feet, the building, 42.6?

13 MS. BANYRA: I just did it by  
14 percentage because our ordinance says 60 percent lot  
15 coverage, which is a little bit over a thousand  
16 square feet --

17 VICE CHAIR BRANCIFORTE: So the  
18 building would be -- yeah --

19 MS. BANYRA: It would be 1,051 square  
20 feet --

21 VICE CHAIR BRANCIFORTE: -- yeah, but  
22 the footprint --

23 MS. BANYRA: -- 60 percent of the  
24 building, yeah, of the coverage.

25 VICE CHAIR BRANCIFORTE: -- the

1 footprint would be 1,051 square feet --

2 MS. BANYRA: Correct.

3 VICE CHAIR BRANCIFORTE: -- versus --  
4 you know, they still seem like they would be big  
5 units to me, even at a thousand square feet,  
6 considering I live in an 800 -- 850 square foot  
7 unit, so --

8 MR. MINERVINI: Well, the building  
9 would be 42 and a half feet as you suggested to the  
10 Board at 60 percent --

11 VICE CHAIR BRANCIFORTE: Right, right.  
12 25 feet long --

13 COMMISSIONER WEAVER: Your unit may not  
14 take into account common areas, which is the  
15 elevator, the stairs --

16 VICE CHAIR BRANCIFORTE: Good point,  
17 Dan.

18 COMMISSIONER WEAVER: -- it's the  
19 gross -- it's a gross versus net issue --

20 VICE CHAIR BRANCIFORTE: That's a good  
21 point, Dan.

22 CHAIRMAN AIBEL: Okay. Are we ready to  
23 keep going forward?

24 Do we have questions for Mr. Ochab,  
25 Board members?

1 Eileen, do you have any questions for  
2 Mr. Ochab?

3 MS. BANYRA: No. I think I asked my  
4 questions.

5 Thank you.

6 CHAIRMAN AIBEL: Let me open it up to  
7 the public.

8 Please come forward if you have  
9 questions for Mr. Ochab.

10 MS. HEALEY: Leah Healey, 806 Park.

11 Mr. Ochab, does rear yard only relate  
12 to the donut?

13 THE WITNESS: No. Rear yard relates to  
14 the open space for the residents of the building as  
15 well.

16 MS. HEALEY: So how many square feet  
17 per resident do you have for open space in this  
18 building?

19 THE WITNESS: I don't know. You have  
20 to calculate 14 and a half times 24.67 divided by 4.

21 MS. HEALEY: And if the poultry  
22 building ceases to be a poultry building in the  
23 future, does your opinion change about the donut,  
24 the rear yard or anything?

25 THE WITNESS: No.

1 MS. HEALEY: Why is that?

2 THE WITNESS: Because there is only  
3 three -- four lots at this little corner of the  
4 block, and the elephant in the room is the public  
5 housing project, which consumes the entire block.

6 So the fact that an additional 24 by  
7 71 foot lot becomes available would not affect my  
8 opinion of the donut or the open space. It is not  
9 enough land to really make it meaningful.

10 MS. HEALEY: Very interesting.

11 And do you remember our discussion a  
12 couple of months ago about what the master plan says  
13 about open space, and open space inside of the  
14 donut?

15 THE WITNESS: I remember every  
16 conversation we had.

17 (Laughter)

18 MS. HEALEY: You remember that the  
19 master plan discourages encroachments in the rear  
20 yard?

21 THE WITNESS: I absolutely do, you  
22 know, but I think, though, that in this case it's a  
23 special set of circumstances here that we don't have  
24 a typical Hoboken block development, so it wouldn't  
25 necessarily apply.

1 MS. HEALEY: And so your feeling is  
2 that whatever detriment is being done by -- the  
3 detriment that's being done by the housing project  
4 is something that just should be lived with by  
5 those -- by this unit and all of the other people  
6 that are in that side of the block --

7 THE WITNESS: I wouldn't put it that  
8 way.

9 I would put it this way: That the  
10 housing project has altered that concept of the hole  
11 in the donut open space.

12 MS. HEALEY: Okay. Thank you.

13 CHAIRMAN AIBEL: Any other questions  
14 for the architect -- for the planner? Excuse me.

15 Seeing none, can I have a motion?

16 COMMISSIONER COHEN: Motion to close  
17 public portion for this witness.

18 VICE CHAIR BRANCIFORTE: Second.

19 CHAIRMAN AIBEL: All in favor?

20 (All Board members answered in the  
21 affirmative.)

22 MR. MATULE: I have no other witnesses,  
23 so if you want to open it up to the public and then  
24 I'll sum up.

25 CHAIRMAN AIBEL: Yes. I'll open it up

1 to the public for comment.

2 Do we have anybody in the public who  
3 wishes to comment?

4 Thank you.

5 MS. HEALEY: Leah Healey, 806 Park.

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

10 MS. HEALEY: Thank you.

11 I just have two comments --

12 MR. GALVIN: Did you say yes?

13 MS. HEALEY: Yes.

14 (Laughter)

15 MR. GALVIN: Thank you.

16 Now you may proceed.

17 MS. HEALEY: I just have comments with  
18 respect to flooding and with respect to the rear  
19 yard.

20 There is a very big problem with the  
21 new flooding ordinance, and I know Mr. Minervini is  
22 aware of this because one of the units that this  
23 Board approved, one of the developments this Board  
24 approved for storage on that lower roof was then  
25 marketed as a family entertainment room.

1           I happened to walk into the open house  
2           and see it, and I've now been told by the zoning  
3           officer that she will require a deed restriction on  
4           the property, so it is a problem.

5           I don't know what this Board can do  
6           about it, but I do know that we need to be looking  
7           more closely at what it is that is being constructed  
8           in these spaces, so that it is not easily  
9           convertible to some living space.

10          One of the things that I get a little  
11          concerned about is there is rear yard access and  
12          front access to the space that may encourage that to  
13          be used as an overflow to the backyard, you know,  
14          family entertainment space, rather than true storage  
15          space, and I don't know how to grapple with this  
16          problem. I'm just telling you it is going on and  
17          it's going on in more than one place that I found.

18          The other thing is, I never think that  
19          we should compromise rear yard space, and I  
20          certainly don't think we should compromise it  
21          because of unit size or affordability or whatever  
22          argument is being made here.

23          We have no idea what these units are  
24          going to sell for. We have no idea how people are  
25          going to occupy them, and I think what really has to

1 be looked at here is things are going to change in  
2 this neighborhood. That poultry place is going to  
3 go away eventually.

4 You know, a lot of people said in town,  
5 "Oh, they're never going to tear down buildings.  
6 They're never going to do it."

7 Well, it's happened, and it's happened  
8 all over town. The property is too valuable, so I  
9 don't think that we should compromise the rear yard  
10 for the sake of what may or may or not be future  
11 occupants of this -- of these units, because I don't  
12 think we can tell.

13 We have units that were two-bedrooms.  
14 We thought families were going to occupy them, and  
15 now Stevens' students are occupying them. So you  
16 can never tell who is going to ultimately occupy the  
17 building, and for how much they're going to pay,  
18 and I don't think it is a purview of this Board, and  
19 I don't think that the planner has met the burden of  
20 why this lot coverage should be the way it is.

21 Thank you.

22 CHAIRMAN AIBEL: Thank you.

23 Mr. Matule?

24 MR. MATULE: Are there any more?

25 CHAIRMAN AIBEL: Oh, I'm sorry.

1 Does anybody else wish to comment?

2 Seeing none.

3 COMMISSIONER COHEN: Motion to close  
4 public portion.

5 CHAIRMAN AIBEL: Do I have a second?

6 VICE CHAIR BRANCIFORTE: Second.

7 CHAIRMAN AIBEL: All in favor?

8 (All Board members answered in the  
9 affirmative.)

10 MR. MATULE: Just to try to respond, as  
11 I had said earlier, the intention of these are to be  
12 rentals, and we certainly are not trying to make an  
13 economic argument.

14 I think the argument here is, you know,  
15 the unique -- a uniquely situated block here with  
16 the housing project, as Mr. Ochab said, the  
17 800-pound gorilla in the room. But if you look on  
18 Sheet Z-1, where the 200 foot map is, I don't know  
19 whether it was Freudian or not, but Mr. Minervini  
20 has the rear of our proposed building lining up with  
21 the two buildings to the north of us, and I would  
22 submit that -- and I realize it's somewhat  
23 speculative -- but if that multi-building were ever  
24 torn down, they probably would replace it with a  
25 building that went at least back as far as the two

1 four and a half foot story buildings, and then their  
2 rear yard would line up with our rear yard, and  
3 everyone could sit back there and look at the  
4 parking lot to the south and to the west.

5 (Laughter)

6 So I think under the circumstances, and  
7 again, it is very contextual, it is a unique  
8 situation. There is no hole in the donut here.

9 What we are proposing is a reasonable  
10 balance between the fact that we have an undersized  
11 lot, and we have this unique situation.

12 The density, as Mr. Ochab testified, is  
13 more than in keeping with the fabric of the  
14 neighborhood. We're getting rid of a vacant lot  
15 that's been there for a long time with a very  
16 attractive building.

17 It will create four smaller units,  
18 which there is a demand for. Certainly from a  
19 renter's perspective, there's a demand for it,  
20 perhaps not from a developer's perspective. But  
21 all in all, I think it's a very good project. We  
22 are going to take this lot and we're going to have  
23 stormwater detention on it, and we're going to have  
24 a green roof. We're going to plant a street tree  
25 and have a nice green screen on the lower front of

1 the building.

2 So, you know, for all of those reasons,  
3 as well as Mr. Ochab's testimony, I would ask that  
4 the Board grant the requested variance relief  
5 because I don't think there is any significant  
6 negative impact.

7 CHAIRMAN AIBEL: Thanks, Mr. Matule.

8 Board members?

9 VICE CHAIR BRANCIFORTE: Just one quick  
10 question, not for you, Mr. Matule, but maybe for Ms.  
11 Banyra.

12 These street trees, are they somehow  
13 warrantied or guaranteed?

14 If they planted a tree today, and a  
15 year from now the thing dies, are they required to  
16 replace it?

17 MS. BANYRA: Are you asking me, John?

18 VICE CHAIR BRANCIFORTE: Yeah. I don't  
19 know who else would --

20 MS. BANYRA: I don't know the answer.  
21 I don't know -- I don't know if the Shade Tree  
22 Commissioner does that.

23 In many communities, you usually have a  
24 two-year guarantee on any tree you buy. If it  
25 failed, you know, the burlap failed, planted and

1       guaranteed for two years, and you replace it often  
2       holds landscaping bonds. I'm not involved in any of  
3       that relative to this --

4                   VICE CHAIR BRANCIFORTE: I am curious.  
5       I was thinking about that the other day, and I  
6       thought maybe you would know the answer.

7                   Mr. Matule, do you know anything about  
8       that?

9                   MR. MATULE: I don't.

10                  You know, I am not aware. I don't  
11       think it's something that would be covered by the  
12       escrow the applicant posts.

13                  Once the tree is in, it's in. The  
14       applicant would get his escrow back.

15                  My experience is most responsible  
16       property owners if they have a tree that dies, they  
17       replace it.

18                  I know several of the areas where there  
19       was severe flooding in town killed a lot of trees,  
20       and as I said, most of the responsible property  
21       owners replaced them promptly.

22                  MR. MARSDEN: My experience has been  
23       that typically the owner hired a developer or a  
24       landscaper, he requires that you give them a  
25       two-year maintenance property replacement bond.

1 That's typically how I've seen everything handled  
2 that way.

3 I don't know whether you can require  
4 them to do that, but --

5 CHAIRMAN AIBEL: Is that something that  
6 we control, or is that something that the City  
7 Council has to?

8 MR. MARSDEN: No. I am saying the  
9 owner would be protected by, you know, doing that  
10 when he hires the contractor.

11 VICE CHAIR BRANCIFORD: Oh, I see.  
12 It's a contract between the owner and the landscaper  
13 you're saying?

14 MR. MARSDEN: Yes. Typically, yes,  
15 that's how I've seen it.

16 MS. BANYRA: Because there's no way we  
17 can control -- we have no way to patrol that then,  
18 John, so, you know.

19 VICE CHAIR BRANCIFORTE: Okay. I am  
20 going to let everyone else comment and then I'll --

21 CHAIRMAN AIBEL: Okay.

22 Anybody wish to kick off?

23 COMMISSIONER MURPHY: Well, I can say  
24 that I appreciate the developer wanting to, you  
25 know, pull back to match the other buildings, but in

1       this discussion I am thinking to myself, if you had  
2       an apartment at 60 percent lot coverage, which we  
3       said would be 42.6, you know, how big would it be if  
4       you did two units, two duplexes then?

5                   Then you wouldn't have to go for a D  
6       variance, and they're still relatively small  
7       apartments.

8                   I don't know if it is too big for the  
9       area or not, but it was just a thought that I had,  
10      so I'm throwing it out there to see what anyone has  
11      to say.

12                   CHAIRMAN AIBEL:  Anybody else want to  
13      comment?

14                   Thanks, Mr. Cohen.

15                   COMMISSIONER COHEN:  I mean, I think  
16      matching the two other units that are there makes  
17      sense.  I think it was a significant concession to  
18      pull out the backyard to line them up.  I think it  
19      will make the neighborhood nicer.

20                   I mean, I think that it is not  
21      necessary to go, you know, to make it shorter than  
22      the other two units that are alongside of it.

23                   I don't think that the discussed front  
24      stoop that would go parallel to the front block  
25      makes a lot of sense, given the 11 feet to street

1 level that it would have to go.

2 So I mean, I think this is an exception  
3 where having the stoop doesn't really -- it's not  
4 going to really enhance the street life there that  
5 way.

6 So I mean, I think it is a net positive  
7 for the neighborhood, and I think it is a good  
8 application.

9 I also -- you know, some people have  
10 suggested that, you know, it is good to have diverse  
11 housing stock and not everything needs to be  
12 family-friendly. These are, you know, 1,000, 1100  
13 square foot units, maybe they're smaller than that  
14 now that it's come back the three feet, but it's in  
15 that neighborhood.

16 So I mean, I think it addresses a need  
17 and, you know, it's overlooking -- yes, it's  
18 possible it will change, but the backyard is not a  
19 garden spot right now, and it probably won't be in  
20 the future.

21 Maybe it will be something other than  
22 an enormous parking lot that's back there, and maybe  
23 a garage or something, but, you know, it's just --  
24 it seems like, again, I could see it is a net  
25 benefit to the neighborhood, so, you know, I would

1 support it.

2 COMMISSIONER MARSH: I am just still  
3 listening to comments.

4 I would like to -- you know, I used to  
5 live in a 638 square foot apartment, one-bedroom  
6 apartment, and I thought it was huge, and this 1100  
7 square foot apartment is 470 square feet larger than  
8 that. That is not a small one-bedroom. That is  
9 big. Just -- so three feet to me is just a given.

10 I would like to point out that the City  
11 Council recently passed an ordinance. It said 60  
12 percent lot coverage. It didn't say 60 percent  
13 except where the lot is, you know, undersized.  
14 They didn't say any of those things. They said 60  
15 percent, and since it's one of the -- I think it's  
16 the only bulk ordinance the City Council has passed  
17 in about 15 years I think, and that sort of says  
18 something to me.

19 And finally, I would make -- this --  
20 this -- Harrison Gardens is part of the Housing  
21 Authority, the Hoboken Housing Authority, is it not?

22 MR. MATULE: As far as I know.

23 COMMISSIONER MARSH: Because I would  
24 just like to comment that most of the people that I  
25 know live there prefer to have their homes referred

1 to as the "Housing Authority," not a housing  
2 project. That is just a matter of -- it's just a  
3 point.

4 That is all I have to say.

5 CHAIRMAN AIBEL: Anybody else?

6 We have a quiet Board tonight.

7 John, do you have comments you want to  
8 make?

9 VICE CHAIR BRANCIFORTE: Well, I am not  
10 completely sold that this entire discussion about  
11 apartments sizes, and how big an apartment has to be  
12 to be, you know, livable, or whatever.

13 Carol made an excellent point about her  
14 apartment. I've been saying for years not every  
15 apartment has to be a thousand square feet. There  
16 are plenty of single people in this town that would  
17 appreciate a small apartment, and you know, that  
18 would be six or 700 square feet, so this idea that  
19 everything has to be a thousand square feet now, or  
20 you won't be able to -- you know, you can't rent it  
21 because nobody wants to live in it, I just don't buy  
22 that for a second.

23 You know, the fact that he is asking  
24 for this 71 percent lot coverage is, you know,  
25 presents special reasons and maybe I heard it, and

1 maybe I didn't, maybe I'm convinced. I don't know.

2 I'm waiting for someone else to  
3 convince me that 71 percent lot coverage is not  
4 going to be a burden on the rest of the  
5 neighborhood, so I am still listening. I still  
6 haven't made up my mind how I am going to vote.

7 CHAIRMAN AIBEL: Well, I'm not sure  
8 anybody else -- are there any other takers?

9 All right. Well, let me step up and  
10 express my own ambivalence.

11 You know, my view is the ordinance is  
12 what it is, so I start with the premise that we  
13 should adhere to the ordinance.

14 I think where I am getting a little bit  
15 hung up is in the density where, you know, we have  
16 been told that we should be maintaining densities.

17 Here we are asking for twice -- you  
18 know four apartments, where two are permitted. I  
19 think adding the lot coverage issue to the extra  
20 density, taking into account, you know, the added  
21 parking that is going to come to the area without a  
22 provision for it strikes me as a negative.

23 I did appreciate the fact that the  
24 building was pulled in.

25 I'm on the fence about whether pulling

1       it in more and getting it closer to a conforming  
2       building size would be a benefit to anybody.

3                   But we are asking for, you know, four  
4       units here, and I think that's, you know, that's  
5       sort of where I am hung up and why I was looking for  
6       some special reason in either the beauty of the  
7       building or some other, you know, major benefit to  
8       the community.

9                   I am struggling to find it right now,  
10       but it's a -- you know, I am not going to say it,  
11       because I criticize people when I hear it. You  
12       know, it is a better solution than what exists right  
13       now. I can't warrant which way I am going to vote,  
14       so...

15                   VICE CHAIR BRANCIFORTE: You know  
16       something? Usually their allowed density is 2.7,  
17       and usually the argument they will have, they'll  
18       come with three and say, well, it's de minimus, it's  
19       only an extra point three of an apartment, which  
20       never makes sense to me anyway.

21                   But so if we go by that, by that  
22       calculation of that argument that we hear so much  
23       from the experts, they're asking for 1.3 extra  
24       units, and you're right. You know, parking is going  
25       to be a problem. People constantly complain about

1 parking. Why do we allow these buildings to go up  
2 without parking, and I understand you don't need  
3 parking in this building. I get that.

4 But, you know, Jim makes a good point  
5 about the density. I didn't even really think about  
6 the density until you brought it up, but it's a good  
7 point.

8 COMMISSIONER MARSH: May I argue the  
9 opposite point?

10 CHAIRMAN AIBEL: Absolutely.

11 VICE CHAIR BRANCIFORTE: Now I'm just  
12 going to be more confused than ever.

13 COMMISSIONER MARSH: Why not? I am.

14 CHAIRMAN AIBEL: I know the argument.  
15 I get it each time, so go right ahead.

16 COMMISSIONER MARSH: Right.

17 VICE CHAIR BRANCIFORTE: What's that?

18 COMMISSIONER MARSH: If there are four  
19 two-bedroom apartments in this building, for each  
20 apartment that is two bedrooms, a living room and a  
21 kitchen, so that adds up to 16 rooms.

22 If you make that into 16 rooms, which  
23 have eight bedrooms in them, right?

24 If you turn that into two apartments,  
25 you now have 16 rooms that only need two kitchens

1 and two living rooms.

2 So now, which is one, two three --  
3 that's 12 -- that's 12 bedrooms left.

4 Now you are creating -- you are  
5 creating two six-bedroom apartments essentially,  
6 which allows you, especially since these are  
7 renters, and very likely renting to Stevens'  
8 students who will pile three people into a bedroom.  
9 I know this. I know some of them. There's three in  
10 one. That's a lot of people. You're actually  
11 putting more people in these units, in these  
12 buildings because there are fewer units.

13 There's the real -- I don't know that  
14 you are, but there is a very real possibility that  
15 that's happening. So the whole density thing is an  
16 argument that's kind of lost on me. I don't know  
17 what it means at some level --

18 CHAIRMAN AIBEL: Well, I --

19 COMMISSIONER MARSH: -- I know what it  
20 means in the suburbs. I don't know what it means  
21 here.

22 CHAIRMAN AIBEL: -- I am not going to  
23 speak for the City Council, but those are the rules,  
24 and --

25 COMMISSIONER MARSH: So is 60 percent

1 lot coverage.

2 CHAIRMAN AIBEL: -- well, I'm with you  
3 on that. I guess the -- I don't know whether a  
4 slightly shallower building with two floors of  
5 apartments on the top and a duplex is something that  
6 would skinny down the proposal a little bit and sort  
7 of hit a medium, but that is not before us right  
8 now, so...

9 COMMISSIONER COHEN: I mean --

10 CHAIRMAN AIBEL: Go ahead.

11 COMMISSIONER COHEN: -- the two most  
12 comparable units, the ones right next to them, are  
13 eight units and six units. I mean, there's  
14 significantly more units in those two.

15 So I guess, you know, what Commisisoner  
16 Marsh is saying, maybe it doesn't matter.

17 But I mean, in comparison, this is a  
18 lot closer to what the ordinance suggests. Four to  
19 2.65 in comparison to its neighbor, which is eight,  
20 which is supposed to be at 2.71 or the one over is  
21 supposed to be 2.69, and it's six.

22 So I mean, I do think that the  
23 neighborhood can accommodate this density, and the  
24 planner didn't refer to the density of Harrison  
25 Gardens, but you're talking about a ten-story

1 Housing Authority building that has hundreds of  
2 units there on the same block.

3 I mean, I think that this is a less --  
4 significantly less intense density than the one that  
5 is on the same block, if you are going to look at  
6 its next door neighbors in neither direction.

7 CHAIRMAN AIBEL: And I appreciate the  
8 points. They're both all good points.

9 You know, in terms of the buildings  
10 next to it, two comments:

11 One: I am not sure what the ordinance  
12 allowed at the time, so that may skew the result.  
13 And if it was a bad planning decision then, it  
14 should not in effect influence us now.

15 But, you know, I think the points you  
16 make, Mr. Cohen, are good ones, so I don't know if  
17 anybody --

18 COMMISSIONER COHEN: But I did -- if  
19 it's not the standard of whether the area can  
20 accommodate the additional density over the  
21 variance, isn't that the standard?

22 MR. GALVIN: That is the standard.

23 COMMISSIONER COHEN: So I mean, the  
24 question is: Can this block sustain the additional  
25 1.35 units. I think the answer is yes, given what

1 is currently there, I don't think that there is any  
2 question that it can handle and does handle  
3 significantly more than that.

4 Again, I am not saying what has been  
5 done is wonderful. I'm just saying that's what we  
6 are looking at today, so...

7 CHAIRMAN AIBEL: And I guess my concern  
8 is we can decide every case on that basis because we  
9 can always make an argument that the site can  
10 accommodate it, particularly where we are looking at  
11 other buildings that, you know, come before our  
12 time, that are, you know, obviously built to a far  
13 different density, but --

14 COMMISSIONER COHEN: But we look at  
15 each block as we see it, and there are blocks that  
16 are not dense.

17 CHAIRMAN AIBEL: And, you know, that's  
18 a fair position. I'm not saying it's not --

19 VICE CHAIR BRANCIFORTE: But there's  
20 only one thing I need to correct myself on, and it's  
21 not 2.7 units. They're allowed two units, not 2.7,  
22 because you round down. You don't round up.

23 So until they figure out a way to build  
24 point seven of a unit, we always consider it two,  
25 rather than 2.7, so they're asking for four when

1       they're allowed two, so that's something that we  
2       need to clarify. So they are not asking for 1.3  
3       extra units. They're asking for two extra units.

4                   COMMISSIONER COHEN: But the  
5       calculation is based on 660 square feet --

6                   VICE CHAIR BRANCIFORTE: The  
7       calculation of how many units you're allowed to  
8       build, correct. Then you round down, and that's the  
9       number of units you're allowed to build.

10                  COMMISSIONER COHEN: Right. But we do  
11       consider what the actual calculation is as part of  
12       our discussion. In other words --

13                  CHAIRMAN AIBEL: No. Actually I don't,  
14       to tell you the truth.

15                  COMMISSIONER COHEN: -- well, can I  
16       just finish my comment?

17                  I mean, if it was 1.99, we would look  
18       at that differently than if it was 1.1, and you're  
19       picking, you know, where is it on the scale. You  
20       know, I mean, I guess you could slavishly round down  
21       and not consider where it is on the scale, but I  
22       mean, I think it is reasonable to consider what the  
23       actual calculation is. I don't think it is unfair  
24       to mention them.

25                  VICE CHAIR BRANCIFORTE: Well, I mean,

1 that is your prerogative, and as an individual on  
2 the Board, you are allowed your individual thought  
3 on that --

4 COMMISSIONER COHEN: Thank you. I  
5 appreciate that.

6 (Laughter)

7 VICE CHAIR BRANCIFORTE: -- and I'm  
8 allowed my own.

9 So when you say it is okay to go up, I  
10 say it is not.

11 Anyway, agreed, or do you disagree on  
12 that one, Phil?

13 COMMISSIONER COHEN: Sure.

14 VICE CHAIR BRANCIFORTE: Okay.

15 I am still up in the air. I still have  
16 no idea of what I'm going to do on this, so...

17 CHAIRMAN AIBEL: All right.

18 Well, I'm going to make one last  
19 comment, and then I think we should bring it to a  
20 vote.

21 I did find Mr. Matule's comments about  
22 the contextual aspect of the building, it is  
23 contextual in the sense that we now have the  
24 buildings aligned in the rear yard.

25 You know, I can certainly agree with

1 the argument that the area can accommodate it, and I  
2 guess what I'm leaning towards at this moment is the  
3 value of the building to the community, which is a  
4 far more pleasing result than leaving a vacant lot,  
5 but I am still on the fence.

6 Could someone please make a motion?

7 VICE CHAIR BRANCIFORTE: Do you want a  
8 motion?

9 Okay. I will make a motion to approve.

10 COMMISSIONER WEAVER: Second.

11 MR. GALVIN: All right.

12 So seeing that --

13 VICE CHAIR BRANCIFORTE: Oh, I'm sorry,  
14 we need to hear --

15 MR. GALVIN: I know, but I was --

16 COMMISSIONER WEAVER: I would say with  
17 conditions.

18 MR. GALVIN: Yeah. But you know what I  
19 was doing, I was waiting to hear where you went,  
20 because if you said you were denying it, I wasn't  
21 going to waste all of this effort putting in  
22 conditions, okay?

23 One: The AC unit is to be on the roof,  
24 not the bulkhead.

25 Two: The green roof and green screen

1 must be maintained as shown on the plans for the  
2 life of this building by the owner or any entity  
3 created to own the building. This requirement is to  
4 be recorded by means of a deed restriction. The  
5 deed is to be reviewed and approved by the Board's  
6 Attorney prior to its being recorded, and it must be  
7 recorded prior to the issuance of the building  
8 permit.

9 COMMISSIONER WEAVER: What was the  
10 first sentence of that?

11 MR. GALVIN: The green roof and green  
12 screen.

13 COMMISSIONER WEAVER: Okay.

14 MR. GALVIN: Three: The applicant is  
15 to comply with the Flood Plain Administrator report.

16 Four: Any encroachments into the city  
17 right-of-way must be submitted to the City Council  
18 for their review and approval.

19 Five: The applicant is to comply with  
20 the -- hold on one second, guys.

21 The applicant is to comply with the  
22 review letters of the Board's Planner and Engineer.

23 Six: The plan is to be revised to show  
24 a green screen on the front facade, which will be  
25 lit at night until -- I put in 11 p.m. Would you

1 care?

2 I mean, I think we need it both ways to  
3 establish how long it has to be on and then a  
4 certain time when it should go off.

5 This revision is to be reviewed and  
6 approved by the Board's Planner.

7 Seven: The plan is to be revised to  
8 show that 50 percent of the roof shall be part of  
9 the green roof plan. The Board's Planner is to  
10 verify that percentage is met.

11 Eight: The storage space is to be  
12 segmented to provide storage space to each of the  
13 units in the first floor storage area.

14 Nine: The first floor is limited to  
15 storage space. It's never to be used for habitable  
16 living. This limitation is to be imposed by a deed  
17 restriction.

18 I don't know if you wanted that or not,  
19 but it's up to you. We are doing a deed restriction  
20 anyway, and Mr. Matule said he had no problem with  
21 it.

22 COMMISSIONER WEAVER: Chain link  
23 partitions?

24 COMMISSIONER DE GRIM: Yeah, it's  
25 segmented by chain link --

1 COMMISSIONER WEAVER: Partitions.

2 COMMISSIONER DE GRIM: -- partitions.

3 COMMISSIONER MURPHY: Yeah. Chain  
4 link.

5 COMMISSIONER WEAVER: You can say wire  
6 partitions. That way they don't have to get chain  
7 link --

8 MR. GALVIN: I made that change to  
9 number eight.

10 Ten: The plan is to be revised to  
11 reduce the rear yard of this building by -- I'm not  
12 sure I got this right -- three feet to reduce --

13 MR. MATULE: Three and a half feet,  
14 correct?

15 (Counsel confers)

16 MR. MATULE: Yes, three and a half  
17 feet.

18 MR. GALVIN: -- which will reduce the  
19 building coverage to 79.5 percent --

20 VICE CHAIR BRANCIFORTE: 79 or 71?

21 MR. MATULE: 79.5 is Mr. Minervini's  
22 calculation.

23 MR. GALVIN: This change is to be  
24 reviewed and approved by the Board's Engineer and  
25 Planner.

1 MR. MATULE: Just if I might, Mr.

2 Branciforte, we were at a 5.6 --

3 VICE CHAIR BRANCIFORTE: Oh, okay. I'm  
4 sorry.

5 MR. MATULE: Okay.

6 MR. GALVIN: Did I miss anything else,  
7 guys?

8 MS. BANYRA: Yes. The side of the  
9 building will be Hardie plank and --

10 COMMISSIONER WEAVER: The south  
11 facade --

12 MS. BANYRA: -- and it will be  
13 redesigned --

14 MR. GALVIN: No, no. The south --

15 COMMISSIONER COHEN: Hardie board --

16 MS. BANYRA: -- yeah, Hardie board --

17 COMMISSIONER WEAVER: The south --

18 MR. GALVIN: I got nothing. Give me  
19 something.

20 (Laughter)

21 MS. BANYRA: The side --

22 COMMISSIONER DE GRIM: Facade.

23 MS. BANYRA: -- facade will be treated  
24 with Hardie board and redesigned as per the  
25 testimony of the architect.

1 Right, Frank?

2 MR. MINERVINI: Yes, and color was also  
3 one of the comments of Commissioner Cohen.

4 MS. BANYRA: Part of the redesign,  
5 right.

6 COMMISSIONER COHEN: Yeah.

7 MR. GALVIN: So the south facade will  
8 be treated with Hardie board and will be redesigned  
9 and submitted to the Board's Planner for her review  
10 and approval.

11 Does that work for everybody?

12 Yes, no, anybody?

13 VICE CHAIR BRANCIFORTE: Yeah.

14 The only thing I screwed up on was I  
15 didn't discuss -- I didn't want -- I didn't bring up  
16 bicycle storage, but it's too late now, huh?

17 MR. GALVIN: No, no. We will do it.

18 MR. MATULE: We'll put racks down  
19 there. There's plenty of room --

20 (Laughter)

21 VICE CHAIR BRANCIFORTE: Well, I just  
22 wanted to make sure that the front storage unit is  
23 going to be available for everyone, not privatized  
24 to one certain unit.

25 MR. GALVIN: Bicycle storage is to be

1 provided on the plan.

2 COMMISSIONER MURPHY: Inside --

3 COMMISSIONER DE GRIM: The plan is also  
4 to --

5 MR. GALVIN: Inside, okay.

6 I thought that was obvious, but, you  
7 know, I could get that wrong.

8 COMMISSIONER MURPHY: Well, we did hear  
9 one before that wanted to have it outside.

10 MR. GALVIN: Mr. DeGrim?

11 COMMISSIONER DE GRIM: The plans are  
12 also to be revised per the architect's testimony to  
13 provide for an insulation space along the elevator  
14 shaft.

15 MR. GALVIN: Okay. Got it.

16 Anybody else?

17 MR. MARSDEN: Yes.

18 MR. GALVIN: Go ahead.

19 MR. MARSDEN: The detail on the  
20 previous pavers will be called out and installed  
21 according to the manufacturer.

22 MR. GALVIN: Okay.

23 The detail on the pervious pavers is --

24 COMMISSIONER WEAVER: They'll be  
25 installed per manufacturer's recommendations.

1 MR. MATULE: Mr. Marsden, did you also  
2 want the rear yard grading adjusted?

3 MR. MARSDEN: Yes. Rear yard graded.  
4 Yes, that's in my --

5 MS. BANYRA: I think it's better to  
6 call it out. It's easier to call it out for Dennis  
7 just to identify it.

8 MR. MARSDEN: Okay.

9 MS. BANYRA: So, Dennis, the rear yard  
10 will be graded towards -- regraded towards the drain  
11 as per the Board Engineer's comments.

12 MR. GALVIN: The rear yard is to be  
13 regraded towards --

14 MS. BANYRA: Towards the drainage  
15 represented as per the Board's Engineer's memo.

16 MR. GALVIN: Come on, guys.

17 Where is the drainage going?

18 (Laughter)

19 MR. MARSDEN: Well -- well --

20 MS. BANYRA: It's going the wrong way  
21 right now --

22 MR. MARSDEN: -- that would be regraded  
23 to the yard inlet, the rear yard inlet.

24 MS. BANYRA: Okay.

25 COMMISSIONER MARSH: May I ask

1 something, which I didn't bring up earlier?

2 Since we were talking about lighting  
3 and glare, do you want to say anything about any  
4 lights in the backyard shouldn't be -- I don't  
5 know --

6 COMMISSIONER MURPHY: The parking lot  
7 probably.

8 COMMISSIONER MARSH: -- the neighbors  
9 to the other side --

10 VICE CHAIR BRANCIFORTE: There wasn't  
11 much lighting detail on that plan.

12 COMMISSIONER MARSH: Right.

13 COMMISSIONER WEAVER: Yeah. There's  
14 just like one area light.

15 Right, Mr. Minervini?

16 MR. MATULE: Yes. On Z-3 there is an  
17 Isolux, just for the one small light on the back --

18 MS. BANYRA: Yeah.

19 MR. GALVIN: Do you want that shaded  
20 or --

21 COMMISSIONER WEAVER: Maybe dark sky  
22 compliant.

23 MR. MINERVINI: Yes. And I can also  
24 show the Isolux, which is a --

25 VICE CHAIR BRANCIFORTE: Where is that

1 light exactly?

2 COMMISSIONER WEAVER: So rear lighting  
3 will be dark sky compliant.

4 VICE CHAIR BRANCIFORTE: The rear of  
5 the building?

6 I'm also worried about any lighting on  
7 that stairwell, exterior lighting on the stairwell,  
8 attached to the bulkhead.

9 (All Commissioners talking at once.)

10 VICE CHAIR BRANCIFORTE: Not by code --

11 COMMISSIONER DE GRIM: The ingress --

12 VICE CHAIR BRANCIFORTE: You have to  
13 have some sort of light --

14 THE REPORTER: Everybody can't talk at  
15 the same time.

16 COMMISSIONER WEAVER: Some lighting --  
17 so rooftop lighting will also be dark sky compliant.

18 MR. MINERVINI: Yes, and I can also  
19 show the --

20 COMMISSIONER WEAVER: Detail --

21 MR. MINERVINI: -- there as well --

22 COMMISSIONER WEAVER: Thank you.

23 MR. GALVIN: So I have the rear yard  
24 light and the roof light will be dark sky compliant.

25 MS. BANYRA: Yes.

1 COMMISSIONER DE GRIM: Yes.

2 MR. GALVIN: Okie dokie.

3 COMMISSIONER WEAVER: Frank, if I  
4 might, just to be clear, what's the goal of the  
5 redesign of the south elevation, just so we know  
6 what we are looking forward to?

7 MR. MINERVINI: I am -- the goal is I  
8 think based more on the last conversation I had with  
9 this Board, rather than this one. So I'm going to  
10 propose to take the front facade and wrap it further  
11 around, than in the six repeat you've got now, and  
12 then using color and pattern with the materials on  
13 the side, have something architecturally  
14 interesting.

15 COMMISSIONER WEAVER: Okay.

16 Because as we have said, there are  
17 hundreds of people looking at it now.

18 MR. MINERVINI: Yes, understood.

19 MR. GALVIN: The south facade will be  
20 treated with Hardie board and will be redesigned so  
21 that it wraps around the building --

22 MR. MATULE: No. The brick --

23 MS. BANYRA: Will be covered --

24 COMMISSIONER DE GRIM: No, no.

25 MR. MATULE: -- no, the brick is going

1 to wrap around the building --

2 COMMISSIONER MURPHY: Here. Use the  
3 back of that.

4 COMMISSIONER DE GRIM: Wrap around the  
5 corner of the building --

6 (Commissioners talking at once.)

7 COMMISSIONER WEAVER: You know, a  
8 higher degree of architectural expression and  
9 articulation.

10 MR. MATULE: Thank you.

11 MS. BANYRA: Give it to him. He has to  
12 write -- he's typing it, Dan.

13 MR. MINERVINI: I mean, we could refer  
14 to it graphically. Perhaps I would have a  
15 percentage that this should come in further, but I  
16 think that might be limiting in terms of the  
17 overall -- I think visually interesting  
18 architecturally speaking --

19 MS. BANYRA: And colored.

20 COMMISSIONER MURPHY: You should be --

21 MR. MINERVINI: -- and using both, as I  
22 mentioned, patterns and colors.

23 COMMISSIONER WEAVER: Shade, shadow,  
24 color --

25 (Commissioners talking at once)

1 MR. GALVIN: Well, let me say this. I  
2 am not going to write all of that.

3 The planner is going to review it and  
4 make sure that it complies, so the transcript will  
5 be available for people to look at to make sure I  
6 get it right.

7 COMMISSIONER WEAVER: Yeah, and it  
8 better be free.

9 MR. GALVIN: Don't screw this up.

10 (Commissioners talking at once.)

11 MR. GALVIN: So I suggest that that's  
12 plenty.

13 CHAIRMAN AIBEL: That's enough, yes.

14 Ready for a vote, Board members?

15 VICE CHAIR BRANCIFORTE: Well, let me  
16 reiterate my motion to approve with those  
17 conditions.

18 MR. GALVIN: Thank you.

19 Can we reiterate the second?

20 COMMISSIONER WEAVER: I re-second.

21 MR. GALVIN: Thank you.

22 MS. CARCONE: Commissioner Branciforte?

23 VICE CHAIR BRANCIFORTE: Yes.

24 MS. CARCONE: Commissioner Cohen?

25 COMMISSIONER COHEN: Yes.

1 MS. CARCONE: Commissioner Marsh?  
2 COMMISSIONER MARSH: Yes.  
3 MS. CARCONE: Commissioner Murphy?  
4 COMMISSIONER MURPHY: Yes.  
5 MS. CARCONE: Commissioner Weaver?  
6 COMMISSIONER WEAVER: Yes.  
7 MS. CARCONE: Commissioner McBride?  
8 COMMISSIONER MC BRIDE: Yes.  
9 MS. CARCONE: And Commissioner Aibel?  
10 CHAIRMAN AIBEL: Yes.  
11 MS. CARCONE: Approved.  
12 MR. MATULE: Thank you.  
13 CHAIRMAN AIBEL: Do you want to take a  
14 break?  
15 MR. GALVIN: Yes, sorry.  
16 CHAIRMAN AIBEL: Okay. Ten minutes  
17 everybody. We'll get to the third period.  
18 (The matter concluded at 9:15 p.m.)  
19 (Recess taken)  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

1

2

3 I, PHYLLIS T. LEWIS, a Certified Court

4 Reporter, Certified Realtime Court Reporter, and

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

6 certify that the foregoing is a true and accurate

7 transcript of the proceedings as taken

8 stenographically by and before me at the time, place

9 and date hereinbefore set forth.

10

11 I DO FURTHER CERTIFY that I am neither

12 a relative nor employee nor attorney nor counsel to

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

14 neither a relative nor employee of such attorney or

15 counsel, and that I am not financially interested in

16 the action.

17

18 s/Phyllis T. Lewis, CCR, CRCR

19 - - - - -

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

21 Notary Public of the State of New Jersey

22 My commission expires 11/5/2020.

23 Dated: April 21, 2016

24 This transcript was prepared in accordance with

25 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN  
HOZ-15-40

- - - - - X  
RE: 1414-1418 Willow Avenue : April 19, 2016  
BLOCK: 123, LOT 15, ZONE I-1 :  
Applicant: FIT FOUNDRY, LLC :  
C & D Variances : Tuesday 9:30 pm  
- - - - - X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair John Branciforte
- Commissioner Philip Cohen
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner Dan Weaver
- Commissioner Edward McBride
- Commissioner Cory Johnson
- Commissioner Frank DeGrim

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

- Eileen Banyra, Planning Consultant
- Jeffrey Marsden, PE, PP  
Board Engineer
- Patricia Carcone, Board Secretary

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

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11                  Attorney for the Applicant.

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## I N D E X

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WITNESS

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1                   CHAIRMAN AIBEL: Okay. We are back on  
2 the record.

3                   Thank you, everybody.

4                   MR. GALVIN: We are back on the record.

5                   CHAIRMAN AIBEL: Mr. Matule, 1414-1418  
6 Willow Avenue.

7                   MR. MATULE: Good evening, Mr.  
8 Chairman, and Board members.

9                   Robert Matule, appearing on behalf of  
10 the applicant.

11                   This is an application to have a  
12 personal fitness studio on the upper floor of the  
13 property at 1414 Willow Avenue. I am sure most of  
14 you are familiar with the building. It is  
15 Battaglia's Home, I think it's called, Home  
16 Furnishing and Variety Store.

17                   The property up on the top floor, Frank  
18 can talk about it more, but the space up on the top  
19 floor for years was a wedding dress manufacturing  
20 facility. They have now gone out of business, and  
21 my client has leased the space for the fitness  
22 training facility.

23                   COMMISSIONER MARSH: Mr. Matule, can  
24 I -- I'm sorry. I really apologize for this, but it  
25 just sunk into me. If I park my car in that lot, do

1 I have a conflict?

2 MR. GALVIN: What lot?

3 COMMISSIONER MARSH: The lot behind  
4 Battaglia's.

5 MR. GALVIN: Why?

6 COMMISSIONER MARSH: I don't know. I'm  
7 just asking.

8 MR. GALVIN: Do you pay for the spot?

9 COMMISSIONER MARSH: Yeah.

10 MR. MATULE: But not to the landlord.

11 COMMISSIONER MARSH: Not to the  
12 landlord.

13 MR. MATULE: To the tenant on the  
14 ground floor?

15 COMMISSIONER MARSH: Yes.

16 (Laughter)

17 MR. GALVIN: Who doesn't have any  
18 interest in this case really.

19 COMMISSIONER MARSH: Okay. So, I'm  
20 sorry.

21 CHAIRMAN AIBEL: Okay.

22 MR. GALVIN: No, that's all right. You  
23 can bring that up. That's like people ask me  
24 sometimes if I go into a restaurant, and I eat  
25 there, you are okay with hearing the case for the

1 restaurant, just as long as they don't give you free  
2 food.

3 COMMISSIONER MARSH: Well, it occurs to  
4 me that they might take my parking space away.

5 MR. GALVIN: Then I wouldn't -- then if  
6 you think that it's a concern or it might affect  
7 your decision-making, then you shouldn't sit.

8 COMMISSIONER MARSH: I actually don't.

9 MR. GALVIN: Okay.

10 COMMISSIONER MARSH: Okay.

11 MR. MATULE: I hope you are being  
12 facetious.

13 CHAIRMAN AIBEL: Okay.

14 COMMISSIONER MARSH: I just wanted to  
15 put it out there.

16 MR. MATULE: Okay. Well, thank you. I  
17 appreciate that. It's always good to have a  
18 complete record.

19 At this time I would like to call Frank  
20 Minervini.

21 MR. GALVIN: Raise your right hand.

22 Do you swear or affirm the testimony  
23 you are about to give in this matter is the truth,  
24 the whole truth, and nothing but the truth?

25 MR. MINERVINI: I do.

1 F R A N K M I N E R V I N I, having been duly  
2 sworn, testified as follows:

3 MR. GALVIN: State your full name for  
4 the record and spell your last name.

5 THE WITNESS: Frank Minervini,  
6 M-i-n-e-r-v-i-n-i.

7 MR. GALVIN: Do we accept Mr.  
8 Minervini's credentials?

9 CHAIRMAN AIBEL: Yes, we do.

10 MR. GALVIN: Yes, we do.

11 THE WITNESS: Thank you.

12 MR. MATULE: All right.

13 Mr. Minervini, could you just briefly  
14 give the Board some context where the site is  
15 located, and what is there now, and the surrounding  
16 area, and then go right into what the applicant is  
17 proposing to do?

18 THE WITNESS: Yes.

19 As Mr. Matule said, we are talking  
20 about 1414 Willow Avenue.

21 The building now houses Battaglia's  
22 Home Furnishing on the first two floors.

23 The third floor, which is the top floor  
24 in this building, until recently had a wedding dress  
25 manufacturer. They are no longer in business, and

1 as Bob said, we are proposing to put a personal  
2 fitness slash training facility there.

3 The building itself, and just to orient  
4 you, you are looking at Sheet A-1, this is Willow  
5 Avenue. The building itself is 80.16 feet wide,  
6 that's from north to south, by 100 feet in depth.

7 The parking that we were just talking  
8 about is these two lots, and that parking is solely  
9 for Battaglia's and whatever else -- we are not  
10 proposing --

11 COMMISSIONER MARSH: Wait. Only half  
12 of it is for Battaglia's.

13 THE WITNESS: Yes. Battaglia's and  
14 whatever else. We haven't been allowed that  
15 permission to use it.

16 So what we are proposing again is that  
17 the facility on the third floor of this building,  
18 the main entry will be off of Willow Avenue.

19 We have our second means of egress  
20 that's existing on an exterior stair that exits onto  
21 this 50 by 100 foot block, where the parking is.  
22 Looking at the plan --

23 MR. GALVIN: Hey, Carol, I am reversing  
24 myself. I am going to reverse myself. I am going  
25 to ask you to step off this case.

1                   Are you going to be competing for the  
2                   parking spaces?

3                   COMMISSIONER MURPHY: They're not  
4                   asking for any of those parking spaces.

5                   COMMISSIONER MARSH: No, there isn't  
6                   any. They are not asking for any of those parking  
7                   spaces.

8                   MR. GALVIN: Okay.

9                   THE WITNESS: Yeah. We are not  
10                  proposing any of the spaces that are currently there  
11                  to be used for this facility --

12                  MR. GALVIN: Then I changed myself  
13                  again.

14                  (Laughter)

15                  All right. Go ahead.

16                  MR. MATULE: They are not available to  
17                  us.

18                  THE WITNESS: Yes.

19                  MR. MATULE: That was the only point we  
20                  were making.

21                  MR. GALVIN: All right. No problem, so  
22                  let's not talk about them then.

23                  THE WITNESS: Okay.

24                  For reference, here is 15th Street.  
25                  Here's 14th Street, and the Viaduct being right

1 here.

2 On the corner is the Hertz property  
3 with their parking lot, what we're calling lot --  
4 what is called Lot 14 is going to be a West Elm as  
5 part of Larry Bijou's project.

6 This building on the corner is going to  
7 be a restaurant. This back portion is a rock  
8 climbing gym coming, and that's also part of Larry  
9 Bijou's project, and this is Larry Bijou's Edge  
10 Lofts.

11 Across the street is housing, a  
12 five-story housing there.

13 Across the street on Willow is an  
14 industrial building as well as a gas station on the  
15 14th Street side.

16 Across the street on 15th, you have  
17 parking for bus parking, as well as an industrial  
18 building related to the buses, and a car wash on the  
19 corner.

20 So to go through the plans, and I will  
21 skip A-2 and I'll go to A-3, so to orient this plan,  
22 we are looking at Willow, and this is the back  
23 section, which would be along Clinton. This is  
24 facing south. This is facing north.

25 So our main entry, and there is a plan,

1 a lower plan shown here off of Willow Avenue, is a  
2 lobby and stair at grade level, stairs up to the  
3 third floor, which then access, and this drawing  
4 shows the plan as it exists.

5 You can compare that to the plan we are  
6 proposing. There is a minimal amount of  
7 construction proposed. The bathroom sections are  
8 remaining.

9 We are going to add this men's and  
10 women's shower, and then in the front there's a  
11 sitting area, reception and small offices. The main  
12 majority of the space will just have cosmetic  
13 revisions, cosmetic renovations.

14 One means of egress is here off Willow.  
15 This is the main entry.

16 Our second means of egress is existing,  
17 and it's an exterior stair going out the rear  
18 towards Clinton Street, and that takes you right  
19 onto the parking lot as we were just discussing.

20 Here is a front elevation as it  
21 currently exists. We are not proposing any  
22 revisions with the exception of a small sign that  
23 will be perpendicular to the main facade of the  
24 building, to the details shown here in drawing  
25 number three. Dimensions are given, three feet by

1 two feet eight --

2 MR. MATULE: Just while you are on that  
3 page, Frank, so the total allowable signage is 20 --  
4 is it 20 square feet?

5 THE WITNESS: Total allowable of all  
6 building signs is 164. The existing sign is 84. We  
7 are proposing a sign of just eight.

8 MR. MATULE: So the total signage would  
9 be 92 square feet?

10 THE WITNESS: That includes Battaglia's  
11 signage.

12 MR. MATULE: Where 164 is permitted?

13 THE WITNESS: Correct.

14 MR. MATULE: Okay.

15 THE WITNESS: So, again, we are  
16 proposing a minimum amount of changes. It's a very  
17 big open space, perfectly suited for this use.  
18 We're going to be adding the showers and then small  
19 offices at the front along Willow. Egress is going  
20 to remain the same, and that is really the extent of  
21 the project.

22 The thought is that this use will be  
23 for people who live in the neighborhood or  
24 surrounding neighborhoods, so we don't have parking  
25 available. The thought again is that people will be

1 walking here. It is more of a personal gym use. We  
2 don't expect it to be very intense.

3 The space as it exists is perfectly  
4 suited for this use in terms of its ceiling heights,  
5 and all of that is shown on our drawing number four  
6 and Sheet A-2, so we think it is a very good fit in  
7 terms of its use and the facility for this use.

8 MR. MATULE: And we are going to seek,  
9 get a jurisdictional determination from Hudson  
10 County to see if we have to go to the County  
11 Planning Board for this?

12 THE WITNESS: Correct.

13 Willow Avenue is a county road, but we  
14 are thinking because of the minimal amount of  
15 renovation, that we may not need to go.

16 MR. MATULE: All right.

17 Well, one of the -- where I am going is  
18 one of the callouts in Ms. Banyra's report was if  
19 the county -- if we don't have to go to the county,  
20 or if the county doesn't call out the bike rack, can  
21 we put a bike rack on the sidewalk in front of the  
22 building somewhere?

23 THE WITNESS: Well, we would need City  
24 Council approval because, of course, this is City  
25 Council property -- pardon me -- city property, and

1 the building takes up the majority, all of the site  
2 along Willow, and I am sure the applicant would be  
3 happy to install a bike rack.

4 MR. MATULE: Okay.

5 No changes outside, though, at all?

6 THE WITNESS: No changes with the  
7 exception of the signage.

8 MR. MATULE: Okay.

9 That is it. It's pretty  
10 straightforward.

11 Any questions?

12 MS. BANYRA: Let me just ask one  
13 question.

14 Frank, could you put in street trees,  
15 too?

16 THE WITNESS: We haven't. We haven't  
17 proposed any changes along Willow Avenue. Again, we  
18 are at the third floor.

19 MS. BANYRA: I understand.

20 THE WITNESS: That was our thinking.

21 COMMISSIONER MC BRIDE: I'm sorry.

22 Was that the tree question?

23 THE WITNESS: Yes.

24 MS. BANYRA: Yes.

25 I think, you know, I think we have been

1        advised by Mr. Galvin that the applicants should be  
2        and the Board should be evaluating this as the  
3        complete package regardless of what floor or what  
4        percent ownership, so --

5                    MR. MATULE:    I understand.

6                    MS. BANYRA:    -- so that is the nature  
7        of my question.  It is kind of barren there.  They  
8        have some uses coming in that are doing some  
9        improvements.  A bike rack and some trees to me is  
10       nominal at best.

11                   THE WITNESS:    I think that having heard  
12        this, and the applicant has heard this as well, he  
13        will certainly -- yes -- the answer is yes, we can  
14        put in some street trees.

15                   MS. BANYRA:    And, again, it's subject  
16        to county approval.

17                   MR. MATULE:    Yeah.  They usually  
18        require one every 30 feet, so they would require  
19        two.

20                   MS. BANYRA:    Right.  So they might be  
21        doing that anyway, so --

22                   THE WITNESS:    Yes.

23                   MR. MATULE:    But if we don't, or we  
24        don't have to go, we will deal with it locally.

25                   MS. BANYRA:    Okay.  Thank you.

1 CHAIRMAN AIBEL: Mr. Cohen?

2 COMMISSIONER COHEN: Based on my review  
3 of the application, it looks like this will be a  
4 member gym, and that people will be able to make  
5 appointments to use the gym in that way?

6 THE WITNESS: As I understand it.

7 COMMISSIONER COHEN: It is called Fit  
8 Foundry, I think, is that right?

9 THE WITNESS: That is the name we're  
10 going with, and that's what's on the signage.

11 COMMISSIONER COHEN: I was just  
12 wondering, is this a CrossFit facility or does it  
13 just happen to have the word "fit" in there?

14 THE WITNESS: No. In terms of fitness.

15 MR. MATULE: The short answer is the  
16 applicant is telling me no. It is really currently,  
17 the bulk of the applicant's business is in-home  
18 personal training, and this is just a step up to  
19 have either individual or, you know, one to four  
20 people at a time kind of a thing.

21 Hopefully, eventually, it will get to  
22 the point where they have larger open classes, but  
23 it is really more about personal training than the  
24 cross training stuff.

25 VICE CHAIR BRANCIFORTE: But once it is

1 a gym, it is a gym.

2 Tomorrow he could decide he wants to  
3 move to Florida and retire and sells it to Lucille  
4 Roberts.

5 MR. MATULE: Absolutely correct.

6 COMMISSIONER COHEN: Great.

7 The variance you are seeking is for  
8 commercial fitness --

9 THE WITNESS: Yes. The variance as far  
10 as Commissioner Branciforte said --

11 COMMISSIONER COHEN: Right. Okay.

12 THE WITNESS: -- parking spaces --

13 (The witness and Mr. Cohen speaking at  
14 the same time)

15 MR. GALVIN: Do we want to limit the  
16 hours, or do we care?

17 Some fitness places are open 24.

18 MR. MATULE: I can call the applicant  
19 up, but I don't believe --

20 MR. GALVIN: I am only saying that  
21 based on what you just said about that it could be  
22 another operation, and it may not matter.

23 If you tell me it doesn't matter --

24 MR. MATULE: The applicant would have  
25 no objections if you wanted to put a condition on

1 that it had to close by ten p.m.

2 MR. GALVIN: What I am saying is when  
3 we grant a use variance, we don't grant a use  
4 variance for a person, so we are not granting it for  
5 this applicant. We're granting it to this  
6 applicant, but it will run with the land. So as  
7 long as this building is currently -- it stays in  
8 the condition that it is, that use, that commercial  
9 fitness use, it could be some other operation. Like  
10 you said, it could be Jack LaLanne or Retro Fitness  
11 or --

12 VICE CHAIR BRANCIFORTE: Jack LaLanne?

13 THE WITNESS: Jack LaLanne?

14 MR. MATULE: Who is Jack LaLanne?

15 (Laughter)

16 Gold's Gym. We are dating ourselves.

17 (Laughter and Board members talking at  
18 once)

19 MR. GALVIN: It's been a while.

20 (Laughter)

21 MR. MATULE: Ten p.m. would be more  
22 than acceptable for the applicant, should the Board  
23 be disposed to put a time on it.

24 COMMISSIONER MARSH: Can I ask a  
25 question about that?

1 VICE CHAIR BRANCIFORTE: About Jack  
2 LaLane?

3 COMMISSIONER MARSH: No.

4 MR. GALVIN: Who was Jack LaLanne?

5 (Laughter)

6 COMMISSIONER MARSH: That's the last  
7 time I went to the gym.

8 Hum, I have a question.

9 If right now we are granting this as --  
10 we are not granting -- we're considering granting  
11 this as a use variance --

12 MR. GALVIN: Right.

13 COMMISSIONER MARSH: -- if the -- so --  
14 I am sorry -- if the Council changes the zoning to  
15 something, what happens then?

16 MR. GALVIN: It wouldn't matter. We  
17 don't lose -- nonconforming uses continue  
18 indefinitely until they are abandoned or destroyed.

19 So if the furniture company says, hey,  
20 it has been great having you, but now we need this  
21 space up here for a new line, and they replaced that  
22 with the furniture, or they put furniture up there,  
23 then they gave up that use. Then it is gone. It's  
24 abandoned.

25 COMMISSIONER MARSH: So it's an

1 existing nonconforming use, and it is no matter --

2 MR. GALVIN: And it would continue, but  
3 it would be similar to what we are approving. It  
4 would be this kind of, you know, you know, we are  
5 not approving a climbing gym. We are approving a  
6 commercial fitness --

7 CHAIRMAN AIBEL: If the building were  
8 knocked down, it would lose the use?

9 MR. GALVIN: If the building was  
10 knocked down, then you are terminating the use.

11 Whatever the new building is, they  
12 would have to come to us.

13 If they were going to build a new  
14 building that's completely conforming to the  
15 planning and zoning, they would probably have to go  
16 to the Planning Board for a site plan, and it would  
17 no longer contain this use.

18 CHAIRMAN AIBEL: Good.

19 VICE CHAIR BRANCIFORTE: They could get  
20 around it, though, couldn't they, by just saving the  
21 building and putting stories on top or something?

22 MR. GALVIN: I don't know.

23 I mean, there is always another way  
24 around the mouse trap, but I think that would be  
25 hard.

1                   COMMISSIONER MC BRIDE: Did we put  
2 restrictions on the climbing gym in terms of hours?  
3 We started talking about hours here --

4                   MR. GALVIN: I don't know. If you  
5 don't want to do that, don't do that. You know,  
6 it's like --

7                   COMMISSIONER MC BRIDE: No. I was just  
8 curious if it was done because it was approved.

9                   MR. GALVIN: I don't have the  
10 resolution with me --

11                  COMMISSIONER MARSH: I think it is a  
12 restriction on that --

13                  COMMISSIONER MURPHY: Yeah. I think  
14 that having some restriction is good because, you  
15 know, you could end up with a gym that is a 24-hour  
16 gym, and I am not sure that is what we want --

17                  COMMISSIONER WEAVER: Well, what would  
18 be bad about -- and I'm just -- what would be bad  
19 about a 24-hour gym on Willow?

20                   Healthy people on the sidewalk --

21                   (Laughter)

22                  COMMISSIONER MARSH: It's an industrial  
23 area. You could have manufacturing 24 hours a day,  
24 right --

25                  COMMISSIONER WEAVER: Yeah.

1 COMMISSIONER MARSH: -- as of right.

2 COMMISSIONER MURPHY: All right.

3 COMMISSIONER DE GRIM: You have Hertz  
4 on one side and another furniture store on the other  
5 and parking behind it, so --

6 VICE CHAIR BRANCIFORTE: What is across  
7 the street, though, behind -- on --

8 COMMISSIONER MURPHY: There's an  
9 apartment building --

10 COMMISSIONER DE GRIM: Across Willow --

11 THE WITNESS: On Clinton?

12 VICE CHAIR BRANCIFORTE: On Clinton,  
13 right.

14 THE WITNESS: There is the parking lot  
15 for Academy, and to the north -- south of that is  
16 artists -- The Artisian, a six-story residential  
17 building.

18 COMMISSIONER WEAVER: I mean, the  
19 climbing gym I understand. You know, you tend to  
20 go, and you can go in groups, and you could be rowdy  
21 afterwards, and it's, you know, a bunch of people.  
22 I could see where that would be a concern.

23 I'm just wondering, especially the way  
24 they describe it as one and two, and small groups of  
25 people, they are not going as a group to go to do a

1 workout, which they might come out and be rowdy and  
2 disturb the neighbors.

3 COMMISSIONER MURPHY: Well, they could  
4 do a group if they get to that point --

5 MS. BANYRA: You know what? They are  
6 not asking for 24 hours, so I don't know why you  
7 would even --

8 MR. GALVIN: No, no, no.

9 (Everyone talking at once)

10 COMMISSIONER WEAVER: Because we want  
11 to be here longer.

12 MR. GALVIN: Time out. Time out. Time  
13 out.

14 This is the night of me being  
15 misunderstood, okay?

16 The reason why I brought it up is, we  
17 don't -- the question I was asked is: Could this be  
18 used by another facility.

19 I am saying, okay, it could be used by  
20 another facility.

21 Do we want to limit this in some way,  
22 so it doesn't go in a different direction, and I  
23 threw out as a thought process, hours of operation,  
24 because there are gyms that are 24.

25 This might be a perfect place for a

1 24/7 gym. I don't know.

2 But how about like machines? Is it  
3 going to have machines?

4 Is it going to have group classes?

5 MS. BANYRA: We didn't even get into  
6 the application yet, though, so --

7 MR. GALVIN: No. We are almost done.

8 MS. BANYRA: Okay.

9 COMMISSIONER MARSH: May I just point  
10 out that you are allowed to have manufacturing here  
11 24/7?

12 MR. GALVIN: What's that?

13 COMMISSIONER MARSH: You're allowed --

14 MR. GALVIN: No, no. But I am not  
15 arguing for or against.

16 All I am saying is: If you want to  
17 have -- if we are trying to say -- we could take the  
18 test -- listen, I was trying to move this case a  
19 certain way. If we want to take the testimony of  
20 the applicant, maybe we should do that, okay?

21 (Laughter)

22 I was trying to be helpful.

23 COMMISSIONER MARSH: Okay. Thanks.

24 MR. GALVIN: But the problem is if you  
25 are concerned about how it is going to be used in

1 the future by others, if it was used by Retro  
2 Fitness, I know that they are going to have running  
3 machines and all kinds of weight equipment, and I  
4 don't know if we have that here.

5 You know, maybe we need five minutes  
6 from the applicant to describe exactly how he is  
7 going to use the facility.

8 MR. MATULE: Do you want me to let  
9 Frank finish, and then I'll bring the applicant up  
10 or --

11 COMMISSIONER MARSH: Sure.

12 MR. GALVIN: I thought Frank was  
13 finished.

14 VICE CHAIR BRANCIFORTE: Well, no. I  
15 still have questions.

16 THE WITNESS: I thought so, too.

17 VICE CHAIR BRANCIFORTE: Frank, what's  
18 the floors, the structure of this building, concrete  
19 or wooden?

20 THE WITNESS: No. It is wooden timber,  
21 very, very strong. Its capacity is more than what  
22 we need because it was built originally for  
23 manufacturing.

24 VICE CHAIR BRANCIFORTE: Okay.

25 The next question is: On Z-3 -- A-3,

1       rather, you show capa -- first of all, you have to  
2       explain to me what these checkered and cross --

3               THE WITNESS: I thought it would be  
4       helpful for the Board to see the maximum capacity  
5       that this place could have. I thought it was so  
6       large, that the question may come up, and all this  
7       shows is the different areas and how you could  
8       calculate it.

9               So this white area is your means of  
10       egress path between the two stairs, and these are  
11       the capacities with this use that you could have in  
12       those spaces --

13              VICE CHAIR BRANCIFORTE: Wait. The  
14       means of egress between two stairs?

15              THE WITNESS: Yes. From the stair, it  
16       goes like that, so you connect the two means of  
17       egress with a clear path.

18              When you are calculating maximum  
19       occupancy, you have to show a clear path without any  
20       use between the two means of egress stairs, so that  
21       is all this shows graphically. That's the purpose  
22       of that.

23              VICE CHAIR BRANCIFORTE: Okay. So that  
24       one area has an occupancy of 60, and the other has  
25       an occupancy of 20, so a total occupancy of 80 for

1 the entire floor space?

2 THE WITNESS: That would be the maximum  
3 that the building department would allow. That's  
4 what -- again, I thought that the question may come  
5 up, what is the most people that could be there, so  
6 that is why I drew this.

7 VICE CHAIR BRANCIFORTE: My problem is  
8 this, Frank. I will put it in terms that Dennis can  
9 understand.

10 If there is a zumba class --

11 MR. GALVIN: What is zumba?

12 (Laughter)

13 VICE CHAIR BRANCIFORTE: Exactly.

14 COMMISSIONER MARSH: They don't have  
15 Jack LaLanne, so --

16 VICE CHAIR BRANCIFORTE: No. If  
17 there's -- if they do decide to start doing, you  
18 know, aerobics up there at two o'clock in the  
19 afternoon on a Sunday when people are downstairs in  
20 Battaglia's trying to shop, you know, how are we  
21 going to keep noise from disturbing --

22 COMMISSIONER MARSH: The shoppers?

23 VICE CHAIR BRANCIFORTE: -- the other  
24 tenants?

25 I mean, to keep noise down, is that

1 even something we should be considering? I'm not  
2 even sure.

3 MR. GALVIN: No, I don't think so. I  
4 think that is between the landlord and the tenant.

5 He has already testified that there  
6 is -- that it has good loading, so I guess it  
7 wouldn't -- they have considered the sound also.

8 COMMISSIONER WEAVER: Right. I  
9 appreciate your comment, because I have been down  
10 the pharmacy below the New York Sports Club when  
11 they drop their dead weights on the floor, and it is  
12 amazing.

13 VICE CHAIR BRANCIFORTE: Yeah. Have  
14 you tried shopping at City Hardware lately, because  
15 there's a gym upstairs now, and it is like  
16 impossible --

17 CHAIRMAN AIBEL: All right. May we  
18 get --

19 COMMISSIONER WEAVER: Yes.

20 VICE CHAIR BRANCIFORTE: Well,  
21 anyway --

22 CHAIRMAN AIBEL: -- a little focus  
23 here?

24 Do we have questions for Mr. Minervini?

25 VICE CHAIR BRANCIFORTE: Occupancy of

1 80, okay.

2 That's the only thing I asked.

3 CHAIRMAN AIBEL: Okay.

4 VICE CHAIR BRANCIFORTE: The only other  
5 question I have is on the men's room, where the  
6 men's room is designed, can you try to make that a  
7 little bit more private, so every time the door  
8 opens, you don't see the men at the urinals?

9 THE WITNESS: Sure. What we could  
10 probably do is continue the lockers a little further  
11 down and that way act as a buffer, absolutely.

12 VICE CHAIR BRANCIFORTE: Thanks.

13 COMMISSIONER MURPHY: Well, --

14 CHAIRMAN AIBEL: Diane, go ahead.

15 COMMISSIONER MURPHY: -- and I mean, I  
16 appreciate the fact that they want to do minimal  
17 construction, but I am looking at this locker room  
18 thing, and I'm thinking -- I realize a lot of people  
19 would be neighborhood people. But, you know, even  
20 at a local bar, which is very neighborhood, people  
21 use the showers there, and I'm like, okay, I am a  
22 woman, and I'm in this little shower thing. There's  
23 like hardly any room, but there's -- I have to come  
24 all the way over to the other side to use the  
25 bathroom and the vanity. It's like wouldn't it be

1 better just to put a men's locker room with toilets  
2 and showers in it, and a ladies' locker room with  
3 toilets and showers?

4 I understand the not wanting to build  
5 like too much, but you're still doing the plumbing  
6 in both places.

7 THE WITNESS: Yeah. Not wanting to  
8 build wasn't the entirety of the reasoning. This is  
9 also as per the applicant and his history working in  
10 these facilities, this is what works.

11 I think doing what I suggested,  
12 continuing the lockers further down would help  
13 alleviate some of that privacy concern as you say.

14 But, again, this isn't -- we don't  
15 really expect this to be somewhere where people will  
16 go and shower. It is a requirement by the  
17 construction code.

18 COMMISSIONER MURPHY: Right. But  
19 except that, you know, like time is, you know, so  
20 you go, you have a morning workout, and then you  
21 have to get ready and catch the ferry. You are not  
22 going to go home and do that. You are going to do  
23 it all right there and go.

24 I'm just -- I just see that in my  
25 little gym place that I go to at Maxwell. It does

1 get used that way, and these people live in the  
2 buildings like right upstairs, so --

3 THE WITNESS: Happily, I think we can  
4 add a partition or two to give it -- to segregate it  
5 more.

6 COMMISSIONER MURPHY: I'm just -- it's  
7 up to you guys. I'm just throwing it out there.

8 VICE CHAIR BRANCIFORTE: Why are you  
9 using my gym?

10 COMMISSIONER MURPHY: I pay to do that.

11 COMMISSIONER WEAVER: I have a  
12 question.

13 CHAIRMAN AIBEL: Question, please.

14 COMMISSIONER MURPHY: It's not your  
15 gym. It's --

16 (Commissioner Murphy and Vice Chair  
17 Branciforte speaking at the same time)

18 COMMISSIONER WEAVER: The conveyor belt  
19 room, what is that?

20 THE WITNESS: It is a room that we are  
21 not proposing to use, but it is left over from its  
22 previous use, the previous use actually before the  
23 seamstress, I guess we can call it, seamstress  
24 factory. There must have been some kind of  
25 manufacturing that they would load trucks via a

1 conveyor belt. So in that room would be where they  
2 would store it, and the conveyor belt that is still  
3 existing in that parking lot, we take the goods to a  
4 truck. We are not proposing any changes to any of  
5 that nor are we proposing to use it.

6 COMMISSIONER WEAVER: Now, your second  
7 means of egress is the stair out the back.

8 THE WITNESS: Uh-huh.

9 COMMISSIONER WEAVER: Does that need to  
10 be modified in any way?

11 THE WITNESS: It does not.

12 COMMISSIONER WEAVER: It has no roof  
13 over it?

14 THE WITNESS: It does not have to be  
15 modified because of the minimal amount of work we're  
16 doing. I spoke to the DCA regarding that issue as  
17 well as ADA compliance. Given what we are proposing  
18 and given its use, we don't need to.

19 COMMISSIONER WEAVER: Okay. That was  
20 my second question.

21 Okay. I am done.

22 Thank you.

23 CHAIRMAN AIBEL: Anyone else,  
24 questions?

25 Eileen?

1 MS. BANYRA: No.

2 CHAIRMAN AIBEL: Okay.

3 I will open it up to the public.

4 Anybody wish to ask questions of Mr. Minervini?

5 VICE CHAIR BRANCIFORTE: Motion to  
6 close public portion.

7 COMMISSIONER COHEN: Second.

8 CHAIRMAN AIBEL: All in favor?

9 (All Board members answered in the  
10 affirmative)

11 CHAIRMAN AIBEL: Thank you.

12 MR. MATULE: Okay. Just some -- I will  
13 have the applicant just give the Board a little  
14 overview of what the business operation is, so,  
15 David, would you come up?

16 MR. GALVIN: Raise your right hand.

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

20 MR. QUEVEDO: I do.

21 D A V I D Q U E V E D O, having been duly sworn,  
22 testified as follows:

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

25 THE WITNESS: David, last name Q-u-e-v,

1 as in Victor, E, as in Edward, D, as in David, O.

2 MR. GALVIN: Thank you.

3 Your witness.

4 MR. MATULE: David, you currently  
5 operate a personal training and fitness business?

6 THE WITNESS: We -- my wife and I own  
7 and operate Dave Q Fitness, LLC, which is an in-home  
8 business, where many -- much of our clients are in  
9 the Tea Building or the Maxwell, some Shipyard, some  
10 in their houses, some in the Upper Grand, and we are  
11 a traveling road show.

12 I have been doing this for over ten  
13 years, and this would be the next opportunity to  
14 help more individuals by doing semi-private training  
15 and then sprinkle it with a little bit of a group.

16 The benefit would be it is not a  
17 CrossFit. It is not a one stop shop. It is not a  
18 large class. It is customizable programming, which  
19 is what you are supposed to get with personal  
20 training.

21 You are just splitting the cost of the  
22 trainer with four people. It is much more than a  
23 class. It is a training experience because you are  
24 doing customized exercises meant for you, not  
25 whatever the group exercise instructor wanted to

1       come up with that day.

2                   It is very specific and very  
3       sophisticated. Model existence is seen in other  
4       places, but there's not nowhere here in Hoboken that  
5       would allow that size.

6                   To address the showers, we could have  
7       multiple people going in at different times, which  
8       would allow them to come home and shower, because  
9       the size of the space could have multiple group  
10      offerings at once as opposed to a local bar, which  
11      is very small, and they have limited timings for  
12      that, so they are forced to go home, because if you  
13      don't get into that six a.m. class, you're not going  
14      to get in, so you have to shower there.

15                  And the showers are gorgeous. I take  
16      my daughter there to go to music class all the time.  
17      It is gorgeous space, but they don't have the size  
18      for most or offerings for that unfortunately, so I  
19      think that is what will take care of the problem.

20                  MR. GALVIN: So could we say that the  
21      use of the facility is limited to personal fitness  
22      for no more than four individuals at one time?

23                  MR. MATULE: No, only because I think  
24      the intention is at some point, if the business  
25      develops, to have larger groups, correct?

1                   THE WITNESS: We want to have larger  
2 groups, and we'll probably cap it at somewhere of  
3 15. We are going to add yoga to some -- to our  
4 offering. Right now, there is only one yoga space  
5 in that area, and it's hot yoga, and if you do not  
6 like to do hot yoga -- I'm sorry -- hot yoga, you  
7 are out of luck.

8                   So we would like to add classes of, you  
9 know, a large group could be one to 15, just for  
10 people to move around freely. We don't want to cram  
11 people in there.

12                   I used to work in New York Sports Club,  
13 and I have seen the occupancy of larger rooms, and I  
14 packed 36 people in that room when there should be  
15 16.

16                   We don't plan to do that because we  
17 know how many people are going to be in those  
18 classes via signup.

19                   MR. GALVIN: Is there going to be -- is  
20 it going to involve weights at all?

21                   THE WITNESS: We will involve weight  
22 machines. We'll use kettlebells, dumbbells,  
23 barbells, and use rubber flooring that is impact  
24 resistant, as well as much of the stuff that's going  
25 on, like kettleball stuff will be on a foam turf,

1 which helps absorb the impact.

2 I used to work at New York Sports  
3 Clubs. I visited CVS many, many times, and it is  
4 very, very annoying, and they didn't do anything  
5 until CVS pressed their luck.

6 We don't plan to do that, because we  
7 are the anti gym. We want to take care of our  
8 people. We want to cut down on the noise, and we  
9 want to provide more for the community, more than  
10 what New York Sports Club has to offer or Crunch, so  
11 that is what we hope to do.

12 MR. GALVIN: Let me say this: Would it  
13 be fair to say, "The use of the facility is limited  
14 to personal fitness for no more than 15  
15 individuals" -- if it's got to get increased, tell  
16 me -- "at any time, and there will be no weight and  
17 fitness machines"?

18 COMMISSIONER DE GRIM: Sir, could I make  
19 it --

20 MR. MATULE: Is that a reasonable  
21 number or --

22 COMMISSIONER DE GRIM: -- can we make  
23 it 16 to make it an even number? I guess it just  
24 seems like one person could be left out that way.

25 MR. GALVIN: We could make it 20.

1 COMMISSIONER DE GRIM: How about 20?

2 MS. BANYRA: That's too small.

3 THE WITNESS: We don't have any --

4 COMMISSIONER DE GRIM: 20.

5 THE WITNESS: -- weight machines per  
6 se, but a barbell, you might have a cable machine,  
7 which doesn't weigh that much, but that is probably  
8 the only machine we intend to offer, not to get  
9 cooped in with CrossFit, but they did not invent  
10 free weights. A lot of people want to call us  
11 CrossFit, but we're not having 20 people --

12 MR. GALVIN: Again, I'm trying to just  
13 define it, so we don't wind up with Retro Fitness,  
14 so --

15 MR. MATULE: 20 is acceptable.

16 MR. GALVIN: -- and there will be no  
17 weight machines -- I was going to say --

18 MS. BANYRA: No large weight machines  
19 maybe.

20 MR. GALVIN: -- no large weight  
21 machines?

22 COMMISSIONER MURPHY: Sounds like he's  
23 doing mostly free weights.

24 (Everyone talking at once)

25 MR. GALVIN: You don't care?

1                   COMMISSIONER WEAVER: No. You said  
2 large weight machines.

3                   Sometimes the larger weight machine  
4 doesn't really make that much noise. It is not an  
5 impact issue. It is really the barbells and the  
6 dumbbells they're dropping on the floor. That's  
7 what is really causing the problem.

8                   MR. GALVIN: But that's going to happen  
9 here, because we know that is going to happen  
10 because they are going to have free weights --

11                  COMMISSIONER MARSH: Right. So why are  
12 we limiting the other use?

13                  COMMISSIONER WEAVER: So then don't  
14 even limit --

15                  COMMISSIONER DE GRIM: Yeah --

16                  COMMISSIONER MURPHY: He's not doing  
17 dumbbells --

18                  (Everyone talking at once)

19                  THE REPORTER: You all can't talk at  
20 once.

21                  MR. GALVIN: No, no. Time out. We  
22 can't all talk at once.

23                  And the reason why I am suggesting it  
24 is I am trying to define the parameters of the use  
25 that you are granting.

1                   We know what we got right now. I am  
2                   trying to think about what's going to come next. If  
3                   you move to a bigger, better place or you move out  
4                   of town or whatever, and the next guy comes along, I  
5                   would think it is going to be more like it's going  
6                   to be --

7                   COMMISSIONER DE GRIM: New York Sports  
8                   Club.

9                   MR. GALVIN: -- another standard thing,  
10                  and then they are going to want to bring in that  
11                  kind of equipment.

12                  If it does not matter to the Board,  
13                  let's move on. But if it does matter as to how it's  
14                  going to be used in the future, I'm trying to find a  
15                  way to define it.

16                  COMMISSIONER COHEN: Yeah. I don't  
17                  know why it would be bad, but in a recreational  
18                  fitness facility, to have a weight machine in there,  
19                  it's silly. I just don't see that as a negative --

20                  COMMISSIONER WEAVER: They're just  
21                  trying to --

22                  VICE CHAIR BRANCIFORTE: Well, the  
23                  difference is -- the difference is -- frankly, I  
24                  appreciate your business model and your plan for the  
25                  gym, and I see that it is going to be kind of like a

1 boutique situation -- and I hope you don't mind me  
2 calling it that, a boutique gym --

3 THE WITNESS: No.

4 VICE CHAIR BRANCIFORTE: -- and as a  
5 boutique gym serving the community, the surrounding  
6 ten blocks, it is fine.

7 But if a major chain does come and buys  
8 it, now I am starting to think about people coming  
9 in from Weehawken, driving in from Weehawken, or  
10 driving in from Union City to hit that gym, and we  
11 go from people walking to the gym to a chain that's  
12 advertising come to Hoboken throughout northern  
13 Jersey, and now we have people driving in.

14 So right now with your parking, I am  
15 fine with it. But if it turns into a major gym,  
16 where there are people driving in from all over,  
17 then that becomes a problem.

18 COMMISSIONER COHEN: But with a limit  
19 of 20 people --

20 COMMISSIONER DE GRIM: Yeah, you're  
21 limiting --

22 COMMISSIONER COHEN: -- how is it going  
23 to be suitable for a major gym with 20 -- a limit of  
24 20 people --

25 VICE CHAIR BRANCIFORTE: I was just

1       trying to explain why I think -- why I think we have  
2       to put limits on it. That's all.

3                   COMMISSIONER WEAVER: Well, because  
4       they -- I'll throw one out.

5                   It could be a SoulCycle in which case  
6       they're going to have -- there is going to be 20  
7       people driving in from the suburbs every hour,  
8       right, for a class, so that is the other side.

9                   COMMISSIONER MURPHY: Not if they can't  
10      park.

11                  COMMISSIONER MARSH: Right.

12                  MS. BANYRA: Can I just maybe as your  
13      planner just say that let the applicant indicate  
14      what he is doing, open it up a little bit as Dennis  
15      is going to give -- we are giving you a little bit,  
16      but don't redefine and re-figure out what it might  
17      be in the future, because let them come back and  
18      ask.

19                  If it ends up being a bigger facility,  
20      and we have parameters that say it is 25 and big  
21      equipment, then let them come back to just address  
22      your questions, John.

23                  Yeah, now it is something that becomes  
24      a regional facility, great. They come back and ask,  
25      and the Board looks at it and says good, or not what

1 we intended, and maybe the zoning was changed.

2 So let them tell us the parameters, be  
3 a little bit flexible, but don't try to rethink  
4 their whole business model. That is not what is  
5 before us.

6 VICE CHAIR BRANCIFORTE: If they said  
7 they don't need machines and stuff, then they don't  
8 need machines. Got you.

9 (Witness and counsel confer)

10 CHAIRMAN AIBEL: Do you have a  
11 proposal?

12 (Counsel confers)

13 MR. MATULE: What the applicant is  
14 telling me is there is an outside potential, if he  
15 has group classes and private things going on at the  
16 same time, it could be 40 or 45 people, you know,  
17 potentially --

18 COMMISSIONER MURPHY: It's a pretty big  
19 space.

20 MR. MATULE: -- so if you want to put a  
21 parameter on it, I would request not more than 45  
22 people, 45 customers.

23 COMMISSIONER MARSH: 45 is fine, but  
24 may I just point out that there are plenty of big  
25 commercial gyms in Hoboken, and I don't think very

1 many people are driving to them. It is easier to  
2 drive some place else. It's just not --

3 MS. BANYRA: The thing is it is a use  
4 variance, Carol --

5 COMMISSIONER MARSH: Yeah.

6 MS. BANYRA: -- the applicant is not  
7 testifying to that.

8 John raised a question --

9 COMMISSIONER MARSH: Yeah.

10 MS. BANYRA: -- let it be.

11 If it's reasonable, they come back,  
12 they ask, good-bye. That's it. No big deal.

13 COMMISSIONER MARSH: I was just adding  
14 to the I'm fine with the 45 because --

15 MS. BANYRA: I don't think it's a big  
16 deal.

17 COMMISSIONER MARSH: -- because I don't  
18 think it's a big deal.

19 MS. BANYRA: It is a giant space.

20 MR. GALVIN: The other thing --

21 COMMISSIONER MURPHY: Very large space.

22 MR. GALVIN: -- too, if we screw up and  
23 we make it too tight, they can come back and ask us  
24 for a modification of it.

25 And it's going to become something like

1 Fly Wheel, then there will be a new application.

2 That's what I'm saying.

3 I'm trying to like, if somebody is  
4 going to come in with that kind of operation, they  
5 should come back because there might be a  
6 possibility. That is a unique gym that might have  
7 people directly come --

8 COMMISSIONER MARSH: I mean, I could  
9 play even more of a devil's advocate here, and that  
10 is I could sort of see this argument if it's a  
11 climbing gym, because there aren't that many  
12 climbing gyms around. But you could fit a climbing  
13 gym in this space and have less than 45 people, and  
14 you know, and that kind of uniqueness might make  
15 people drive.

16 Anyway, I'm fine. I don't care. If  
17 you're happy, I'm happy.

18 MR. MATULE: Okay.

19 VICE CHAIR BRANCIFORTE: What is the  
20 story with parking?

21 I know the planner will address this,  
22 but I'll ask you, Eileen. What is the story with,  
23 parking and gyms anyway?

24 How many square --

25 MS. BANYRA: They are required to meet

1 the industrial standard. You are in an industrial  
2 zone, so you are required to meet the industrial  
3 standard, so -- as Dan and I were just talking about  
4 that.

5 So is that realistic for a gym?

6 Probably not. If a gym were in a  
7 retail zone, it would be like one for every 250  
8 square feet, you know, typical -- I'm just going to  
9 throw that out.

10 In this, it is only one for every  
11 thousand, you know, so there is eight spaces  
12 required.

13 Does that make sense for a gym, if  
14 people are driving?

15 Probably not. However, the standard is  
16 what the standard is for this zone.

17 If you are approving a use variance,  
18 that C variance is somewhat subsumed into it. It  
19 certainly can be used to evaluate, you know, whether  
20 or not you grant the use. But the variance, they  
21 have a variance for eight spaces in this one, so...

22 CHAIRMAN AIBEL: Could you read what  
23 you have --

24 MR. MATULE: To that end, 196-44,  
25 where they list parking and different things, they

1 list for under commercial and/or recreation, gyms  
2 and health clubs, one space per 1,000 square feet --

3 MS. BANYRA: Okay. So then --

4 MR. MATULE: -- so that's the same  
5 standard we are applying here.

6 MS. BANYRA: -- okay.

7 CHAIRMAN AIBEL: Okay.

8 MR. GALVIN: So what I have at this  
9 point is: The use of this facility is limited to  
10 personal fitness for no more than 20 individuals in  
11 a class at a time, and no more than 45 individuals  
12 using the facility at any time, and there will be no  
13 weight machines or aerobic equipment.

14 MR. MATULE: I am just trying to work  
15 through the 20 and 45 thing. I don't know whether  
16 that is a conflict or a confrontation in terms.

17 COMMISSIONER MURPHY: Well, it is a  
18 very large space, so like you could have two classes  
19 of 20 and one for people special training.

20 MR. MATULE: Well, I guess all I am  
21 suggesting is if we put an outside limit of 45  
22 people, no matter what the mix is --

23 COMMISSIONER DE GRIM: Oh, yeah.

24 COMMISSIONER MURPHY: Yeah.

25 COMMISSIONER DE GRIM: Right, because

1 we started with 20 and went up to 45, so --

2 COMMISSIONER MURPHY: I got you. I got  
3 you. I got you.

4 COMMISSIONER DE GRIM: -- we should  
5 just throw out the 20 --

6 MR. GALVIN: I can do that.

7 Okay. For no more than --

8 COMMISSIONER MURPHY: 45.

9 MR. GALVIN: -- no more than 45  
10 individuals using the facility at any time.

11 MR. MATULE: Right.

12 MR. GALVIN: And there will be no  
13 weight machines or aerobic equipment.

14 What I am shooting for there is the Fly  
15 Wheel type of thing, like it's a different  
16 operation. I think it should be examined by the  
17 Board, you know.

18 (Counsel confers)

19 COMMISSIONER DE GRIM: Rowing machine?

20 MR. GALVIN: Yeah, it's hard to --

21 (Board members confer)

22 COMMISSIONER DE GRIM: Let him have  
23 aerobic equipment, but no --

24 MR. GALVIN: I will just leave it no  
25 weight machines --

1 COMMISSIONER DE GRIM: Correct.

2 MR. GALVIN: -- but it's not intended  
3 to be used for -- but it's not intended -- I don't  
4 care. It doesn't matter. If it doesn't matter to  
5 you guys, it doesn't matter to me.

6 COMMISSIONER DE GRIM: Right.

7 MR. GALVIN: I don't care.

8 I am just trying to figure out where we  
9 would want to direct them back, but -- it's -- you  
10 guys can come back --

11 CHAIRMAN AIBEL: Can we move forward?

12 MR. GALVIN: Yes.

13 CHAIRMAN AIBEL: Are we still  
14 questioning?

15 MR. MATULE: Any more questions of the  
16 applicant?

17 MS. BANYRA: No.

18 CHAIRMAN AIBEL: Do you have a -- can  
19 you tell us the term of your lease?

20 THE WITNESS: We have a ten-year lease  
21 with two five-year options.

22 CHAIRMAN AIBEL: Great. Thanks.

23 MR. MATULE: Okay.

24 MR. GALVIN: Good.

25 MR. MATULE: Mr. Ochab?

1 MR. GALVIN: Raise your right hand.

2 Do you swear or affirm the testimony  
3 you are about to give in this matter is the truth,  
4 the whole truth, and nothing but the truth?

5 MR. OCHAB: I do, yes.

6 K E N N E T H O C H A B, having been duly sworn,  
7 testified as follows:

8 MR. GALVIN: All right. State your  
9 full name for the record.

10 THE WITNESS: Ken Ochab, O-c-h-a-b.

11 MR. GALVIN: Mr. Chairman, do we accept  
12 Mr. Ochab's credentials?

13 CHAIRMAN AIBEL: Yes, yes.

14 MR. MATULE: All right.

15 Mr. Ochab, as usual, you are familiar  
16 with the master plan and the zoning ordinance?

17 THE WITNESS: Yes.

18 MR. MATULE: And you are familiar with  
19 the proposed project?

20 THE WITNESS: I am.

21 MR. MATULE: And you submitted a  
22 planer's report, dated December 10, 2016, in support  
23 of the requested variance relief?

24 THE WITNESS: I did, yes.

25 MR. MATULE: Would you give the Board

1 the benefit of your professional opinion regarding  
2 the requested variances?

3 THE WITNESS: So we are in the I-1  
4 Zone, which allows a number of uses, manufacturing,  
5 assembly, office, utilities, telecommunications, but  
6 not gyms or fitness centers anyway.

7 So because of that, we require a D-1 or  
8 a use variance, and so the use variance criteria is  
9 in this case governed by the Medici case, which  
10 essentially requires a discussion of particular  
11 suitability of the site, as well as conformance with  
12 the -- consistency with the master plan and also the  
13 negative criteria.

14 So with respect to the particular  
15 suitability of the site argument, my view is that  
16 this is an ideal location for this type of use. It  
17 is in the industrial zone, but it is on the main  
18 road, which is Willow, and because of that has  
19 exposure. It is an adaptive reuse of both  
20 industrial space. So from that context it serves as  
21 meeting the master plan's criteria with respect to  
22 usability of spaces, particularly industrial spaces.

23 The use essentially is a neighborhood  
24 use, so the fact that it is on Willow has again  
25 accessibility, parking on Willow. There is a

1 parking garage a block away on Park and 15th, so  
2 there is parking available, but I don't really think  
3 that that is the issue here.

4 And, again, it is adaptive reuse of a  
5 space that's currently vacant, and there is  
6 essentially no residential use in the immediate  
7 proximity of the site.

8 So with respect to what we normally  
9 talk about in terms of this type of use, where we  
10 might have residential buildings surrounding the  
11 property, there isn't any here. The closest one is  
12 on Clinton, which is the next block over and then  
13 down about five or 600 feet, so there is no impact  
14 with respect to how it might affect any residential  
15 neighborhoods.

16 So I think all of that considered, you  
17 know, this site is particularly suitable. The space  
18 is particularly suitable.

19 The master plan certainly speaks about  
20 the evolution of the industrial zone and really  
21 calls for more activity or more uses like this,  
22 which are sort of a hybrid between commercial and  
23 industrial, i.e., it needs that kind of floor space  
24 in order to exist.

25 So I think that with all things

1 considered, you know, this would be very much  
2 consistent with the master plan objectives in terms  
3 of use and in terms of its open space goals and  
4 objectives as well.

5 From the negative criteria, again, this  
6 use is in a commercial building. There is no  
7 residential use around it. I don't believe there  
8 would be any substantial impact if the Board were to  
9 approve the use at this location.

10 With respect to the second prong of the  
11 negative criteria in terms of any impact or  
12 impairment to the zone plan here, again, the use is  
13 not called out in the I-1 Zone, but it is an ideal  
14 use and requires this type of space and it is the  
15 proper location.

16 So maybe some day the I-Zones will be  
17 reconfigured and commercial recreation will be one  
18 of the uses that will be permitted, but for now,  
19 that's not the case. Nevertheless, I don't think  
20 that any impact here rises to the level that this  
21 would be or create a substantial impairment to the  
22 zone plan.

23 I will just add that in my -- in my  
24 activity in the surrounding area, I have done lots  
25 of health clubs, gyms, what have you.

1                   In Edgewater and north into Bergen  
2 County, and trust me, when I say that no one who  
3 lives in Bergen County will ever drive to Hoboken  
4 ever - because I drive to Hoboken at least three  
5 times a week - will ever drive to Hoboken to go to a  
6 gym --

7                   (Laughter)

8                   -- because when you do a project in  
9 Bergen County, there are 700 parking spaces required  
10 because there is no transit, and there is no  
11 immediate neighborhood, where people can walk.

12                   So you may get one or two people from  
13 Weehawken, but you are not going to get this throng  
14 of drivers into Hoboken to go, unfortunately, you  
15 know, to go to this particular gym, and that is my  
16 experience.

17                   So thank you, Mr. Chairman.

18                   I will answer your questions.

19                   CHAIRMAN AIBEL: Thank you, Mr. Ochab.

20                   CHAIRMAN AIBEL: Questions for Mr.  
21 Ochab?

22                   COMMISSIONER JOHNSON: So this area,  
23 there is actually a working conveyor belt there,  
24 right?

25                   So I mean, I actually don't have an

1 issue with a business, but assuming that there was  
2 another business that, you know, probably needed a  
3 conveyor belt, this would sort of be taking away,  
4 you know, something I think that is unique to  
5 Hoboken.

6 Do you have any figure or any idea of  
7 how many other conveyor belts there might be around  
8 the city?

9 THE WITNESS: I do not. Maybe Frank  
10 does.

11 MR. MINERVINI: I would just say that  
12 we are not proposing to take away the conveyor belt.  
13 It's staying. Its structure is staying, and it is  
14 enclosed, and that's remaining.

15 So if this use changes in ten years and  
16 goes back to industrial, that will still be there.

17 COMMISSIONER JOHNSON: I mean, I know  
18 it is not being moved, but I'm just saying for ten  
19 years, let's say there was another business that may  
20 be better suited, you know, for that particular  
21 space, and it would not have the access to the  
22 space --

23 MR. MINERVINI: I guess, but I should  
24 also say that the previous use did not make use of  
25 the conveyor belt. It was used years ago, wherever

1       that may have been, the company that made wedding  
2       dresses didn't use the conveyor belt.

3               MR. GALVIN:  You know, the other thing,  
4       too, that we didn't really get in the testimony  
5       here, sometimes you get a lot of testimony how this  
6       space can't be used for the purposes that it was  
7       zoned, that they tried to rent, and they can't rent  
8       it.  We are not really hearing that.

9               MR. MATULE:  No, and I don't think that  
10       is our argument.

11               I think this is more of a question of  
12       our zoning ordinance is 40, almost 50 years old, and  
13       you know, health clubs and gyms and personal fitness  
14       studios were not called out back then, so, you  
15       know --

16               MR. GALVIN:  That is something the  
17       Medici court says.  The Medici court says:  Is it a  
18       use that the governing body, had it known about it,  
19       would have included it in the zone.

20               Maybe.

21               MR. MATULE:  And I think by this  
22       Board's own experience, we have the rock climbing  
23       thing that was just recently approved right around  
24       the corner, you know, there's obviously, and I think  
25       Ms. Banyra alluded to it also in her report, that

1 the master plan does talk about the need for more  
2 types of recreational outlets for the residents, and  
3 this is providing it.

4 CHAIRMAN AIBEL: For me, the  
5 distinction is this is a reuse of a commercial  
6 industrial property. It was not a knockdown and --

7 MR. MATULE: Sure.

8 CHAIRMAN AIBEL: -- a new use for the  
9 property, so I'm --

10 MR. MATULE: I am loath to say adaptive  
11 reuse.

12 (Laughter)

13 COMMISSIONER MURPHY: Be careful.

14 CHAIRMAN AIBEL: As long as you leave  
15 the --

16 MR. MATULE: Anyway, there you have it.  
17 I mean, it is a pretty innocuous use. The applicant  
18 is a resident who is operating a business in town  
19 now. I think it would be a benefit to the community  
20 and have literally no negative impact.

21 CHAIRMAN AIBEL: So just for the  
22 record, we are open to the public for questions for  
23 Mr. Ochab.

24 Seeing none, we are closing it.

25 COMMISSIONER MURPHY: Aye.

1 CHAIRMAN AIBEL: Thank you.

2 MR. MATULE: You have my comments.

3 CHAIRMAN AIBEL: Mr. Matule has just  
4 made comments. We had a public comment opportunity,  
5 and now I think we are ready for deliberations.

6 VICE CHAIR BRANCIFORTE: If you want to  
7 double check, there's two people.

8 MR. GALVIN: These people in the back,  
9 are they with the bride?

10 COMMISSIONER MURPHY: Do they want to  
11 say something?

12 CHAIRMAN AIBEL: My apologies.

13 MR. MATULE: They are local residents,  
14 perhaps people who go to the gym.

15 MR. GALVIN: Do you guys want to be  
16 heard?

17 UNIDENTIFIED VOICE: No.

18 MR. MATULE: I don't think it is  
19 necessary. It's my backup team.

20 CHAIRMAN AIBEL: So we're ready for  
21 deliberations, Board members.

22 MR. GALVIN: Thank you for coming.

23 (Laughter)

24 VICE CHAIR BRANCIFORTE: Oh, obviously,  
25 I really don't have much of a problem with this.

1                   Actually the only problem I had with  
2                   this application was actually Eileen's  
3                   interpretation of recreational uses and what the  
4                   master plan calls for.

5                   I think when the master plan talks  
6                   about parks, recreation use and something else that  
7                   was in there, I think they mean like basketball  
8                   courts and tennis courts. Private gyms, it is  
9                   not -- I don't think that falls into that category  
10                  of recreation as the master plan calls for, but  
11                  certainly I have no problem with it.

12                  That's all I have to say.

13                  COMMISSIONER MURPHY: I am fine.

14                  CHAIRMAN AIBEL: The only comment I  
15                  would make just as an observation, we continue to  
16                  grant uses and variances for parking along with  
17                  those uses. So, you know, for eight spots here is  
18                  perhaps not a negative impact, but we have to keep  
19                  an eye on what we are doing up in that area in terms  
20                  of granting parking variances in large quantities  
21                  and then usurp the authority of the City Council to  
22                  determine what would be appropriate for the new uses  
23                  in terms of parking requirements.

24                  Ready for a motion.

25                  VICE CHAIR BRANCIFORTE: Well, we



1 We sort of kicked it around for years and years, and  
2 nobody has ever done anything about it, and it could  
3 be -- right now it is a gym with eight spots --  
4 eight spots we're missing --

5 COMMISSIONER DE GRIM: Yeah.

6 COMMISSIONER WEAVER: -- tomorrow it  
7 could be a bar, where 20 spots are missing.

8 MS. BANYRA: It would be back before  
9 this Board.

10 COMMISSIONER WEAVER: No. I mean, I  
11 mean, that's what I am saying.

12 But still regardless of eight or 20,  
13 there is no mechanism for us to be able to -- other  
14 than saying, you need to buy vouchers. You know, if  
15 you are within, you know, if you're close to a  
16 public parking spot, you know, you have to buy  
17 vouchers, but we don't have any of that here.

18 COMMISSIONER COHEN: I was going to  
19 pick up on the last point.

20 We have required businesses to  
21 participate in the parking programs and to have  
22 vouchers for their customers. We have done that  
23 before. There are ways to do it.

24 But I think, I mean, this is all  
25 interesting background, but I mean, I don't think

1       anybody is suggesting that this applicant should be  
2       penalized for not having parking.

3                   I think this is an appropriate use for  
4       this applicant, and you know, I think it's fine to  
5       make recommendations for future --

6                   COMMISSIONER WEAVER: That's what I'm  
7       doing. I'm not saying they should be penalized --

8                   COMMISSIONER COHEN: -- right. I  
9       understand that, but I just want to make that clear  
10      for the record, that I don't think anybody is here.

11                   I think we all agree this is an  
12      appropriate variance to grant for the recreational  
13      use -- recreational commercial use.

14                   CHAIRMAN AIBEL: Okay. I think we are  
15      ready for a motion.

16                   VICE CHAIR BRANCIFORTE: Conditions.

17                   CHAIRMAN AIBEL: Oh, thank you.

18                   MR. GALVIN: One: The applicant is to  
19      place a bicycle rack and two street trees at the  
20      front of the building, providing the applicant can  
21      obtain approval from the appropriate governmental  
22      entities, including the City Council and/or the  
23      Hudson County Planning Board.

24                   Two --

25                   MS. BANYRA: Dennis, can I just make

1           that a minimum of, because the county might require  
2           more. Just "minimum of."

3                         MR. GALVIN: Two: The use of this  
4           facility is limited to personal fitness for no more  
5           than 45 individuals using the facility at any time,  
6           and there will be no weight machines.

7                         The Board intends that future users of  
8           this space will operate in the same manner as  
9           described to the Board at the time of the hearing  
10          and have crafted this limitation to reflect that  
11          objective.

12                        COMMISSIONER MARSH: May I ask a  
13          question?

14                        MR. MATULE: Did you say no  
15          weightlifting?

16                        MR. GALVIN: No weight machines.

17                        MR. MATULE: Oh, okay. I just wanted  
18          to make sure I heard it right.

19                        COMMISSIONER MARSH: Can I ask a  
20          question?

21                        MR. GALVIN: And, again, the goal of  
22          that isn't that he isn't going to have any kind of  
23          any little equipment. It is that it's not going to  
24          become like, to use Retro Fitness as the victim  
25          here, it is not going to be a whole series of

1 equipment.

2 CHAIRMAN AIBEL: Okay. Ms. Marsh?

3 COMMISSIONER MARSH: Didn't the  
4 applicant say he was going to put some sort of  
5 sound --

6 COMMISSIONER DE GRIM: There's  
7 cushioning down -- yeah --

8 VICE CHAIR BRANCIFORTE: Mats.

9 COMMISSIONER MARSH: Right. Can we  
10 require that? That's a place that's another --

11 MR. MATULE: It's okay if you want to  
12 put it in. He's going to do it anyway, so...

13 MS. BANYRA: Yes.

14 COMMISSIONER MARSH: Right. But it  
15 runs with the use -- if the use variance runs with  
16 the building, and he is going to do it anyway, then  
17 another gym that came along and wanted to drop  
18 weights on the heads of people shopping in  
19 Battaglia's --

20 MR. MATULE: Mr. Minervini is saying  
21 there is going to be one-inch rubber padding for the  
22 entire floor --

23 MR. MINERVINI: Yes.

24 MR. MATULE: -- other than the aisles.

25 MR. MINERVINI: In the areas that



1 aisles.

2 COMMISSIONER COHEN: You mean a portion  
3 of the facility, not the exercise facility --

4 COMMISSIONER MURPHY: In the exercise  
5 facility when they exercise --

6 (All Commissioners talking at once.)

7 COMMISSIONER DE GRIM: Right, in the  
8 exercise area.

9 MR. GALVIN: Wherever exercise occurs.

10 COMMISSIONER DE GRIM: Right.

11 COMMISSIONER JOHNSON: Okay. I have a  
12 question.

13 So the 45, those should be customers.  
14 It doesn't include the actual stuff that will be  
15 there as well?

16 MR. MATULE: No.

17 MR. GALVIN: Yeah. That is what I was  
18 thinking. They have an 80 person limit in the  
19 facility, so they could have --

20 MS. BANYRA: Clients.

21 COMMISSIONER DE GRIM: Yeah, they could  
22 have staff.

23 MR. GALVIN: -- we'll say instead of  
24 "individuals," we'll say "45 clients."

25 Is that better?

1 MS. BANYRA: Yeah.

2 COMMISSIONER DE GRIM: Yeah.

3 COMMISSIONER MARSH: Yes.

4 MR. GALVIN: I'm good.

5 Anybody like to make a motion?

6 CHAIRMAN AIBEL: Anybody else?

7 Okay. We're ready to go.

8 COMMISSIONER COHEN: Motion to approve  
9 with the conditions listed.

10 COMMISSIONER MC BRIDE: Second.

11 CHAIRMAN AIBEL: Commissioner  
12 Branciforte?

13 VICE CHAIR BRANCIFORTE: Yes.

14 MS. CARCONE: Commissioner Cohen?

15 COMMISSIONER COHEN: Yes.

16 MS. CARCONE: Commissioner Marsh?

17 COMMISSIONER MARSH: Yes.

18 MS. CARCONE: Commissioner Murphy?

19 COMMISSIONER MURPHY: Yes.

20 MS. CARCONE: Commissioner Weaver?

21 COMMISSIONER WEAVER: Aye.

22 MS. CARCONE: Commissioner McBride?

23 COMMISSIONER MC BRIDE: Yes.

24 MS. CARCONE: Commissioner Aibel?

25 CHAIRMAN AIBEL: Yes.

1 MR. MATULE: Thank you.

2 CHAIRMAN AIBEL: Thank you, everybody.

3 Okay.

4 MR. GALVIN: Even when they're easy.

5 (Laughter)

6 (Board members talking at once)

7 CHAIRMAN AIBEL: Do we have any other  
8 business, Board members?

9 Any other business?

10 VICE CHAIR BRANCIFORTE: Motion to  
11 close.

12 MS. CARCONE: Babbio here next Tuesday.

13 COMMISSIONER WEAVER: I will not be  
14 able to attend.

15 MS. CARCONE: Okay.

16 COMMISSIONER DE GRIM: And I have the  
17 transcript of it.

18 MS. CARCONE: Transcripts are in the  
19 packets.

20 VICE CHAIR BRANCIFORTE: Motion to  
21 close.

22 COMMISSIONER COHEN: Second.

23 MR. GALVIN: I want everyone to note  
24 for the record, that I didn't make any bad puns with  
25 the poultry facility.

1 (Everyone talking at once)

2 (The meeting concluded at 10:30 p.m.)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to 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.

s/Phyllis T. Lewis, CCR, CRCR

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 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300  
 Notary Public of the State of New Jersey  
 My commission expires 11/5/2020.  
 Dated: 4/21/16  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.