

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
SPECIAL MEETING OF THE HOBOKEN :
ZONING BOARD OF ADJUSTMENT : February 23, 2016
----- X Tuesday, 7:05 pm

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Acting Chairman John Branciforte
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- 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
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A P P E A R A N C E S:

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I N D E X

| | | |
|----|-----------------------|------|
| 1 | | |
| 2 | | |
| 3 | | PAGE |
| 4 | | |
| 5 | Board Business | 1 |
| 6 | | |
| 7 | RESOLUTIONS | |
| 8 | | |
| 9 | 100 Paterson Avenue | 5 |
| 10 | 302 Garden Street | 6 |
| 11 | | |
| 12 | BOARD APPOINTMENTS | 8 |
| 13 | | |
| 14 | HEARINGS: | |
| 15 | | |
| 16 | 50 Harrison (Carried) | 18 |
| 17 | | |
| 18 | 339-341 Garden Street | 21 |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |

1 ACTING CHAIRMAN BRANCIFORTE: Good
2 evening, everyone.

3 You are at a Special Meeting of the
4 Hoboken Zoning Board of Adjustment. It is February
5 23rd at 7:10.

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

14 Let's all rise and salute the flag.

15 (Pledge of Allegiance recited)

16 ACTING CHAIRMAN BRANCIFORTE: We are
17 going to start with the resolutions.

18 MS. CARCONE: Roll call.

19 MR. GALVIN: Roll call.

20 ACTING CHAIRMAN BRANCIFORTE: Oh, roll
21 call. I'm sorry. Roll call.

22 MS. CARCONE: Commissioner Aibel is
23 absent.

24 Commissioner Branciforte?

25 ACTING CHAIRMAN BRANCIFORTE: Here.

1 MS. CARCONE: Commissioner Cohen?

2 COMMISSIONER COHEN: Here.

3 MS. CARCONE: Commissioner Grana?

4 COMMISSIONER GRANA: Here.

5 MS. CARCONE: Commissioner Marsh is

6 absent.

7 Commissioner Murphy?

8 COMMISSIONER MURPHY: Here.

9 MS. CARCONE: Commissioner McAnuff?

10 COMMISSIONER MC ANUFF: Here.

11 MS. CARCONE: Commissioner Weaver?

12 COMMISSIONER WEAVER: Here.

13 MS. CARCONE: Commissioner McBride?

14 COMMISSIONER MC BRIDE: Here.

15 MS. CARCONE: Commissioner Johnson?

16 COMMISSIONER JOHNSON: Here.

17 MS. CARCONE: Commissioner DeGrim?

18 COMMISSIONER DE GRIM: Here.

19 ACTING CHAIRMAN BRANCIFORTE: Thanks.

20 We'll start with the resolutions,

21 Dennis.

22 MR. GALVIN: Resolution of approval for

23 100 Paterson Realty, 100 Paterson Avenue.

24 Those voting in favor were Mr. Cohen,

25 Ms. Murphy, Mr. McAnuff, and everybody else is

1 either not here or was opposed.

2 Do I have a motion?

3 COMMISSIONER COHEN: Motion.

4 MR. GALVIN: Do I have a second?

5 COMMISSIONER MC ANUFF: Second.

6 MR. GALVIN: All right. Mr. Cohen?

7 COMMISSIONER COHEN: Yes.

8 MR. GALVIN: Ms. Murphy?

9 COMMISSIONER MURPHY: Yes.

10 MR. GALVIN: Mr. McAnuff?

11 COMMISSIONER MC ANUFF: Yes.

12 MR. GALVIN: That is passed.

13 The next item is 302 Garden Street.

14 That is a resolution of denial. Those voting in
15 favor of denial are Mr. Branciforte, Mr. Cohen, Mr.
16 Grana, Ms. Murphy, Mr. McAnuff, Mr. Weaver and our
17 Chairman who is not here.

18 Do I have a motion?

19 COMMISSIONER GRANA: Motion to deny 302
20 Garden.

21 COMMISSIONER MC ANUFF: Second.

22 MR. GALVIN: Thank you.

23 Mr. Branciforte?

24 ACTING CHAIRMAN BRANCIFORTE: Yes.

25 MR. GALVIN: Mr. Cohen?

1 COMMISSIONER COHEN: Yes.

2 MR. GALVIN: Ms. Murphy?

3 COMMISSIONER MURPHY: Yes.

4 MS. CARCONE: Mr. McAnuff?

5 COMMISSIONER MC ANUFF: Yes.

6 MS. CARCONE: Mr. Weaver?

7 COMMISSIONER WEAVER: Yes.

8 MR. GALVIN: Thank you.

9 (Board members confer)

10 ACTING CHAIRMAN BRANCIFORTE: Board
11 business: The annual report of zoning variances, I
12 am going to ask that we put it off for another
13 meeting for different reasons.

14 If there is no objection, there may be
15 a discussion to putting it off until next month.
16 Any problem?

17 COMMISSIONER COHEN: I think it makes
18 sense for Jim to be here for it.

19 ACTING CHAIRMAN BRANCIFORTE: That's
20 what I was thinking, too.

21 COMMISSIONER MURPHY: That is what I
22 was thinking.

23 ACTING CHAIRMAN BRANCIFORTE: Do we
24 need a motion on that or anything?

25 MR. GALVIN: No. It is on the agenda.

1 Is everybody in favor of carrying
2 that?

3 (All Board members answered in the
4 affirmative)

5 MR. GALVIN: Anyone opposed?

6 (No response)

7 All right. That's fine.

8 ACTING CHAIRMAN BRANCIFORTE: Review of
9 appointments/requests for qualifications. We have
10 three professionals up, the Board Attorney, the
11 Board Planner and the Board Engineer.

12 How do you want to handle the
13 professionals' discussion?

14 Do you ask the professionals to leave
15 as we discuss it, or should we just move forward
16 with it?

17 MR. GALVIN: Are we going to discuss it
18 in public, or do you think you could move into
19 executive session?

20 I mean, if you are doing a report of we
21 investigated and we met with the following people,
22 but if you feel that there is something that you
23 need to have that is --

24 COMMISSIONER MURPHY: Can we do it at
25 the end?

1 ACTING CHAIRMAN BRANCIFORTE: No.

2 Let's do it at the beginning.

3 You're okay with doing it right now in
4 the public, and I'm just speaking for the engineer
5 now --

6 COMMISSIONER MC ANUFF: Are we going to
7 vote for --

8 ACTING CHAIRMAN BRANCIFORTE: Yeah. We
9 will discuss it and vote on it.

10 I don't know if we should do it --

11 MR. GALVIN: I mean, if you are going
12 to say anything critical of any of the three
13 professionals, then you need to move into executive
14 session, and a point of fact, even if you are going
15 to do that, if we were going to criticize them in
16 some way in private, then we need to have a Rice
17 notice. I'd have to give it some evaluation.

18 COMMISSIONER WEAVER: In public, if
19 you're going to do it in public you need a Rice
20 notice.

21 MR. GALVIN: Even if you were going to
22 take -- let's use me -- if you were going to
23 criticize something I am doing, you would probably
24 have to give me notice and an opportunity to be
25 heard.

1 With the appointment itself, you can
2 just discuss the appointments in executive session.

3 So I am in the gray area. I don't know
4 where you want to go with this.

5 COMMISSIONER GRANA: Last year we did
6 this in executive session for a point of reference.

7 MR. GALVIN: Would you like to do that
8 again?

9 I can do that again.

10 COMMISSIONER GRANA: I think it is
11 appropriate.

12 ACTING CHAIRMAN BRANCIFORTE: Yes,
13 let's do it again. Yeah, that is fine then.

14 MR. GALVIN: Okay.

15 Can I ask a question, does that include
16 me?

17 ACTING CHAIRMAN BRANCIFORTE: We can
18 discuss the planner and the engineer first, so maybe
19 you can stay on.

20 Is that all right with everyone?

21 Phil, are you okay with that?

22 COMMISSIONER COHEN: Sure.

23 COMMISSIONER MURPHY: Yeah.

24 ACTING CHAIRMAN BRANCIFORTE: So we
25 will ask the engineer and the planner to step out

1 and then discuss that, and then we will come back
2 and vote on it, and then we will ask you to do the
3 same.

4 MR. GALVIN: Sure.

5 COMMISSIONER MC ANUFF: Is the public
6 still hearing --

7 COMMISSIONER COHEN: We have to ask the
8 public to leave, too.

9 ACTING CHAIRMAN BRANCIFORTE: No, the
10 public should step out.

11 ACTING CHAIRMAN BRANCIFORTE: We will
12 try to keep it --

13 MR. GALVIN: "WHEREAS: NJSA 10:4-12 of
14 the Open Public Meetings Act permits the exclusion
15 of the public from a meeting in certain
16 circumstances set forth in paragraph (b); and

17 "WHEREAS, this public body is of the
18 opinion that such circumstances presently exist.

19 "NOW, THEREFORE BE IT RESOLVED by the
20 Zoning Board of Adjustment of the City of Hoboken,
21 County of Hudson, State of New Jersey, as follows:

22 "1. The public shall be excluded from
23 the Board's discussions of the hereinafter specified
24 matters.

25 "2. The general nature of the subject

1 matter to be discussed: Matters involving
2 employment, termination, appointment or related
3 employment matters regarding all of the Board's
4 professional staff for the year 2016, and it is
5 anticipated at this time that the above matter will
6 be made public within 90 days. The resolution shall
7 take effect immediately."

8 Can you just sign it right here as the
9 Vice Chair?

10 (Document signed)

11 MR. GALVIN: I have to ask everybody to
12 leave the room.

13 Thank you.

14 (Public excused)

15 MR. GALVIN: We will go off the record.

16 (Discussion held off the record from
17 7:15 p.m. to 7:35 p.m.)

18 ACTING CHAIRMAN BRANCIFORTE: Phyllis,
19 we are back on the record.

20 Okay. So it is 25 of 8 and we are back
21 on the record.

22 How do we proceed here?

23 Do we have motions for the
24 professionals?

25 MR. GALVIN: Yes. Is there a motion to

1 hire the Board's Planner?

2 ACTING CHAIRMAN BRANCIFORTE: That
3 would be Maser, correct?

4 COMMISSIONER GRANA: It is.

5 ACTING CHAIRMAN BRANCIFORTE: Okay.
6 Motion?

7 COMMISSIONER GRANA: Motion to retain
8 Maser for 2016 as the Board's Professional Planner.

9 MR. GALVIN: Is there a second?

10 MS. CARCONE: Well, is that worded
11 correctly because --

12 MR. GALVIN: Well, you want to say
13 Eileen Banyra of Maser?

14 COMMISSIONER GRANA: Eileen Banyra of
15 Maser. Amended to Eileen Banyra of Maser.

16 MR. GALVIN: Right.

17 Is there a second?

18 COMMISSIONER WEAVER: Second.

19 MR. GALVIN: All right. Roll call.

20 MS. CARCONE: Commissioner Cohen?

21 COMMISSIONER COHEN: Yes.

22 MS. CARCONE: Commissioner Grana?

23 COMMISSIONER GRANA: Yes.

24 MS. CARCONE: Commissioner Murphy?

25 COMMISSIONER MURPHY: Yes.

1 MS. CARCONE: Commissioner McAnuff?
2 COMMISSIONER MC ANUFF: Yes.
3 MS. CARCONE: Commissioner Weaver?
4 COMMISSIONER WEAVER: Yes.
5 MS. CARCONE: Commissioner McBride?
6 COMMISSIONER MC BRIDE: Yes.
7 MS. CARCONE: And Commissioner
8 Branciforte?
9 ACTING CHAIRMAN BRANCIFORTE: Yes.
10 MS. BANYRA: Thank you.
11 MR. GALVIN: Is there a motion now for
12 the engineer?
13 COMMISSIONER MC ANUFF: Make it.
14 COMMISSIONER GRANA: I thought you did
15 that.
16 ACTING CHAIRMAN BRANCIFORTE: Oh, okay.
17 I will make a motion that we extend the contract to
18 H2M for the 2016 calendar year for engineering
19 services.
20 COMMISSIONER MC ANUFF: Second.
21 MS. CARCONE: Commissioner Cohen?
22 COMMISSIONER COHEN: Yes.
23 MS. CARCONE: Commissioner Grana?
24 COMMISSIONER GRANA: Yes.
25 MS. CARCONE: Commissioner Murphy?

1 COMMISSIONER MURPHY: Yes.

2 MS. CARCONE: Commissioner McAnuff?

3 COMMISSIONER MC ANUFF: Yes.

4 MS. CARCONE: Commissioner Weaver?

5 COMMISSIONER WEAVER: Yes.

6 MS. CARCONE: Commissioner McBride?

7 COMMISSIONER MC BRIDE: Yes.

8 MS. CARCONE: And Commissioner
9 Branciforte?

10 ACTING CHAIRMAN BRANCIFORTE: Thank
11 you, yes.

12 MR. GALVIN: Now you might want to
13 think about retaining an attorney.

14 (Laughter)

15 COMMISSIONER COHEN: I make a motion to
16 retain Dennis Galvin as Attorney to the Board.

17 COMMISSIONER GRANA: Second.

18 ACTING CHAIRMAN BRANCIFORTE: Roll
19 call?

20 MS. CARCONE: Commissioner Cohen?

21 COMMISSIONER COHEN: Yes.

22 MS. CARCONE: Commissioner Grana?

23 COMMISSIONER GRANA: Yes.

24 MS. CARCONE: Commissioner Murphy?

25 COMMISSIONER MURPHY: Yes.

1 MS. CARCONE: Commissioner McAnuff?

2 COMMISSIONER MC ANUFF: Yes.

3 MS. CARCONE: Commissioner Weaver?

4 COMMISSIONER WEAVER: Yes.

5 MS. CARCONE: Commissioner McBride?

6 COMMISSIONER MC BRIDE: Yes.

7 MS. CARCONE: And Commissioner

8 Branciforte?

9 ACTING CHAIRMAN BRANCIFORTE: Yes.

10 MR. GALVIN: Now, do you want me to
11 help you?

12 ACTING CHAIRMAN BRANCIFORTE: Yes.

13 MR. GALVIN: There was a discussion in
14 executive session, and this is directed at Eileen
15 that we want to have a report done on the recent
16 changes to the ordinance, the ones that were like a
17 year and a half old.

18 MS. BANYRA: I have that report done.

19 (Laughter)

20 MR. GALVIN: Calm down, Boss.

21 MS. BANYRA: Okay.

22 MR. GALVIN: So is there a motion and a
23 second to ask for that report, because that is the
24 proper way. It can't be asked by a single Board
25 member.

1 COMMISSIONER COHEN: I'll make a
2 motion --

3 COMMISSIONER GRANA: Second.

4 ACTING CHAIRMAN BRANCIFORTE: Go ahead,
5 Phil.

6 COMMISSIONER COHEN: -- motion for
7 Eileen Banyra to present the report to the full
8 Zoning Board on the recent changes by the City
9 Council to the zoning ordinance.

10 ACTING CHAIRMAN BRANCIFORTE: Do I have
11 a second?

12 COMMISSIONER GRANA: Second.

13 ACTING CHAIRMAN BRANCIFORTE: Roll
14 call, please.

15 MS. CARCONE: Commissioner Cohen?

16 COMMISSIONER COHEN: Yes.

17 MS. CARCONE: Commissioner Grana?

18 COMMISSIONER GRANA: Yes.

19 MS. CARCONE: Commissioner Murphy?

20 COMMISSIONER MURPHY: Yes.

21 MS. CARCONE: Commissioner McAnuff?

22 COMMISSIONER MC ANUFF: Yes.

23 MS. CARCONE: Commissioner Weaver?

24 COMMISSIONER WEAVER: Yes.

25 MS. CARCONE: Commissioner McBride?

1 COMMISSIONER MC BRIDE: Yes.

2 MS. CARCONE: And Commissioner
3 Branciforte?

4 ACTING CHAIRMAN BRANCIFORTE: Yes.

5 MS. BANYRA: Okay. And we are talking
6 about the June changes from 2015, correct?

7 COMMISSIONER MURPHY: Yes.

8 MS. BANYRA: Great.

9 ACTING CHAIRMAN BRANCIFORTE: Now
10 hearings.

11 MR. GALVIN: All right. So we have one
12 that has to be carried, right. Which one?

13 ACTING CHAIRMAN BRANCIFORTE: 50
14 Harrison needs to be carried.

15 Who is representing 50 Harrison?

16 MS. CARCONE: Mr. Matule.

17 ACTING CHAIRMAN BRANCIFORTE: Hi, Mr.
18 Matule.

19 MR. MATULE: Yes, I am.

20 Good evening, Mr. Branciforte, and
21 Board members.

22 Robert Matule, appearing on behalf of
23 the applicant.

24 This was scheduled to be heard tonight.
25 Unfortunately, Mr. Nastasi, the architect, is out of

1 town, and he couldn't get back. I believe he is in
2 Georgia, I am not sure. But anyway, I had contacted
3 the Board Secretary yesterday and asked if we could
4 carry it to the meeting of March 15th with no
5 further public notice, and that is our request.

6 MR. GALVIN: Is that okay, we can do
7 that?

8 ACTING CHAIRMAN BRANCIFORTE: This is
9 the first time we were going to hear it was tonight?

10 MS. CARCONE: Yes.

11 MR. MATULE: The first time.

12 ACTING CHAIRMAN BRANCIFORTE: Do I have
13 a motion to carry then?

14 COMMISSIONER MURPHY: Motion.

15 COMMISSIONER GRANA: What is the new
16 date?

17 MS. CARCONE: March 15th.

18 MR. GALVIN: And we are within time, we
19 don't need an extension of time.

20 MR. MATULE: I will agree to extend
21 the time in which the Board has to act through March
22 15th, just for the record.

23 MR. GALVIN: It makes me feel better.
24 Thank you.

25 ACTING CHAIRMAN BRANCIFORTE: So do we

1 have a motion to carry?

2 COMMISSIONER MURPHY: Motion to carry
3 50 Harrison to 3/15 without further notice.

4 COMMISSIONER MC BRIDE: Second.

5 ACTING CHAIRMAN BRANCIFORTE: Roll
6 call, please.

7 MS. CARCONE: Commissioner Cohen?

8 COMMISSIONER COHEN: Yes.

9 MS. CARCONE: Commissioner Grana?

10 COMMISSIONER GRANA: Yes.

11 MS. CARCONE: Commissioner Murphy?

12 COMMISSIONER MURPHY: Yes.

13 MS. CARCONE: Commissioner McAnuff?

14 COMMISSIONER MC ANUFF: Yes.

15 MS. CARCONE: Commissioner Weaver?

16 COMMISSIONER WEAVER: Yes.

17 MS. CARCONE: Commissioner McBride?

18 COMMISSIONER MC BRIDE: Yes.

19 MS. CARCONE: And Commissioner

20 Branciforte?

21 ACTING CHAIRMAN BRANCIFORTE: Yes.

22 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-15-35

- - - - - X
RE: 339-341 Garden Street : SPECIAL MEETING
APPLICANT: 341 Garden Corp. : February 23, 2016
Minor Site Plan & Variance Review : Tuesday 7:35 pm
C & D Variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Acting Chairman John Branciforte
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Owen McAnuff (recused)
- 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
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I N D E X

1

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3 WITNESS

PAGE

4

5 FRANK MINERVINI

26 & 154

6

7 THOMAS CHARTIER

82

8

9 EDWARD KOLLING

115

10

11 PETER SLIFIRSKI

181

12

13

14

E X H I B I T S

15

16 EXHIBIT NO.

DESCRIPTION

PAGE

17

18 A-1

Photo board

27

19

A-2

Photo board

27

20

A-3

Rendering

27

21

A-4

Sustainability Design

96

22

23

24

25

1 ACTING CHAIRMAN BRANCIFORTE: The next
2 hearing is 339-341 Garden Street. We have one Board
3 member recusing himself, Owen McAnuff.

4 The attorney is Mr. Matule. Are we
5 ready to go?

6 MR. MATULE: Yes.

7 Good evening, Mr. Chairman, Robert
8 Matule appearing on behalf of the applicant.

9 (Board members confer)

10 ACTING CHAIRMAN BRANCIFORTE: Go ahead.
11 Sorry.

12 MR. MATULE: Just by way of an
13 overview, this is an application regarding property
14 at 339-341 Garden Street.

15 It is two lots in the R-1 Zone. Mr.
16 Minervini will go into more details, but it is
17 approximately a 3200 square foot lot.

18 The applicant is seeking minor site
19 plan approval and variances to construct a new
20 four-family residential unit building that is five
21 stories tall, 50 feet, as opposed to the typical 40
22 story building that is permitted under the
23 ordinance.

24 The applicant has been before this
25 Board before. The principals, Red Bridge

1 Development, you may know they did the buildings on
2 Second and Park. They have done several LEED
3 certified buildings in the city, and you know, they
4 have had a pretty good track record with the Board.

5 I am going to be presenting testimony
6 of three witnesses tonight: Our architect, Frank
7 Minervini; our LEED consultant, Tom Chartier, and
8 Mr. Kolling, our planner.

9 I already submitted the jurisdictional
10 proofs to the Board Secretary, so if we can start
11 with Mr. Minervini.

12 MR. GALVIN: Sure.

13 MR. MINERVINI: I thought you were
14 starting with Tom.

15 (Counsel and Mr. Minervini confer)

16 ACTING CHAIRMAN BRANCIFORTE: So if we
17 have members of the public that have never been to a
18 Board meeting before, we are going to hear testimony
19 from the witnesses for the applicant, and then when
20 every witness is done testifying, we will open the
21 meeting to the public to ask questions, just
22 questions of the experts right now, and then at the
23 end of the meeting you will have a chance to
24 comment, make general comments on the application,
25 so --

1 MR. MATULE: Do you just have two
2 boards?

3 MR. MINERVINI: I have three boards.

4 MR. GALVIN: So, Bob, what did you do,
5 Omaha, so the past play went to the run?

6 (Laughter)

7 MR. MATULE: No, we are good.

8 MR. GALVIN: Frank, raise your right
9 hand

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

13 MR. MINERVINI: I do.

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

16 MR. GALVIN: You may proceed.

17 Do we accept Mr. Minervini's
18 credentials as an architect?

19 ACTING CHAIRMAN BRANCIFORTE: Yes, we
20 do. Thank you.

21 MR. MATULE: All right.

22 So before we proceed, Mr. Minervini is
23 going to have a couple of exhibits he is going to
24 refer to.

25 So what do you have, some photos there?

1 THE WITNESS: Yeah. We have two photo
2 boards.

3 MR. MATULE: So we are going to mark
4 this photo board A-1.

5 Just describe for the Board what it is.

6 (Exhibit A-1 marked)

7 THE WITNESS: So A-1 has a combination
8 of photographs taken from a drone above the site
9 yesterday, and these two were taken from an internet
10 site, Google Maps actually.

11 MR. MATULE: All right.

12 And then the other side we are going to
13 mark A-2, and again, just describe for the record
14 what that is.

15 (Exhibit A-2 marked)

16 THE WITNESS: A similar combination of
17 Google, as well as some photos taken by my office.

18 MR. MATULE: And they're recent photos?

19 THE WITNESS: Yes.

20 MR. MATULE: And then --

21 THE WITNESS: A-3 would be a rendering
22 prepared by us as well.

23 MR. MATULE: All right. We are going
24 to mark that A-3.

25 (Exhibit A-3 marked)

1 So when we get to those in your
2 testimony, just refer to the exhibit number for the
3 record.

4 THE WITNESS: Okay.

5 MR. MATULE: So if you would, describe
6 for the Board members and any members of the public
7 who may be here the existing site and the
8 surrounding area.

9 THE WITNESS: So 339-341 Garden Street
10 is a 32 foot wide lot by 100 feet in depth.
11 Currently on the site -- now I will go to A-2 --
12 currently on the site are two, two and a half, we
13 will call them three-story residential buildings,
14 wood frame, probably from the late 1800s. I am not
15 exactly sure.

16 They are not habited currently --
17 inhabited currently. They are at the front of the
18 site, so if you look down the street, there's a
19 corner property which is a commercial space, a
20 cupcake store, and our 32 feet, which consists of
21 two 16-foot buildings, and then a six-story building
22 directly to our south, and the remaining parts of
23 the street, which I'll get to in other drawings, is
24 a series of three, four, and two-stories as well as
25 a 70 foot tall school at corner of Third Street.

1 In the yard -- yards of our two
2 properties, and I will start with this photograph on
3 the top left, so here is Garden Street, here is
4 Fourth Street. Here you can see our two 16 foot
5 wide residential buildings.

6 The building to the south is completely
7 covered in terms of its open space, so this is all
8 concrete padding, and although the survey called
9 this back building a garage, I don't actually think
10 it was ever used as a garage. I can't figure out
11 how they would have gotten a car back there. It was
12 probably a shed or some building that was used for
13 whatever purposes back when it was initially built.

14 On the northern portion of our lot, the
15 16 foot swath to the north closer to the corner, we
16 can see -- actually this is a good photograph, so
17 this photograph was taken using the drone directly
18 about the site yesterday. Because of our time of
19 the year, there is a lot of shadow cast.

20 This building to our south casts a
21 large shadow, so as I just described, here is the
22 building, the back building on the 16 foot swath on
23 the south, the portion to the north, which is one
24 property off the corner goes back a bit deeper, and
25 when I get to the survey, I will give you the exact

1 dimensions, but in both cases they are inconsistent
2 conditions with what the ordinance wants.

3 So I'll get you further down the
4 street. As I started to mention, you have a
5 six-story building to our south directly, and that
6 extends about 87 feet and covers about 80 percent of
7 their lot, a four-story building, a four-story
8 building, a four-story building, three, three,
9 three, empty lot, which is used by the school.
10 However, that does have an approval for a 60 foot
11 tall annex to the school that was approved by this
12 Board probably a year ago or so, and I got that
13 drawing on our elevation sheet, and I will get to
14 that, and then the main school itself, so that
15 school is 70 feet in height.

16 Across the street, and we'll get to
17 this side now, across the street on the corner, we
18 got a small restaurant and then a series of three,
19 four, and five-story residential buildings as you go
20 down the street, and I'll show this.

21 Church Square Park is diagonally across,
22 so that is the site as it currently exists. We are
23 proposing to demolish the two wood frame residential
24 buildings and construct a five-story, four-unit
25 residential building.

1 So our building, and I guess now I will
2 start going through the drawing set, our building
3 would replace, of course, the existing structures.

4 At the front, our front will be at zero
5 lot line. That will be for floors one, two, three,
6 and four.

7 Our fifth floor we are proposing to set
8 back five feet, so if you look at Sheet Z-1 on the
9 bottom, I got, and this refers back to the context,
10 I got a street elevation. So the adjoining
11 buildings are drawn diagrammatically. The adjacent
12 buildings as well as further down the street are, of
13 course, drawn in more detail. We got that drawing.

14 So starting from Fourth Street, you got
15 a two-story commercial building, which is the
16 cupcake store currently and has a commercial space
17 above it I think for the same use.

18 Our five-story residential building
19 with the fifth floor set back five feet, we are
20 calling this a five-and-a-half-story residential
21 building. It is actually six residential floors,
22 and if we look at some of the photographs of the
23 side of that building, this one, for example, and I
24 can pass this around if anybody wants to look, there
25 are six rows of windows, so that lower floor, which

1 is partially subterranean, is for residential use.

2 A three-and-a-half-story, another
3 three-and-a-half story, and then two three-story
4 residential buildings to two and a half.

5 301 Garden Street, which is a school,
6 at four stories and 70 feet, this 25 foot swath --
7 it's actually a 28 foot swath that has approvals --
8 has received approvals from this Board for an annex
9 to the school, so that is going to be constructed.
10 We are in the bidding phase of this project right
11 now, because Minervini Vandermark were the
12 architects.

13 Now I will go through the drawings.

14 So Z-1 I already described the
15 buildings on our side of the street in terms of
16 their height and their uses.

17 So -- pardon me.

18 ACTING CHAIRMAN BRANCIFORTE: Can you
19 pass around the other picture board, too?

20 THE WITNESS: Yes.

21 So looking at Z-2 on our property
22 survey, it is a site plan based on the property
23 survey. Here is our two 16 foot wide existing
24 structures, which are to be demolished, so the main
25 structure on the southern side is this rectangle,

1 and we have this one-story addition. And as it
2 exists now, there is a one-story -- again, we are
3 calling it a garage. I don't think it was actually
4 ever used as a garage because, again, unless there
5 was an opening here at one time on the southern
6 portion of that lower floor of the facade, I don't
7 know how a car would have gotten back there.

8 But, nevertheless, there is a structure
9 here that is going to be razed, and the 16 foot wide
10 building to the north extends back a little further,
11 extends back just a bit short of 60 feet on its main
12 two-and-a-half-story section, and another 15 feet or
13 so to a one-story. This will all be demolished.

14 Important, and this drawing is a good
15 one to show, the adjacent building to our south, and
16 I am using the highlighter to show the edge of that
17 building, is a six-story residential building. It
18 is at zero lot line in the front, and it's at zero
19 lot line on the northern property line. It is set
20 back about four feet, so the majority of the
21 building -- and on this section there are windows,
22 so the windows are set back four feet from the
23 property line, and there are no windows on our
24 shared wall property line section.

25 Going over to the next drawing, Sheet

1 Z-2, this is our site plan, so we are proposing --
2 pardon me -- a main structure of the building to
3 cover 60 percent of the lot, so extend back 60 feet
4 from the property line, and this would be that
5 rectangle. That is four floors, one, two, three,
6 and four.

7 At the fifth floor, which is one of the
8 reasons we are here asking for that height variance,
9 at the fifth floor we are proposing to set that
10 front wall of that floor back five feet from the
11 property line. So the main structure of the
12 building covers 60 percent of the lot. The fifth
13 floor covers 55 percent of the lot.

14 The 6.9 percent that we are asking for
15 a variance for is accounted for by the proposed rear
16 egress stair slash open space deck, so that -- and I
17 will get into more details when I get into the floor
18 plans -- but the variance that we are requesting is
19 because of this open space extends back eight feet.
20 It is 24 feet in width. We got it set back four
21 feet from either side.

22 The rear yard, and I'll get to Sheet
23 Z-3 in more detail, is a landscaped rear yard for
24 use by the lower duplex apartment.

25 Sheet Z-3 is our lighting, landscaping

1 plan. It also shows the floor plan of the lower
2 floor -- lower residential floor. I will speak to
3 this specifically when I get to the floor plans, but
4 this drawing does show what we are proposing the
5 rear yard to look like. It is a combination of hard
6 scape, planting, which are all specified here. It
7 is an approximately five feet beneath the actual
8 residential floor, and I will get to that as well.
9 So the use of this rear yard would be solely for and
10 by the occupants of the lower residential floor.

11 Z-4 is our utility and flood proofing
12 plan. We are proposing as required by the city's
13 ordinance that the -- any space beneath -- I should
14 turn this way when I speak -- as required by the
15 city ordinance, as well as we are proposing flood
16 proofing, so flood venting in the crawl space as
17 well as in our lobby area. This allows for water to
18 come in and egress during floods.

19 Our LEED consultant, Tom Chartier, will
20 speak to the actual green elements of the building,
21 which are substantial --

22 MR. MATULE: Frank, while you are still
23 on that page, could you just relative to the
24 proposed structure show where the building to the
25 south ends or coincides --

1 THE WITNESS: Yes. Thank you, Bob.

2 So looking at Sheet Z-4, our utilities
3 flood proofing plan, I am going to highlight the
4 edge of the adjacent building to our south. So as I
5 mentioned, it extends back 87 feet from the front
6 property line, and this is the wall edge.

7 So our building, which -- the main
8 portion of the building, the rear facade of the
9 building extends 60 feet would meet at that point,
10 and then there is an additional 27 feet of structure
11 that is created or actually existing by that
12 six-story structure to our south, so this entire
13 section is six stories, where it goes past our 60
14 feet.

15 Z-5, the actual floor plans. So floors
16 one and two are one single duplex unit. Floors
17 three, four and five are each a single apartment.
18 So floors one and two are duplex for a total of
19 3,036 square foot.

20 There are two residential entries. The
21 main entry, of course, off of Garden Street is where
22 I am pointing, our meters are within that hall, and
23 because of our higher elevation, the meters don't
24 have to be at the second floor. We meet the 13 foot
25 requirement for the meters as designed.

1 Our main entry lobby, which I am
2 highlighting, there is an elevator that serves all
3 floors.

4 To access this lower floor of the two
5 floor duplex, you can either take the elevator,
6 which has two sides or take a small stair system and
7 then it enters here.

8 One of the apartments is a five-bedroom
9 apartment, and here is a stair that connects this
10 floor to the floor above.

11 Going to the second floor, which is the
12 upper floor of the duplex, you would enter this open
13 space here -- enter that floor here. Bedroom,
14 master bedroom, this is a den/family room in the
15 center of the building and two bedrooms to the
16 front.

17 In this case at the second floor, we
18 are not proposing any outdoor space structured off
19 the back of the building, so at the second floor
20 only we have just a ten foot six by eight foot one
21 rectangle that consists of the second means of
22 egress.

23 Not till we get to the third floor,
24 which is drawing number three, does that become our
25 6.9 percent lot coverage variance, as well as the

1 combination of a second means of egress and open
2 space.

3 So at the third floor, and this applies
4 to both the third and the fourth, we have a
5 three-bedroom apartment of 1741 square feet at this
6 floor off the back of the building, which extends
7 eight feet from the rear facade of the building, and
8 to remind the Board, the actual building itself
9 extends back 60 feet, so the back wall of our
10 structure is 60 feet, so a 6.9 percent lot coverage
11 variance is requested of this line of egress and
12 outdoor space.

13 The reason -- the main reason we are
14 asking for this, it will make more sense when we get
15 to the roof plan, but our roof is entirely taken up
16 by the solar array, so we don't have the opportunity
17 as this Board has seen many times to put a deck on
18 that roof, as the new ordinance revision permits.
19 So the cost of the solar array we have instead on
20 floors three, four and five, we have instead
21 proposed an eight foot rear, extend to the rear
22 outdoor space.

23 So this takes the place of what would
24 have been a roof deck on the top of our building,
25 and that space has been taken over by a solar array.

1 The fourth floor is similar to the
2 third floor, 1720 square feet, same condition as I
3 described with the outdoor space in the rear. The
4 6.9 percent lot coverage variance is because of this
5 combined rear egress stair and outdoor space that is
6 there because we cannot propose it on the roof,
7 which I will get to in a second.

8 The fifth floor, the same as the lower
9 floors, three and four with the exception that we
10 set the front wall of the building back five feet.
11 The purpose of this is to lessen the visual mass
12 that you would experience from the street, and our
13 rendering will show that.

14 We are not proposing, however, for this
15 five foot area to be used as outdoor space, so there
16 is no proposed use of this roof, other than to act
17 as a buffer between the front of our fifth floor and
18 the main front wall of the building and the street
19 as well.

20 The roof plan, drawing number three:
21 As I mentioned, typically and with -- and typically
22 we would be designing and proposing a roof deck to
23 cover 50 percent of this roof, that with the green
24 roof is what is permitted by the Hoboken zoning
25 ordinance.

1 In this case, and again, Tom Chartier
2 will describe it in more detail, we are proposing a
3 LEED platinum structure. With that LEED platinum
4 structure comes the requirement to meet that goal of
5 a large solar array. In this case it is about 12
6 kilowatts. So this solar array is where we would
7 have had outdoor space serving the rest of the
8 building.

9 Because of this, we have instead
10 proposed three decks slash egress stairs off the
11 back of the building on floors, three, four, and
12 five.

13 MR. MATULE: Before you leave that
14 sheet, Frank, just quickly, on those decks, your
15 testimony was, and I think your photographs, that
16 the building to the south that is set back four feet
17 has windows in the northern wall --

18 THE WITNESS: Yes. So --

19 MR. MATULE: -- and are you going to
20 propose privacy screens on the --

21 THE WITNESS: Yes. Thank you, Bob. I
22 forgot to mention that.

23 So the edge of our deck, which is
24 actually on the southern side, the stair portion of
25 the deck, so it won't be used often, you use this in

1 case of an emergency, is four feet from the property
2 line.

3 The adjacent building is an additional
4 four feet from the property line, so the side wall
5 of that building to our south is eight feet from our
6 deck. However, we are going to propose at this
7 point a privacy screen. I neglected to put it on
8 the plan, but, of course, if we are approved, I will
9 provide the Board with that information.

10 MR. MATULE: Thank you.

11 THE WITNESS: Elevations: So we are
12 proposing a building that is 50 feet above design
13 flood elevation, slightly less, four inches less
14 that is -- hum -- four feet eight inches above the
15 existing sidewalk is where our first residential
16 floor must be, and that brings us to 14.0 feet NAVD.

17 The actual facade design is better
18 described in the rendering, which I can pass around
19 as well. So we have got, and it's generally
20 described on the elevations, but I will describe it
21 in a bit more detail.

22 A combination of composite aluminum
23 panels, and that's the silver that you see that I'm
24 pointing to. It's brick at the lower floors, the
25 lower two floors, plus that additional five feet or

1 so at the base of the building, and these sections
2 that I am pointing to, which look like wood, are
3 meant to be a composite material that looks like
4 wood. However, it's not wood, and it will maintain
5 much better.

6 There is a bay section here, a small
7 bay section there, and the idea is to get some
8 articulation on more visual interest in the facade
9 as you look down the street.

10 I should mention as well a kind of a
11 strange condition. The adjacent building to our
12 south has its fire escapes extending about five feet
13 past the front property line. So if you look at
14 this photograph, the fire escapes, second means of
15 egress in this case, extend past the front of the
16 building to our south.

17 I can pass this around, if anyone is
18 interested.

19 MR. MATULE: And also because of the
20 design materials you have chosen, we are asking for
21 a variance from the 75 percent masonry requirement?

22 THE WITNESS: Yes. Thank you, Bob.
23 Thank you.

24 And generally that is because it is a
25 building with a bit more of a contemporary design in

1 nature, so we thought in this case the aluminum
2 panels broken up with what appears to be wood is a
3 better solution than a full masonry building.

4 MR. MATULE: And what will the material
5 on the north wall of the building be?

6 THE WITNESS: This would be a composite
7 cement board, flat stucco. The Hardie panel would
8 be one of the manufacturers of that, so the Hardie
9 panel, very maintenance free. It's a clean crisp
10 look, and we can control the joints and the
11 locations, so we can still have it look
12 architectural.

13 This is available if anybody wants to
14 take a look at it.

15 So in short --

16 (Counsel and witness confer)

17 THE WITNESS: Pardon me? Oh, yes.

18 Thank you.

19 Looking at Sheet Z-7 again, you will
20 see the back of the building, we have the same
21 composite panels for the majority of that design
22 that matches the northern facade.

23 Where I am pointing at, which would be
24 the living room in each of these apartments, these
25 are operable glass doors that open inside with glass

1 railings directly at the rear wall, so there is no
2 outdoor space per se, but it allows for much more
3 ventilation.

4 The combined rear decks and fire
5 escape, so each floor would have in essence this
6 space, so the reality of the usable space is this
7 section I am circling.

8 This portion and this portion is the
9 stair that gets you down to the next floor, and the
10 facade extends the full 50 feet at the rear from
11 design flood elevation.

12 I already mentioned the Hardie board or
13 similar panel on our exposed northern facade.

14 You see diagrammatically the solar
15 array, and Tom Chartier will discuss that in more
16 detail, but you can get a sense of where it is, its
17 height relative to the adjacent building.

18 MR. MATULE: You are going to have an
19 exposed southern side for a portion where the
20 building to the south is set back four feet?

21 THE WITNESS: This shows -- oh, I'm
22 sorry, the southern facade.

23 Yes. There is a small portion of it
24 that is exposed four feet, and I will go to a
25 different drawing to better describe that.

1 MR. MATULE: That is going to have
2 Hardie panel also?

3 THE WITNESS: Same material, and that's
4 where I really described the setback already.

5 So our building extends back 60 feet.
6 The adjacent building extends to 87 feet from the
7 front of the property line, and what Mr. Matule is
8 referring to is this section here, which is about 25
9 feet or so of exposed side facade to our south, and
10 that would be the same material as shown on the
11 northern facade.

12 So we are here for several reasons.
13 First is the 6.9 percent lot coverage variance.
14 Architecturally, that variance is because of our
15 proposal for a combined rear egress stair and
16 outdoor space.

17 That outdoor space takes the place of
18 what would have been permitted a roof deck at the
19 top of the fifth floor, which is instead going to be
20 a solar array, which allows us our LEED platinum.

21 MR. MATULE: If I could just
22 interject, it's only on the upper three floors,
23 those decks?

24 THE WITNESS: Correct. So floors
25 three, four and five have those decks. I'm pointing

1 it out here. The second floor doesn't because the
2 lower portion of that duplex we will be using the
3 rear garden as their outdoor space, and again, we
4 are not proposing to use this fifth floor setback
5 as outdoor space. So the rear decks take the place
6 of what would have been a roof deck.

7 The fifth floor will be discussed by
8 Mr. Chartier, but we think in terms of the
9 architecture it makes much more sense given the
10 street context, and in drawing the proper heights,
11 and this drawing on Z-1 I think shows that nicely.

12 And so we got the height, we got the
13 rear lot coverage. Those are the two main variances
14 that I am speaking to specifically in terms of the
15 architecture.

16 MR. MATULE: Well, I am sure Mr.
17 Kolling will go over them all in detail, but did you
18 receive Mr. Marsden's review letter?

19 THE WITNESS: Yes,

20 MR. MATULE: And you can address any of
21 the points he's raised?

22 THE WITNESS: We can accommodate H2M.

23 MR. MATULE: And you also had the
24 project reviewed by the Floor Plain Administrator?

25 THE WITNESS: Yes.

1 MR. MATULE: All good on that front?

2 THE WITNESS: Correct. Some small
3 revisions, but easily made.

4 MR. MATULE: Okay.

5 I have no further questions of Mr.
6 Minervini at this time.

7 ACTING CHAIRMAN BRANCIFORTE: Should we
8 open it up to the public first?

9 MS. CARCONE: No, the Board is first.

10 ACTING CHAIRMAN BRANCIFORTE: Any
11 questions from the Commissioners from the Board of
12 the architect?

13 Who would like to start?

14 COMMISSIONER WEAVER: I do.

15 All right. On -- let me see -- on Z-7,
16 what units are operable?

17 On the front elevation, what window
18 units are operable?

19 THE WITNESS: So I think I might be
20 better off explaining that to you with the floor
21 plan.

22 So in both roofs will be operable
23 windows. There will be two bedrooms at the front of
24 the building as on the fourth floor, as well as the
25 fifth. I think all of the residential units will

1 have bedrooms overlooking the front.

2 So if I'm looking at Sheet Z-6, drawing
3 number one on the fourth floor plan, I am circling
4 this would be operable, and this would be operable,
5 and unfortunately, this wouldn't be operable because
6 if I laid that back, we're missing the guidelines
7 here, but these as I'm showing would be all
8 operable.

9 COMMISSIONER WEAVER: And on the fifth
10 floor, what's operable?

11 THE WITNESS: Yeah. The same condition
12 applies, but the floor plan is virtually the same,
13 just a bit shorter.

14 COMMISSIONER WEAVER: So that's a full
15 height glass window, which is operable, so it's a de
16 facto door.

17 THE WITNESS: It doesn't have to be,
18 and it's not shown because, of course, our parapet
19 hides that. Happily I can show you more detail
20 showing that it extends three feet or so above the
21 floor and within that floor to ensure that there's
22 no access to that rear -- front open space.

23 COMMISSIONER WEAVER: Okay.

24 What is the relationship of the
25 material on the north elevation to the material on

1 the west elevation?

2 THE WITNESS: So you are looking at the
3 north elevation, which is this --

4 COMMISSIONER WEAVER: Yeah.
5 Architecturally, what's the --

6 THE WITNESS: It's the same material.
7 Unfortunately, it's --

8 COMMISSIONER WEAVER: No, no, I'm
9 sorry.

10 What is the relationship of the
11 material you have put on the north elevation to the
12 material you put on the west elevation?

13 THE WITNESS: West elevation?

14 COMMISSIONER WEAVER: Yes.

15 THE WITNESS: So to the west elevation
16 will be matching in color, but not in material
17 specifically.

18 Again, to refresh your memory, and you
19 probably have -- the front is designed a bit
20 different, but, of course, it is what is seen. This
21 elevation will be seen a bit from the other street
22 to our north at least until the structure is built
23 there, but it's going to match in color, not the
24 same material.

25 The front has a composite aluminum

1 panel brick and a manmade wood, we'll call it.

2 COMMISSIONER WEAVER: The north
3 elevation is a painted Hardie Plank?

4 THE WITNESS: Yes, Hardie Board as
5 opposed to the plank.

6 ACTING CHAIRMAN BRANCIFORTE: But it
7 still has to be painted, right?

8 THE WITNESS: No. You can choose any
9 colors from the manufacturer.

10 COMMISSIONER WEAVER: But you never
11 have to paint it again, is that what you are saying?

12 THE WITNESS: I mean, it is sold as to
13 have a very long shelf life in terms of maintenance.

14 Do I know how long it actually is?

15 We haven't done buildings that have
16 been around long enough to know, but it's meant to
17 be maintenance free, and we use this often, I'm sure
18 you're aware, in place of stucco.

19 COMMISSIONER WEAVER: And what are the
20 fasteners?

21 THE WITNESS: I don't know. It depends
22 on the manufacturer. That's why I mentioned several
23 times --

24 COMMISSIONER WEAVER: No. You said
25 Hardie Plank, which is --

1 THE WITNESS: No. As I mentioned, and
2 I'll describe it specifically, Hardie Board or
3 something similar. I don't want to be held into
4 that specific manufacturer, but it will be the same
5 material. It will be Hardie Board or similar.

6 COMMISSIONER WEAVER: So that could be
7 exposed fasteners?

8 THE WITNESS: It could be.

9 MR. GALVIN: Unless you say no.

10 THE WITNESS: And if there were an
11 opinion on the Board against those exposed
12 fasteners, I would understand and certainly agree
13 with it.

14 COMMISSIONER WEAVER: Well,
15 materiality -- materially, is it a completely
16 different material than what is on the front facade?

17 THE WITNESS: Absolutely.

18 COMMISSIONER WEAVER: The majority of
19 that facade is visible from the sidewalk?

20 THE WITNESS: It depends on where
21 you're standing, of course, but the black shaded
22 area is what is above the adjacent building.

23 COMMISSIONER WEAVER: Thank you.

24 ACTING CHAIRMAN BRANCIFORTE: Any other
25 questions?

1 COMMISSIONER JOHNSON: So the building
2 to the south, you said there were windows facing --

3 THE WITNESS: Yeah.

4 COMMISSIONER JOHNSON: -- north --

5 THE WITNESS: On their north northern
6 wall.

7 COMMISSIONER JOHNSON: So will the
8 building that's being constructed, will it block the
9 windows?

10 THE WITNESS: Those windows are four
11 feet of their property line, and where our building
12 goes past that, which is Sheet Z-4 shows that, this
13 section. There's a four foot gap between our wall
14 and their setback where the windows are.

15 COMMISSIONER JOHNSON: And I guess how
16 do you think it would affect the lighting?

17 THE WITNESS: It would certainly have
18 an effect on it, but this is a condition that is not
19 permitted any longer, and we are required to build
20 to our side property line.

21 But just know that four feet with a
22 sprinklered building, and I think it is, four feet
23 does allow windows two feet on their wall within a
24 sprinklered building.

25 COMMISSIONER WEAVER: I get it. Let me

1 ask another question to expand upon that.

2 As of right, you could cover -- I'm
3 just saying as of right, 60 percent of the lot
4 coverage, you could do what you are doing. It's
5 up -- I'm just saying, so it was actually intended
6 when they built their property, that is when they
7 pulled off four feet because --

8 THE WITNESS: It seems. Thank you for
9 that. It does seem that way. Someone along the
10 line realized that there would be a structure here
11 or there was a structure there, and they pulled that
12 off to allow for windows.

13 ACTING CHAIRMAN BRANCIFORTE: Do you
14 know how many windows you are going to be blocking
15 with that --

16 THE WITNESS: I can give you an
17 estimate based on per floor.

18 One, two, three -- that's five, six,
19 seven per floor -- and we're not going back -- thank
20 you -- so we are going back --

21 COMMISSIONER COHEN: 60 feet. They are
22 back 87 feet, and you're going back 60.

23 THE WITNESS: Yes, 0.7 feet, which I
24 would -- again, it's just an estimate based on the
25 photograph, it would be right here somewhere.

1 COMMISSIONER MC BRIDE: Do you know if
2 there are hallway windows or bathroom windows, do
3 you know what they are?

4 THE WITNESS: I would suggest that they
5 are bathroom windows, which are smaller ones, and
6 probably living room and bedroom windows, not a
7 hallway.

8 Generally a building like this would
9 have its hallway -- the cross of its width in the
10 center of the building.

11 ACTING CHAIRMAN BRANCIFORTE: Phil?

12 COMMISSIONER COHEN: You mentioned that
13 this is going to be LEED platinum. I know you're
14 not -- there's another witness that's going to talk
15 about that.

16 THE WITNESS: Yes.

17 COMMISSIONER COHEN: Can you speak to
18 any of the water detention features in this
19 building?

20 THE WITNESS: I can't. It's probably
21 best left to Tom Chartier. I can quickly tell you
22 what it will have for retention and detention, gray
23 water, solar array, and many, many more items that
24 he's more qualified than I am in this case to
25 discuss.

1 ACTING CHAIRMAN BRANCIFORTE: Okay.

2 Thank you.

3 Antonio?

4 COMMISSIONER DE GRIM: You had
5 mentioned that one of the lots was -- is it Lot 9 is
6 a concrete slab?

7 THE WITNESS: So it would be the
8 southern most lot.

9 COMMISSIONER DE GRIM: Do you know
10 which lot that is?

11 THE WITNESS: I'll have to look at the
12 survey. Yes, this is all impervious.

13 ACTING CHAIRMAN BRANCIFORTE: Antonio,
14 do you have a question?

15 COMMISSIONER GRANA: Yes. Thank you.

16 Mr. Minervini, so just to be clear from
17 your testimony, is the deck on the -- what we will
18 call the ground floor, let's call it the ground
19 floor, is the deck on the ground floor, and the
20 second means of egress as well as the open space on
21 the three, four, five, those are the only elements
22 that are triggering your -- the -- the coverage
23 variance?

24 THE WITNESS: Correct.

25 COMMISSIONER GRANA: The structure

1 it has got a stucco cover, but masonry.

2 These three or four in a row are all
3 stucco, and the school is masonry.

4 So I don't think there's a pattern
5 along this side for masonry on this side of the
6 street.

7 COMMISSIONER GRANA: In terms of just,
8 you know, looking at -- because we are looking at
9 something in the R-1 district, is the traditional
10 stoop a prominent feature on this block?

11 THE WITNESS: No. It's an interesting
12 block. The stoop is not a feature of these three
13 buildings -- I mean, the two which are on our site
14 their first residential floors, because they are
15 older than these typical buildings seen in Hoboken,
16 are at street level. That applies to these three.
17 It applies to these three -- these four actually.
18 There's -- I'm sorry, pardon me -- three.

19 So you've got the school. You got one,
20 two, three buildings, which you enter at street
21 level.

22 After those three, there is a building
23 with a small stoop. There's a small stoop here, as
24 well as the building adjacent to us, and then our
25 three, there is no stoop. So there isn't that

1 consistent -- again, I think consistent stoop line
2 that we would see in other parts of town. Again, I
3 think because the street or the majority of it are
4 very, very old buildings relative to Hoboken in
5 general.

6 COMMISSIONER GRANA: I know you don't
7 have a photograph of this, but are you able to
8 testify on whether the stoop is a regular feature on
9 the opposite side of the street?

10 I realize you have sort of a
11 rendering --

12 THE WITNESS: I got a small section,
13 and some buildings have it and some don't. I don't
14 know as we're further south, but certainly the entry
15 on the corner doesn't.

16 There is an interesting stoop on the
17 building directly adjacent to it. It goes up one
18 entire floor. It's set sideways, so I don't know if
19 you want to count that as being of Hoboken
20 character.

21 And it looks like one, two, three
22 buildings have the more typical stoop. I don't
23 recall south of that.

24 COMMISSIONER GRANA: So there's a mix,
25 either the contemporary building like the one you

1 designed, do we have examples where we're able to
2 incorporate the stoop-type feature --

3 THE WITNESS: The stoop --

4 COMMISSIONER GRANA: -- I'll just --
5 let me restate the question.

6 Only because we are really looking at
7 the R-1 district --

8 THE WITNESS: Yes.

9 COMMISSIONER GRANA: -- we've had
10 applications where we have stressed this point, and
11 we asked could that feature be designed in, or is
12 there a reason why it can't or shouldn't.

13 THE WITNESS: We can design a stoop for
14 this building, any current building, but it would be
15 there just for, for lack of a better term, just for
16 show, because we have to enter this building at
17 grade level. It has to have ADA compliance. It
18 must be ADA compliant, therefore, we have to enter
19 at grade and access an elevator.

20 If we were to put a stoop on the
21 outside of this building, it would possibly -- we
22 possibly could do it just to enter one apartment,
23 but it would not be a stoop that would be
24 traditional in the sense that that's the entry of
25 the building. It would be there just for show.

1 COMMISSIONER GRANA: Okay. Thank you.

2 ACTING CHAIRMAN BRANCIFORTE: But, Mr.
3 Minervini, the stoops do more than just -- bless
4 you -- the stoops do more -- correct me if I am
5 wrong -- the stoops do more than just act as entry
6 ways, don't they?

7 I mean, they're designed to be a place
8 where people in the building can gather, go across
9 the street to 7 Star, grab a slice of pizza, sit
10 down with a couple of beers with their neighbors and
11 hang out. It's not necessarily just about going up
12 and down the stairs to get in the building.

13 THE WITNESS: I never suggested that.

14 What I suggested is the typical Hoboken
15 stoop unless it is a one-family building is at the
16 common entry, so everyone in the building is using
17 it.

18 If we were to provide a stoop in a
19 building of this type, there would be access for
20 only one apartment, because the main entry has to be
21 at ground level. I certainly acknowledge that a
22 stoop can be used for other purposes, people sitting
23 and hanging out. If that were to happen in a
24 building like this, the other people in the building
25 would be using a stoop that is not theirs

1 necessarily. It's used for private entry.

2 But just to continue that thought,
3 looking at the rendering, we could introduce a stoop
4 here, which would allow access to that single unit.
5 But the main entry and egress to the building has to
6 be at grade level.

7 I mentioned here because you're already
8 within the apartment at this point, and you're just
9 about five feet off the sidewalk.

10 ACTING CHAIRMAN BRANCIFORTE: Now -- go
11 ahead, Antonio. Did you want to ask --

12 COMMISSIONER GRANA: No, no --

13 ACTING CHAIRMAN BRANCIFORTE: Go ahead.

14 COMMISSIONER GRANA: So the line of
15 questions -- so I mean, there's obviously discussion
16 in the master plan about stoops, and I realized as I
17 was going down the line of questioning, but from a
18 design standpoint, does a stoop on a block that has
19 older structures, is there a design benefit to
20 having that stoop to show the relationship between
21 the old construction and new construction from an
22 architect's point of view?

23 THE WITNESS: In my specific point, of
24 course, that's all I have, is a stoop on a building
25 that is designed such as this, that is of a modern

1 use would kind of be Disneyland. We can add it to
2 accommodate the master plan, but there's no reason
3 for a stoop in a building of this type.

4 If, for example, it were a two-family
5 building, where we don't necessarily need that
6 ground access and ADA compliance, then I think a
7 stoop makes perfect sense.

8 ACTING CHAIRMAN BRANCIFORTE: Okay.
9 And at what -- did you want to ask a question?

10 COMMISSIONER GRANA: Yes. Just to
11 clarify, so its only value is to accommodate the
12 master plan. It's not to somehow create a
13 beneficial --

14 THE WITNESS: In this case, that is my
15 opinion.

16 ACTING CHAIRMAN BRANCIFORTE: At what
17 point are you required to make it an ADA building?

18 THE WITNESS: Four stories or three
19 units.

20 ACTING CHAIRMAN BRANCIFORTE: And the
21 question that was getting back to the facade and
22 maybe the character of the neighborhood, we have the
23 park there, Church Square Park. If you are standing
24 in the park, you are looking directly east to
25 Demarest School, which is very charming in my

1 opinion, a very nice, big classic building.

2 THE WITNESS: Yes.

3 ACTING CHAIRMAN BRANCIFORTE: And all
4 the way to the south you have Rue -- that's not Rue,
5 is it? Is it Rue?

6 THE WITNESS: Yes. It's HOPES now.

7 ACTING CHAIRMAN BRANCIFORTE: But the
8 point being when you stand at Church Square Park and
9 you are looking down the block, you're going to see
10 the old Demarest School, and even as you look all
11 around the park, you have the church, Our Lady of
12 Grace is there, OLG --

13 THE WITNESS: On the other side --

14 ACTING CHAIRMAN BRANCIFORTE: -- and
15 that basically takes up that entire block.

16 THE WITNESS: That is more than two
17 streets away from --

18 ACTING CHAIRMAN BRANCIFORTE: I
19 understand. Just indulge me for a second.

20 THE WITNESS: Okay.

21 ACTING CHAIRMAN BRANCIFORTE: North you
22 have other brick buildings, more classic in design.

23 Then you look in this direction to the
24 east, and you're going to see Demarest School, and
25 then look towards your building and see this facade,

1 and it's going stand out compared to everyone else.
2 So why does this fit into the character of the
3 neighborhood, considering not just that block, but
4 the entire panoramic of the park that surrounds it?

5 THE WITNESS: Well, I think, and it's
6 been directed by this corner, I think mostly we
7 are -- and, of course, it doesn't apply in all
8 cases, but we recognize this is a corner, but we're
9 using our same side of the street as a reference.

10 I don't always think that as an
11 architect that we have to match what is there. I
12 think certainly as I described to Commissioner
13 Grana, certainly on this side of the street, there
14 is no consistency in terms of architecture, and
15 that's because many of these buildings predate the
16 standard Hoboken townhome we see with the common
17 brick.

18 So do I think this will stand out?

19 Probably so.

20 ACTING CHAIRMAN BRANCIFORTE: But do
21 you -- and maybe this is a question for our planner
22 also -- but do you think that those buildings on
23 that block, even though they are not what you call
24 traditional charming homes, I mean, they all would
25 meet the facade -- I'm guessing they would all meet

1 the facade requirements, right?

2 THE WITNESS: No, they wouldn't,
3 because, for example, and I could point them out.

4 Here, this one, these three for sure
5 are stucco. The two that are existing don't. This
6 corner one doesn't.

7 This was brick. Now it's been covered
8 by a stucco, so I don't agree that these buildings
9 would meet the requirement.

10 The requirement is different in there
11 anyway. When there was no facade requirement, brick
12 was used for many reasons, not because of a mandate
13 in terms of an ordinance.

14 ACTING CHAIRMAN BRANCIFORTE: Okay.

15 But going back, do you think it is
16 going to be kind of distracting to stand in the
17 park, look around the park and see this facade with
18 the different materials and stuff?

19 THE WITNESS: No. I think that is a --
20 that is an opinion that is very much re-block
21 centric. I think if you have traveled through
22 Europe, you see people have -- architects, designers
23 have very successfully integrated all they knew, and
24 it's not because they copied what was there. It's
25 because they are matching the massing. They matched

1 with some articulation.

2 I think, again, and I've told this
3 Board many times that in our opinion, and many, many
4 architects agree, these developers specifically
5 agree, and they discussed some of the buildings
6 they've done before, and probably many of us are
7 aware of, I think a new building should look like a
8 new building.

9 ACTING CHAIRMAN BRANCIFORTE: Okay.

10 Going back to A-1, the photos, you
11 mentioned how many windows are going to be blocked
12 out. I guess on the other side --

13 THE WITNESS: I estimated, yes.

14 ACTING CHAIRMAN BRANCIFORTE: Yes,
15 estimated how many windows would be blocked out.

16 The height of your building on the
17 lower right-hand side, can you just point to like
18 where the top is -- the height of the --

19 THE WITNESS: Yes, understood.

20 So we can look at Z-1 for reference,
21 and I'll start with that. This is accurate, so it's
22 about four or five feet taller than our building.
23 So if you take that point, the top of our -- it's
24 not on the drawing here -- but approximately the top
25 of the windows.

1 ACTING CHAIRMAN BRANCIFORTE: Is that
2 the roof line or is that the -- are you measuring to
3 the roof line or to the top of the --

4 THE WITNESS: Our building?

5 ACTING CHAIRMAN BRANCIFORTE: Yes.

6 THE WITNESS: There is a very small
7 parapet, so it's in essence the roof line. This
8 building has a larger parapet. You can see that
9 that was removed at some point.

10 ACTING CHAIRMAN BRANCIFORTE: So right
11 now it is going to be covering that top --

12 THE WITNESS: Approximately, if I --

13 ACTING CHAIRMAN BRANCIFORTE: So if we
14 lost the ten feet that you need for your height
15 variance, we would at least be giving that white
16 back to that top row of windows --

17 THE WITNESS: Approximately.

18 ACTING CHAIRMAN BRANCIFORTE: So the
19 light and air, the height variance would probably
20 end up blocking the light and air to that top row
21 of --

22 THE WITNESS: Of the windows that are
23 four feet from the property line --

24 ACTING CHAIRMAN BRANCIFORTE: Right.

25 THE WITNESS: Certainly.

1 COMMISSIONER COHEN: But not the whole
2 top row, just back 60 feet --

3 ACTING CHAIRMAN BRANCIFORTE: No. I'd
4 say if we lost the --

5 THE WITNESS: No, it's approximately
6 there.

7 ACTING CHAIRMAN BRANCIFORTE: -- but if
8 we lost the ten foot height variance --

9 COMMISSIONER COHEN: Not the whole top
10 row, just up to the 60 foot line.

11 ACTING CHAIRMAN BRANCIFORTE: Right.

12 COMMISSIONER DE GRIM: But that
13 building is to the south of your building, correct?

14 THE WITNESS: Yes, it is.

15 So that building is casting the shadow.
16 These windows are most of the year in shadow, and of
17 course, I knew that based on experience. But when I
18 took, which was actually yesterday, I took the
19 photographs with our drone, it's very difficult to
20 show this inner area because it's dark. This time
21 of year the sun is well to the south.

22 The answer is yes, the sun is coming
23 from the south mostly.

24 ACTING CHAIRMAN BRANCIFORTE: I'm
25 trying to think. I don't think I have any other

1 questions.

2 Does anyone else have any questions?

3 COMMISSIONER DE GRIM: I do.

4 ACTING CHAIRMAN BRANCIFORTE: Go ahead.

5 COMMISSIONER MURPHY: I just had a
6 question regarding, and maybe your colleague can
7 speak to it.

8 But you have solar panels on the roof.
9 You are a little shorter than the building to your
10 south. You have a very large -- I forget what it's
11 called -- around the elevator and the --

12 ACTING CHAIRMAN BRANCIFORTE: Bulkhead.

13 COMMISSIONER MURPHY: -- bulkhead.

14 Thank you.

15 So for the majority of the year, the
16 sun is not right above us, so how is the sun going
17 to get past that to hit the panels?

18 THE WITNESS: I understand the
19 question. Tom Chartier has a completed shadow
20 study. He can describe exactly the impact.

21 COMMISSIONER MURPHY: Okay.

22 ACTING CHAIRMAN BRANCIFORTE: Yes.

23 COMMISSIONER DE GRIM: Okay. The
24 question I had which touched on a question earlier
25 with regard to the windows that are essentially

1 glass doors. When you had mentioned that on the
2 fifth floor, you essentially had raised the base of
3 the glass door, so that you couldn't get out on to
4 the parapet area as it were.

5 But it appears that on the third and
6 fourth floors on your Exhibit A-2, that you had
7 somebody standing outside there.

8 THE WITNESS: Yes. I apologize for
9 that. We are not proposing outdoor space at all in
10 front of the building. That has to be corrected,
11 and it doesn't, of course, make its way to the
12 drawings -- the floor plans, and I meant to mention
13 that.

14 Thank you.

15 COMMISSIONER DE GRIM: You're welcome.

16 MR. GALVIN: Yeah. But like a year
17 from now when somebody is standing out there, and
18 they go, well, it's right on the plan. You showed
19 us that they were standing out there --

20 THE WITNESS: No. It's a fair point,
21 but I'm presenting that will not be outdoor space,
22 and I can design the windows to make sure that
23 doesn't happen.

24 MR. GALVIN: So we need a revised
25 facade plan. Sorry.

1 THE WITNESS: Understood.

2 COMMISSIONER DE GRIM: So we therefore,
3 don't need a condition that nothing can be stored
4 outside?

5 THE WITNESS: You can certainly put
6 that condition in anyway, but I will say that the
7 drawings will clearly show that there is no access
8 permitted, and whether it is a wall or glass with a
9 break in the glass, so the lower section is not
10 operable, it won't be -- that group will not be
11 accessible.

12 COMMISSIONER DE GRIM: That's fine.
13 Thank you.

14 ACTING CHAIRMAN BRANCIFORTE: If you
15 didn't need to use the back attachment to the
16 building as a deck, if it was just an egress for
17 fire, could you make it shorter?

18 THE WITNESS: If it were just a fire
19 egress, it would be the same as -- same size and
20 design as Sheet Z-5, drawing number two.

21 ACTING CHAIRMAN BRANCIFORTE: So you
22 would end up losing a few feet?

23 THE WITNESS: Yes.

24 So the dimensions would be, if that
25 were the case, it would extend eight foot one off

1 the back of the building, and its width would be ten
2 feet six inches.

3 ACTING CHAIRMAN BRANCIFORTE: Versus
4 what is now, which is?

5 THE WITNESS: Versus 24 feet in total.

6 So at ten feet six, we got 13 and a
7 half feet of open space we are calling deck, which
8 again would be there to replace what we can't put on
9 the roof, and the ten feet would be --

10 ACTING CHAIRMAN BRANCIFORTE: You keep
11 saying replace what you can't put on the roof,
12 but --

13 THE WITNESS: What we cannot put on the
14 roof because we are proposing a solar array.

15 ACTING CHAIRMAN BRANCIFORTE: Well,
16 you're proposing it. I mean, you could get rid of
17 the solar array and put it on the roof.

18 THE WITNESS: Of course.

19 ACTING CHAIRMAN BRANCIFORTE: I mean,
20 it's not like -- you're kind of making it sound like
21 there's no choice. We have no choice. We have to
22 stick it back there because --

23 THE WITNESS: No, I didn't mean to
24 suggest that --

25 ACTING CHAIRMAN BRANCIFORTE: I just

1 wanted to make sure we're clear on that.

2 (The witness and the Acting Chair
3 speaking at the same time)

4 THE WITNESS: -- I wanted you to
5 understand design decision as well as the
6 environmental decision, for lack of a better term,
7 to have this building be a platinum LEED certified
8 and then we would reach that point on the solar
9 array.

10 ACTING CHAIRMAN BRANCIFORTE: Any other
11 questions for the architect?

12 COMMISSIONER WEAVER: I have one more.
13 Sorry.

14 ACTING CHAIRMAN BRANCIFORTE: Take your
15 time, please.

16 COMMISSIONER WEAVER: The second floor,
17 the elevator opening up onto the second floor, so
18 how is that controlled, if we look at Z-5, drawing
19 2?

20 THE WITNESS: Each apartment will have
21 it's own card. So if you have the lower duplex,
22 your control card will only open that back section,
23 this back door.

24 Although as I think about it, if
25 anyone's card allowed access to that, it is still

1 just a common hallway, but we can certainly control
2 it, if need be.

3 COMMISSIONER WEAVER: Well --

4 COMMISSIONER MURPHY: It's a common
5 hallway only on the first floor.

6 THE WITNESS: It's a common hallway on
7 the first.

8 COMMISSIONER MURPHY: Right.

9 THE WITNESS: Oh, I am sorry. I was
10 discussing specifically the first. On the other
11 floors --

12 COMMISSIONER WEAVER: No, not only the
13 second floor --

14 THE WITNESS: -- sorry -- the second
15 floor, as I first suggested, everyone will have a
16 card, and that will access and open a specific door.

17 COMMISSIONER WEAVER: And what was
18 the -- could you go through the reasoning behind why
19 a stoop for this larger duplex unit would not be an
20 amenity to have your own entrance, your own private
21 entrance?

22 THE WITNESS: I didn't say it wouldn't
23 be an amenity. I said I think it would be a bit
24 Disneyland. I think having a stoop --

25 COMMISSIONER WEAVER: What would be

1 I just -- you mentioned that a stoop is
2 not -- would be more appropriate to a single-family
3 structure.

4 THE WITNESS: Given the current
5 requirements, ADA requirements.

6 COMMISSIONER GRANA: But the structure
7 to the south is not a single-family structure,
8 right?

9 THE WITNESS: No. When that was built,
10 we didn't have a requirement for wheelchairs and
11 elevators. That's what I'm trying to -- I'm not
12 doing a very good job of it, but I am trying to
13 portray the difference. The difference being that
14 anything past two-families today, we have to provide
15 elevator access.

16 COMMISSIONER GRANA: Okay. Thank you.

17 COMMISSIONER WEAVER: So the Maxwell
18 House development, which faces the river, when they
19 have those --

20 ACTING CHAIRMAN BRANCIFORTE:
21 Townhomes?

22 COMMISSIONER WEAVER: -- yeah, those
23 townhomes -- I'm sorry -- on the west side, which
24 then above them have separate units, which are
25 accessed I imagine from some central lobby with an

1 elevator system, so you still consider those to be
2 Disneyland?

3 THE WITNESS: On a larger building like
4 that, I don't think so because you can sort of hide
5 the stoops.

6 We did a building probably ten years
7 ago, and we designed it and received approvals from
8 this Board, and it has been constructed, 201
9 Harrison Street, corner of Second and Harrison.

10 It is 150 feet -- 175 feet in length.
11 In that case we were able to have stoops, even
12 though the ADA requirement is such that we need an
13 elevator, we had stoops along Harrison Street that
14 accessed the small hallway that then broke off into
15 two apartments.

16 In that case because of the building's
17 length and you could create a rhythm, it seemed to
18 make sense to us. Here it doesn't.

19 Now, having said that, if this becomes
20 an issue for the Board, we would propose a stoop
21 here. I would figure out some way to design a stoop
22 that I still don't think it makes any sense, but I
23 could certainly do it.

24 ACTING CHAIRMAN BRANCIFORTE: Any other
25 questions?

1 COMMISSIONER MC BRIDE: I have one
2 about trash.

3 There is a note in some of the
4 documents about trash being stored in the crawl
5 space.

6 THE WITNESS: That might be an old note
7 because we don't really have access to the crawl
8 space.

9 There is as closet adjacent to and
10 beneath the stairs, if you look at Sheet Z-3, that
11 is where the refuse and recyclables will be stored.

12 There is no -- you would be at grade
13 level there, so to use the term "crawl space," we
14 did incorrectly, if that's what we said, it's
15 incorrect. There's no crawl space.

16 COMMISSIONER MC BRIDE: It's in
17 somebody else's notes. I don't think it's in yours.

18 COMMISSIONER MURPHY: It's Ann
19 Holtzman.

20 THE WITNESS: Yeah.

21 COMMISSIONER MURPHY: But that seems
22 like an awfully small little space for four
23 apartments.

24 THE WITNESS: They would be stored
25 within the apartments. These are large apartments,

1 very large apartments.

2 COMMISSIONER MURPHY: Nobody likes to
3 keep the trash in their apartments --

4 THE WITNESS: Well --

5 COMMISSIONER MURPHY: -- and you're not
6 able -- you can't put the stuff out on the curb.

7 THE WITNESS: No, we cannot. We
8 cannot.

9 If that is an issue with the Board, we
10 can find somewhere else to put it, or I should say
11 expand.

12 I am offering to the Board that we will
13 expand the size of the refuse area, understanding
14 your point.

15 ACTING CHAIRMAN BRANCIFORTE: Did you
16 do a calculation for recycling on this building?
17 Is it on here somewhere?

18 THE WITNESS: It should be on one of
19 the sheets.

20 MS. BANYRA: Z-1.

21 ACTING CHAIRMAN BRANCIFORTE: Eileen,
22 did you have questions?

23 MS. BANYRA: I just had -- Frank, each
24 building or each unit has to be ADA accessible?

25 THE WITNESS: Yes, every unit.

1 ACTING CHAIRMAN BRANCIFORTE: Any other
2 questions for the architect before I open it up to
3 the public?

4 THE WITNESS: If I may just to
5 continue, and Bob very interestingly pointed
6 something out that I should probably relay.

7 Back to Commissioner Weaver's point of
8 can we put stoops on a building of this type, the
9 Planning Board, just five months ago, we presented a
10 project, 113 Monroe Street, 125 feet in length, only
11 eight units on a very large piece of property,
12 broken up into townhomes.

13 In that case we thought it made sense,
14 even on a contemporary building to have a stoop.
15 There was a garage at ground level. Our first floor
16 was ten feet above sidewalk, so we designed stoops
17 that entered each of the townhomes, even though the
18 townhomes were multi-family use, it entered a common
19 area.

20 Half of the stoop was on the sidewalk
21 rising five feet, which made sense given the width
22 of the sidewalk. The other five feet of rise in
23 terms of stairs was within the building.

24 Two weeks ago, the City Council turned
25 down those stoops, so we are in a bit of a quandary

1 of whether to provide stoops or not.

2 In that particular case, I'm going to
3 go back to the City Council and hopefully explain it
4 better and make the case, but they were turned down,
5 and they were put there specifically, because as you
6 suggested, in some buildings it does make sense.
7 The master plan calls for it.

8 The Planning Board suggested that we --
9 they may also like the idea of it, but it was turned
10 down by City Council. As you know, we need City
11 Council approval on any construction that's proposed
12 on city property.

13 (Board members confer)

14 COMMISSIONER MURPHY: What was your
15 reason --

16 THE WITNESS: That is anecdotal, I
17 know.

18 ACTING CHAIRMAN BRANCIFORTE: Okay.

19 So if there are no other questions from
20 the Board, I will open it up to the public.

21 Any other questions?

22 Anyone from the public that would like
23 to ask questions of the architect, now is your
24 opportunity.

25 Seeing none.

1 COMMISSIONER GRANA: Motion to close.

2 COMMISSIONER COHEN: Second.

3 ACTING CHAIRMAN BRANCIFORTE: All in
4 favor?

5 (All Board members answered in the
6 affirmative)

7 ACTING CHAIRMAN BRANCIFORTE: Are we
8 good to go to hear the planner's stuff?

9 MR. MATULE: I'm going to start with
10 Mr. Chartier. If you need a break, just let me
11 know.

12 ACTING CHAIRMAN BRANCIFORTE: We're
13 good for now. Let's hear from Mr. Chartier, and
14 then we will maybe take a break afterwards.

15 MR. GALVIN: Raise your right hand.

16 Do you swear or affirm the testimony
17 you are about to give in this matter is the truth,
18 the whole truth, and nothing but the truth?

19 MR. CHARTIER: I do.

20 T H O M A S C H A R T I E R, having been duly
21 sworn, testified as follows:

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

24 THE WITNESS: Thomas Chartier,
25 C-h-a-r-t-i-e-r.

1 MR. GALVIN: Mr. Branciforte, do we
2 accept his credentials?

3 ACTING CHAIRMAN BRANCIFORTE: Yes.

4 MR. GALVIN: Okay. We're accepting
5 your credentials as an expert in the area of --

6 MR. MATULE: LEED certification.

7 MR. GALVIN: Awesome.

8 MR. MATULE: Mr. Chartier, you were
9 retained by the applicant in the planning stages of
10 this building to design green features for the
11 building in order to achieve a LEED certification?

12 THE WITNESS: Yes.

13 MR. MATULE: And what level of LEED
14 certification were you charged with trying to
15 achieve?

16 THE WITNESS: Platinum, which is the
17 highest level.

18 MR. MATULE: And have you formulated a
19 plan on how you would achieve that level?

20 THE WITNESS: We have.

21 MR. MATULE: Could you give the Board
22 the benefit of your plan to do that --

23 THE WITNESS: Sure.

24 MR. MATULE: -- and break it down in
25 various elements that you would use to achieve that?

1 THE WITNESS: I can.

2 So the building incorporates most of
3 the aspects of the LEED certification and also
4 another green building program, which is called
5 Passivhaus.

6 The idea of Passivhaus really is to
7 super insulate the building. You insulate on the
8 inside of the building and you insulate on the
9 outside of the building and make it very airtight,
10 so you have sort of a shell to start with that is
11 very energy efficient. Everything in it then sort
12 of becomes easier to drastically reduce your energy
13 consumption.

14 The benefits, the positive benefits
15 directly to the City of Hoboken from this project
16 include going beyond just energy efficiency. A
17 pervious concrete sidewalk is going to be installed
18 in the front in the building to absorb rainwater.
19 The building is providing a stormwater detention
20 tank to mitigate flooding with approximately a
21 1500-gallon capacity for this project.

22 We are going to be providing bicycle
23 storage for the majority of the residents.

24 The fact that there will be bike
25 storage, a place to have your bikes, and no parking

1 is a big incentive for these residents to not rely
2 on an automobile and to have your own private bike
3 and to use mass transportation.

4 The project will have a green roof in
5 this case in the form of a white reflective roof,
6 and the applicant is also proposing to plant as many
7 as ten street streets up and down the block of
8 Garden Street to fill in any gaps in the canopy.

9 The design will result in a minimum
10 reduction of 30 percent of water use. Ultimately
11 this building is going to use approximately 80,000
12 gallons annually less than your typical traditional
13 building.

14 We are also installing a rainwater
15 retention tank in addition to the detention tank.
16 Essentially it is a gray system, so we are going to
17 collect rainwater and we will use that to flush
18 toilets, ultimately reducing water consumption by
19 approximately an additional 32,00 gallons annually.
20 The size of that tank is going to be approximately
21 1300 gallons.

22 Using the Passivhaus standards, we are
23 going to reduce the energy consumption as well by
24 approximately 40 percent minimum. We do that again
25 with the super insulation, the air ceiling, which

1 gets tested at the end of the project to make sure
2 that we meet the very stringent requirements set by
3 the program and that we actually achieve our goals.

4 We will have triple pane windows, high
5 efficiency HVAC systems, high efficiency domestic
6 hot water systems, and LED lighting throughout the
7 building.

8 A big part of this project is the
9 rooftop solar array. We need it in order to achieve
10 LEED platinum certification. That array is sized at
11 12 kilowatts. It is enough to generate a minimum 20
12 percent of the building's total consumption. That
13 is based on the very conservative need calculations.
14 In reality, the systems typically will offset it as
15 much as 50 percent of the building's total energy
16 use.

17 The solar array is also going to act as
18 an emergency power system, so in the event of a
19 power outage in the building during daylight hours,
20 this array can still generate power you can use to
21 charge cell phones for communication. You could
22 charge -- run the refrigerator, so you don't lose
23 your food supply, medical equipment and lighting in
24 the hallways for security.

25 The goal on most of our projects that

1 we worked on together is to also tie into Hoboken's
2 proposed microgrid system, which in this case, this
3 is probably the best opportunity to do so being that
4 we are one block off of Washington Street, so this
5 system is going to be installed. The microgrid will
6 probably come down the road, but we will be ready to
7 tie into that system, if the city gives us
8 permission and wants to.

9 The microgrid is designed to have a
10 combination of renewable energy and diesel and gas
11 fired power sources, so that in the case of say
12 Hurricane Sandy, an event, we can power the hospital
13 and we can power the city hall, the police station
14 and the fire station, so we have these emergency
15 response areas.

16 It is important to note that without
17 the -- that the solar array is only possible if we
18 receive the requested height variance.

19 We did perform a solar, a shading
20 study, and the building to the south of us reduces
21 the production of approximately 42 percent of the
22 solar array on the use of as of right building 40
23 feet above base flood elevation, so it essentially
24 no longer makes the array financially feasible.

25 The project is going to divert a

1 minimum 75 percent of all demolition construction
2 waste. It will be recycled. It will not go to a
3 landfill.

4 The building will be built using low
5 embodied energy materials and the materials made of
6 recycled content, all materials within 500 feet.

7 The building is designed to improve
8 indoor air quality for all of the residents. We do
9 that using non-toxic materials during construction.
10 We also duct fresh air directly to each apartment,
11 which is very rare in a multi-family building like
12 this, but it is catching on, as we become more aware
13 of health and illness issues, and that fresh air
14 will be filtered through a high efficiency filter,
15 also not something normally done.

16 Overall this building significantly
17 reduces the burden on our aging infrastructure,
18 reducing the energy consumption that we need from
19 PSE&G, and also sending water to the sewer system
20 and also taking in water from United Water.

21 I think it is also important to note in
22 closing, this applicant has really kind of set the
23 bar as far as green buildings in this town. They
24 have been more of the premiere builders. There are
25 approximately nine LEED certified buildings in town.

1 They built four of them -- I'm sorry -- they've
2 built three of them. There is a fourth pending, a
3 fourth new plan pending, which would be four out of
4 ten, and this would be fifth out of eleven.

5 There are three LEED platinum buildings
6 in town. They have two of them, soon to be third,
7 and this would be the fourth, and they also
8 typically plant trees. They are actively looking
9 for community give-backs on every project they do.
10 They have planted I believe 50 street trees over the
11 past few years at no cost to the city taxpayers, and
12 they are proposing to plant another ten.

13 MR. MATULE: If I could, Tom, you talk
14 about a detention system and a retention system.
15 Could you just briefly explain what the difference
16 is and how they interact with each other?

17 THE WITNESS: The detention system is
18 really meant to detain water during a storm, so
19 ultimately that water does end up in the sewer
20 system, which is called a back door in a storm, so
21 we don't overburden our sewer system, which
22 typically happens on any significant rain event.

23 The retention system is in addition to
24 that, and that is meant to be retained for use on
25 site, so...

1 MR. MATULE: So that would be the
2 primary thing that captures and holds the water?

3 THE WITNESS: Typically. I mean,
4 there's a couple ways we've done it. But typically
5 the retention system collects the water first and
6 retains it, and then it overflows into the detention
7 system.

8 MR. MATULE: So if you had a rainstorm
9 that was not of sufficient severity to fill that
10 initial tank up, it would just capture all of the
11 water?

12 THE WITNESS: Yes.

13 MR. MATULE: But the safety valve, so
14 to speak, would be the ability presented with the
15 detention system --

16 THE WITNESS: Yes.

17 MR. MATULE: -- hold it back and then
18 put it into the regular storm and sanitary system?

19 And your testimony was that with the
20 building to the south, the height of that building,
21 if you can't get the roof up to the height you are
22 proposing, the solar arrays will not be sufficiently
23 efficient to make it work?

24 THE WITNESS: Essentially from the
25 middle of September through approximately March 7th,

1 the array is in effect. It doesn't generate any
2 power, because of the shadow cast by the southern
3 building.

4 Once you raise it up to 50 feet above
5 the base flood elevation, by moving it to the
6 northern wall, as we did, it becomes effective. The
7 difference is a drop in 40 percent -- 42 percent
8 approximately of total production.

9 MR. MATULE: And just to correct your
10 testimony, you said this building was a block off
11 Washington Street. It's two blocks off Washington
12 Street, correct?

13 THE WITNESS: It's two blocks.

14 MR. MATULE: Okay. It's still close
15 enough to tie into the microgrid?

16 THE WITNESS: Absolutely, yeah. I
17 mean, the city is looking at locations all over the
18 city, even further back from Garden Street. This
19 one is close enough to make it a bit more feasible.

20 MR. MATULE: Thank you.

21 I have nothing no further questions.

22 ACTING CHAIRMAN BRANCIFORTE: Any
23 questions from Board members?

24 Phil.

25 COMMISSIONER COHEN: Thank you.

1 I think Mr. Minervini testified that
2 the water retention tank was 1500 gallons. I don't
3 know that he was going to defer to you, but you
4 referred to a retention and a detention system.

5 Can you just say what the capacity of
6 both of those area?

7 THE WITNESS: Our ballpark numbers are
8 now at 1300 gallons for reduction, and approximately
9 1500 gallons for detention.

10 COMMISSIONER COHEN: You obviously went
11 through a lot of numbers and a lot of specifics.

12 I don't believe that we saw a report in
13 this submission that included those detailed things.
14 Obviously, you know, we are going to want you to
15 commit to that which you said on the record, but is
16 it possible that as part of our final processing,
17 that we could get some sort of a written report on
18 what the LEED -- the LEED proposal is that was
19 described orally?

20 MR. MATULE: Yes, we could submit
21 that.

22 With all due respect to Mr. Chartier,
23 in the past we've submitted them, and they're kind
24 of check-the-box things, and the Board has wanted
25 specific testimony about specific features rather

1 than general features. We will be happy to provide
2 it, though.

3 MR. GALVIN: Listen, that is what I've
4 always asked for. I think this whole thing about
5 the certification, every building in Hoboken could
6 be a LEED certified building, not a platinum, but --
7 so I think it is essential for us. And the other
8 thing, too, is the certification occurs long after
9 the building is up and done, so it is beyond our
10 condition.

11 So what I think the smartest thing we
12 can do is find out what the specific items are that
13 they are going to put in the building, like the
14 solar array, so that we know what we bought --

15 COMMISSIONER COHEN: But what I'm
16 thinking of is -- well, we'll obviously have a
17 transcript of what the hearing is, but I think it
18 would probably be helpful to have it as a formal
19 submission --

20 MR. MATULE: If I may make a
21 suggestion, assuming the Board looks on this project
22 favorably, I know the architect is going to have to
23 submit revised plans. We could make as part of that
24 submission a detailed report from Mr. Chartier about
25 what he testified --

1 MR. GALVIN: Let me -- I was paying
2 attention, so what I have written down so far is
3 this project will utilize Passivhaus design,
4 pervious concrete sidewalks, bicycle storage. There
5 will be a white protective roof.

6 The applicant agreed to plant ten
7 street trees at the direction of the city Shade Tree
8 Commission, which was not said.

9 There will be a 12 kilowatt solar array
10 on the roof of the building, which will also be used
11 in an emergency. The system will become a part of
12 the microgrid, if the city permits.

13 That's what I thought the highlights
14 were. I know that we said that we're going to be
15 energy efficient and have LED, but that's not
16 something that we really want to test against, so I
17 think these were the highlights, so I think --

18 THE WITNESS: I will say that LEED
19 platinum is sort of all encompassing for most of
20 this, of what --

21 MR. GALVIN: No --

22 THE WITNESS: -- were the elements that
23 I used --

24 MR. GALVIN: -- no. But from a zoning
25 standpoint, my argument is it didn't do anything for

1 us. It's just a nice colorful statement, and that's
2 why I'm seeking out the specifics, so that the
3 zoning officer can say, okay, white roof,
4 12-kilowatt thing, and then hopefully you will get
5 LEED certification.

6 Come back and tell us after the
7 building is up, and it's all sold, that you got it.

8 COMMISSIONER COHEN: But I think from
9 my perspective, it is helpful to see what the
10 proposal is in writing as well as to hear it and
11 hopefully you will get the platinum LEED
12 certification, but it will be --

13 MR. GALVIN: It would be helpful to
14 what I'm doing to have a list of the highlights in
15 every case that we're going to have a LEED
16 certification. I think that's what I have been
17 asking for.

18 ACTING CHAIRMAN BRANCIFORTE: Well, we
19 have in the past gotten that checklist and point
20 system.

21 MR. GALVIN: But that's not to say from
22 my perspective, even though you guys might want to
23 see that, it doesn't have the same value as having
24 the specific items --

25 MR. MATULE: If I may, I do have an

1 exhibit I could hand out and give you a copy. It is
2 a synopsis of the points he raised. It's called the
3 341 Garden Street Sustainability Design Strategy.

4 We can mark it A-4 and I'll pass it
5 around.

6 MR. GALVIN: Hopefully I got them all.

7 COMMISSIONER COHEN: Thank you.

8 ACTING CHAIRMAN BRANCIFORTE: Any other
9 questions, Phil?

10 COMMISSIONER COHEN: No.

11 ACTING CHAIRMAN BRANCIFORTE: You're
12 good.

13 Antonio?

14 MR. MATULE: So if you want to pass
15 them around, I will give the Board Secretary one
16 more for the Board.

17 MS. CARCONE: Thank you.

18 (Exhibit A-4 marked.)

19 COMMISSIONER GRANA: Mr. Chartier, just
20 for the benefit of the Board, there's a detention
21 system and a retention system.

22 The detention system is really in the
23 case of a storm event described to hold back water
24 out of the sewerage system, the common shared sewer
25 system.

1 Retention is to retain water --

2 THE WITNESS: Yes.

3 COMMISSIONER GRANA: -- for what use is
4 that water retained?

5 THE WITNESS: Flushing toilets.

6 COMMISSIONER GRANA: Okay. So is that
7 like rainwater retention used for non-potable
8 functions and so forth?

9 THE WITNESS: Yes. It's replacing in
10 this case approximately 32,000 gallons annually of
11 pubic water that would be used to flush toilets.

12 COMMISSIONER GRANA: Using potable
13 water, yes, --

14 MR. GALVIN: Drinkable.

15 THE WITNESS: And we always try to push
16 it. I mean, I have on some much larger projects we
17 have done, it's called black water treatment, and I
18 used it for like flushing -- for a cooling tower
19 makeup in a very large building and irrigating the
20 landscaping on green roofs and at ground level
21 landscaping. The Department of Health sometimes has
22 issues with black water treatment. Gray water is
23 sort of an easier system to get an agency's feet wet
24 with.

25 COMMISSIONER GRANA: But it's purpose

1 is to flush toilets and such?

2 THE WITNESS: That's the primary, but
3 we look at -- there's a water feature in the rear
4 yard for the lower unit. We looked at using
5 collected water for that water feature. We thought
6 it would be prudent to kind of educate, especially
7 if there's children, and there most likely will be,
8 educate them that every time it rains, you see the
9 fountain come on, and it starts using collective
10 rainwater, and it sort of serves as a reminder that
11 we live in this flood prone river town.

12 We are collecting a lot of water, and
13 the fact that we are using very efficient water
14 fixtures and efficient toilets, we may have excess
15 water. We can use it for irrigation, but we also
16 pick very low maintenance plants particularly on the
17 projects I worked on with this applicant, we don't
18 need irrigation.

19 COMMISSIONER GRANA: Thank you.

20 ACTING CHAIRMAN BRANCIFORTE: Go right
21 ahead, Frank.

22 COMMISSIONER DE GRIM: The water
23 retention tank, is it a single tank, or are there
24 going to be multiple tanks, and where are they?

25 THE WITNESS: There is sort of two ways

1 to do it. There's two ways we've done it, where we
2 do a concrete tank that has sort of a lower volume
3 that is for retention, and then you have your
4 discharge to the sewer above say that retention
5 water line, and once that fills up, then it
6 overflows into the sewer or trickles into the sewer
7 or they have two separate tanks.

8 COMMISSIONER DE GRIM: But both tanks
9 will be -- are they going to be underground?

10 THE WITNESS: They are both
11 underground.

12 COMMISSIONER DE GRIM: Okay. So how do
13 you end up flushing the toilet on the fifth floor?

14 THE WITNESS: With pumps. We pump the
15 water out. We filter it. We treat it. We put in a
16 pressurized tank and then it acts as a traditional
17 building. It has essentially the same water
18 pressure at that lower tank level than you would
19 coming off the street.

20 MR. MARSDEN: John?

21 ACTING CHAIRMAN BRANCIFORTE: Is it a
22 follow-up to Frank's question?

23 MR. MARSDEN: Yes.

24 ACTING CHAIRMAN BRANCIFORTE: Go ahead.

25 MR. MARSDEN: What I would like to see

1 is a report that indicates that you have two tanks
2 or one tank, however you are going to configure it
3 with the outflow control structure, your overflow
4 structure, and what the resulting reduction in storm
5 flow will be, and we'll also expect that to be
6 submitted to North Hudson Sewer Authority.

7 THE WITNESS: Of course.

8 MR. MARSDEN: Okay. And the details
9 showing everything that you are proposing.

10 THE WITNESS: We will have details of
11 the tank, of the pumps, the filters, how the whole
12 system will be engineered and the details.

13 MR. MARSDEN: Okay.

14 ACTING CHAIRMAN BRANCIFORTE: Did you
15 want to add something, Eileen?

16 MS. BANYRA: I just wanted to ask you
17 about your gray water system.

18 So, Tom, could you explain, I may have
19 missed it because I was talking to Jeff when you
20 were talking about it.

21 Could you just explain to me the gray
22 water system?

23 THE WITNESS: It's really just
24 collecting rainwater and we're going to use it to
25 flush toilets.

1 MS. BANYRA: Okay. Got it.

2 ACTING CHAIRMAN BRANCIFORTE: You said
3 that you are going to pump the gray water up to the
4 top floor?

5 THE WITNESS: No. We pump it into a
6 pressurized tank, and then the storage from that
7 tank is essentially street level pressure, so it's
8 enough to pressurize the entire building.

9 ACTING CHAIRMAN BRANCIFORTE: So if you
10 lose power for an extended amount of time, does that
11 affect the water pressure in the building?

12 THE WITNESS: No. We could put in a
13 bypass where you still have city pressure going up
14 to the -- to the toilets. We did that on other
15 projects.

16 ACTING CHAIRMAN BRANCIFORTE: And where
17 are the bike racks, or bike storage?

18 You say it's in every unit, but I
19 didn't see anything --

20 THE WITNESS: I don't think it is on
21 the plan, but we would put it on the sidewalk in the
22 front of the building.

23 COMMISSIONER MURPHY: What?

24 ACTING CHAIRMAN BRANCIFORTE: You have
25 to repeat that, because I don't think Ms. Murphy --

1 COMMISSIONER MURPHY: On the sidewalk
2 you are going to put the bikes?

3 THE WITNESS: Well, in front of the
4 building.

5 COMMISSIONER MURPHY: In that little
6 space behind the fence?

7 THE WITNESS: Probably adjacent to the
8 planters.

9 COMMISSIONER MURPHY: So this is
10 Hoboken, and you leave your bike outside, and it
11 gets ripped off, or it's missing -- or it's a bike --
12 I mean, it happens. My bicycle was stolen with two
13 kryptonite locks right off the front of my house.

14 THE WITNESS: I know that this
15 applicant has done this on several of their
16 buildings before. I don't believe it has
17 happened --

18 MR. MATULE: I just want to --

19 MR. GALVIN: Just watch it --

20 MR. MATULE: -- just a point of order
21 or a point of information, this is a county road.
22 Assuming this gets approved, if it gets approved, we
23 then have to go to the county. The county generally
24 requires us to put bike racks out front.

25 MR. GALVIN: You know what, though, but

1 the testimony is we are going to have bicycle
2 storage, and now we are going to have bike racks
3 that we might not have on the street, if they're
4 approved or not approved by the county.

5 MR. MATULE: No. I'm not saying that.
6 All I'm saying is that we are happy to put them
7 there if the county doesn't require it, but the
8 county will probably require it anyway. That's all
9 I am saying.

10 MR. GALVIN: Okay.

11 MR. MATULE: If the county doesn't
12 require it, we will put them there of our own
13 volition unless the county says we may not.

14 COMMISSIONER MURPHY: Well, I guess
15 that would be one of my questions is like having
16 bike storage outside of this beautiful building, and
17 it is just kind of odd.

18 But I have a question regarding I
19 think -- did you say that the solar power would only
20 generate 20 percent of the building's energy?

21 THE WITNESS: That is based on LEED's
22 only conservation calculations --

23 COMMISSIONER MURPHY: Okay. Oh, that's
24 right.

25 And what are you are estimating?

1 THE WITNESS: Upwards of 50 percent.

2 COMMISSIONER MURPHY: Oh, all year

3 or --

4 THE WITNESS: On past experience.

5 Well, it is not year round. I mean, it fluctuates.

6 It gets more intense in the summertime, but over the
7 course of the year.

8 COMMISSIONER MURPHY: Right.

9 And then I did make mention about the
10 bulkheads --

11 THE WITNESS: The bulkhead was
12 negligible in the solar shadow --

13 COMMISSIONER MURPHY: Oh, and how tall
14 are they about?

15 MR. MATULE: How tall is the bulkhead,
16 eight feet --

17 MR. MINERVINI: Yes.

18 COMMISSIONER MURPHY: Eight feet. And
19 how long are they about, because there is one for
20 the elevator and for the stairs?

21 MR. MINERVINI: The elevator is the
22 same size as the elevator --

23 COMMISSIONER MURPHY: Right.

24 MR. MINERVINI: -- 8 by 11
25 approximately because of the outside walls, and the

1 main stair is -- this is an estimate -- I would say
2 it's 15 feet by 7 in width -- one, two, three, four,
3 five, six, seven, eight --

4 COMMISSIONER MURPHY: So we're talking
5 11-15 --

6 THE WITNESS: 16 feet perhaps.

7 COMMISSIONER MURPHY: 16 feet?

8 THE WITNESS: Yes. In both cases the
9 stair bulkhead and the elevator bulkhead, pardon me,
10 are against the taller building to our south.

11 COMMISSIONER MURPHY: Okay.

12 I am just curious because you were
13 talking about it. So it is negligible how much that
14 interferes, but the building next door to it
15 interferes quite a lot, and it is further back, and
16 it is not as high, so I am just trying to understand
17 that.

18 MR. MINERVINI: You can explain --

19 COMMISSIONER MURPHY: Well --

20 THE WITNESS: We did an analysis, and
21 they build the way the sun tracks. It starts in the
22 east relatively low, and it sort of builds up, and
23 you look to generate approximately four hours of the
24 intense solar generation over the course of a day,
25 so, you know, it is not directly in the way of

1 the -- you know, you are generating power from the
2 east, and then from the south, and then from the
3 west.

4 COMMISSIONER MURPHY: Uh-hum.

5 But the bulkheads are to the south,
6 which is probably where you get the most or the most
7 consistent year round?

8 THE WITNESS: With a 50 foot tall
9 building, it was negligible. The way we positioned
10 the solar array, with a 40-foot tall building, from
11 September through March, essentially it shadowed the
12 entire array.

13 COMMISSIONER WEAVER: And they are
14 fixed, they're not tracking?

15 THE WITNESS: They are fixed.

16 MR. MATULE: If I might also on the
17 issue of bike storage, I asked Mr. Minervini since
18 he is going to redesign the trash receptacles, if he
19 could figure out a way to put inside bike storage,
20 and he has assured me he could come up with a
21 solution to do that.

22 ACTING CHAIRMAN BRANCIFORTE: Good.

23 Dan?

24 COMMISSIONER WEAVER: Thank you.

25 Just quickly for Mr. Minervini --

1 MR. MATULE: I don't think Mr.
2 Minervini is in the room.

3 MR. MINERVINI: Here I am.

4 MR. MATULE: I didn't see you back
5 there. I thought you went out. I'm sorry.

6 (Laughter)

7 COMMISSIONER WEAVER: No, on Z-7, can
8 you check Z-7?

9 I think you are calling out the two
10 bulkheads, both as stair -- I mean, one's a stair
11 and one is an elevator?

12 COMMISSIONER MURPHY: Oh.

13 COMMISSIONER WEAVER: No, no, the top.
14 No, no, on the front elevation.

15 ACTING CHAIRMAN BRANCIFORTE: In the
16 upper left-hand corner.

17 MR. MINERVINI: Correct. One is an
18 elevator and one is a stair.

19 Thank you.

20 COMMISSIONER WEAVER: You are welcome.

21 Mr. Chartier, so you testified that the
22 solar array is going to generate 20 percent roughly
23 conservatively of the power for the building, but
24 yet they could use this in a blackout.

25 How would that be achieved?

1 THE WITNESS: We could either design it
2 to feed -- to be directed to the common area panel,
3 and then feed lighting and security, or what we've
4 done on other projects is we just have a receptacle
5 and sort of an interface, so that it's done
6 manually.

7 COMMISSIONER WEAVER: Okay.

8 So it could be done to have -- and some
9 projects I've seen it powered one outlet, plus the
10 refrigerator because sometimes there's --

11 THE WITNESS: We have done that, yeah.
12 We have dedicated lines for the refrigerator, and a
13 common area for lighting, security and fire
14 protection pumps --

15 COMMISSIONER WEAVER: Yeah. Okay. But
16 that will require some more engineering?

17 THE WITNESS: Yes.

18 COMMISSIONER WEAVER: Okay. Because
19 there are no batteries for storing this power, so
20 when the sun -- at night, you would still have no
21 power?

22 THE WITNESS: Correct.

23 COMMISSIONER WEAVER: Hum, how does
24 the -- I am familiar with the Passivhaus design
25 criteria, and how does the Passivhaus air tightness

1 work with tenants and operable windows?

2 Usually the Passivhaus is for -- what I
3 have seen is, you know, owner occupied units, where
4 they are actually concerned about tightness and
5 energy efficiency, so they are not opening the
6 windows, because they have other sources of fresh
7 air, so how does this work with tenants?

8 THE WITNESS: The code requires us to
9 provide operable windows, and beyond that, people
10 psychologically want the ability to open windows.

11 We typically educate the residents
12 moving into all of these building with a manual,
13 which explains how the building is designed. It
14 talks about the air quality.

15 We essentially tell them that the air
16 quality in the building is better than the air
17 outside of the building, so you really shouldn't or
18 don't need to open the windows.

19 Psychologically some people prefer it,
20 but typically we have been doing that, energy
21 recovery ventilators, so you have a 24-hour flushout
22 when you bring in fresh air filtering it --

23 COMMISSIONER WEAVER: So that is a heat
24 recovery wheel?

25 THE WITNESS: In this case we typically

1 do energy recovery, which is humidity --

2 COMMISSIONER WEAVER: Okay. Where is
3 that located?

4 THE WITNESS: I am going to guess.
5 It's not shown in the plans, but we put it close to
6 either the furnace or the heat pump and the fresh
7 air is ducted directly to the return of the HVAC
8 unit. It's usually ceiling height.

9 COMMISSIONER WEAVER: Hum, how does the
10 Hoboken Building Department and the New York -- and
11 the New Jersey State code, how do they deal with
12 gray water systems?

13 THE WITNESS: I mean, it's addressed by
14 the National Plumbing Code and Mechanical Code. We
15 have not had any issues in the past few years in the
16 systems that we've installed.

17 COMMISSIONER WEAVER: You installed
18 them in Hoboken?

19 THE WITNESS: I believe four so far,
20 this same type of system used just for flushing
21 toilets.

22 COMMISSIONER WEAVER: Okay. And then
23 let me see.

24 You said you are going for LEED
25 platinum. How many points are you budgeting right

1 now?

2 THE WITNESS: Right now we have
3 approximately 83.

4 COMMISSIONER WEAVER: What is required
5 for LEED?

6 THE WITNESS: 80.

7 COMMISSIONER WEAVER: So you only
8 have --

9 THE WITNESS: Well, we have 83 that
10 are -- that we feel very confident that we can get.

11 We have a buffer, I believe, of another
12 15 or so of what we call NAVD points, so we do our
13 energy model, and down the road if we don't get the
14 15 or so points that we want there, we can look
15 somewhere else, pick up another point. LEED is all
16 about trade-offs.

17 COMMISSIONER WEAVER: Yeah.

18 Then the details, our engineer actually
19 read the details for the retention tank, so those --
20 so that will have a pump -- it will have a separate
21 pump and a compression tank, right, which has the
22 water at pressure, so it could get up to the fifth
23 floor for the toilet use, and that could be direct
24 buried?

25 THE WITNESS: I'm sorry?

1 COMMISSIONER WEAVER: That can be
2 direct buried underground?

3 THE WITNESS: In the design of a
4 combination, usually a concrete tank, it is a
5 submersible pump.

6 COMMISSIONER WEAVER: But you said
7 there's actually a -- how do you build up pressure?

8 THE WITNESS: It is a manufactured
9 tank, so you have most likely a submersed pump in
10 the retention tank that is going to pump it into a
11 nearby pressure tank.

12 COMMISSIONER WEAVER: The pressure
13 tank, where's the pressure tank located?

14 THE WITNESS: In the utility closet on
15 the ground floor. I am not sure if it is shown on
16 the drawings.

17 MR. MATULE: So it is typically located
18 above grade?

19 THE WITNESS: If you have room for the
20 tank, it could be located above grade, but there is
21 no reason it can't be buried.

22 ACTING CHAIRMAN BRANCIFORTE: Any other
23 questions, Dan?

24 COMMISSIONER WEAVER: No. Just as long
25 as the details show how the pumps are serviced

1 because you have to actually get into the tank to
2 replace the pumps, right?

3 THE WITNESS: Yes.

4 COMMISSIONER WEAVER: Okay.

5 That is it. Thanks.

6 ACTING CHAIRMAN BRANCIFORTE: So you
7 will include that in your new drawings? If we need
8 to submit new drawings, you will show how that --

9 THE WITNESS: We can include all of
10 these details. I think we have details. The
11 applicant and I have worked on a very similar system
12 on past buildings, so I believe we have details
13 ready to go.

14 ACTING CHAIRMAN BRANCIFORTE: Okay.

15 Ed, any questions?

16 COMMISSIONER MC BRIDE: No questions.

17 ACTING CHAIRMAN BRANCIFORTE: Cory?

18 COMMISSIONER JOHNSON: So how does the
19 I guess regular wear and tear affect the solar
20 panels, like energy efficiency?

21 THE WITNESS: I mean, they're essential
22 to your maintenance. The warranty or the lifetime,
23 or the estimated lifetime I believe is to about 20
24 years on these panels that we have been installing.

25 You don't have to clean them. You

1 don't really have to -- you know, you could go up
2 there for a heavy snowstorm and brush off the snow,
3 but it is essentially zero maintenance.

4 COMMISSIONER JOHNSON: Okay.

5 And assuming that there is a heavy
6 snowstorm, does somebody have to actually go up
7 there and knock off the snow --

8 THE WITNESS: You don't have to. It is
9 not going to damage the panels. I mean, if you are
10 really concerned about it, you can go up there and
11 brush them off, but you don't have to. Usually when
12 it snows, like the storm we got in January, your
13 priorities are a little different.

14 (Laughter)

15 ACTING CHAIRMAN BRANCIFORTE: Any other
16 questions for the expert?

17 Let's open it up to the public.

18 Anybody from the public want to ask
19 questions of Mr. Chartier, please step forward.

20 Seeing none.

21 COMMISSIONER COHEN: Motion to close
22 public portion.

23 COMMISSIONER GRANA: Second.

24 ACTING CHAIRMAN BRANCIFORTE: All in
25 favor?

1 (All Board members answered in the
2 affirmative.)

3 ACTING CHAIRMAN BRANCIFORTE: Let's
4 take a ten minute break, and we will resume then
5 with the planner.

6 Thanks.

7 (Recess taken)

8 ACTING CHAIRMAN BRANCIFORTE: Okay. We
9 are back on the record, everyone. It is 9:35.

10 Mr. Matule, do you have another witness
11 for us?

12 MR. MATULE: I do. I have our planner,
13 Mr. Kolling, so if we could have Mr. Kolling sworn.

14 MR. GALVIN: Mr. Kolling, please raise
15 your right hand.

16 Do you swear or affirm the testimony
17 you are about to give in this matter is the truth,
18 the whole truth, and nothing but the truth?

19 MR. KOLLING: Yes, I do.

20 E D W A R D K O L L I N G, having been duly sworn,
21 testified as follows:

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

24 THE WITNESS: Edward Kolling,
25 K-o-l-l-i-n-g.

1 MR. GALVIN: All right.

2 Mr. Branciforte, do we accept Mr.
3 Kolling's credentials as a planner?

4 ACTING CHAIRMAN BRANCIFORTE: Yes.

5 MR. GALVIN: You may proceed.

6 MR. MATULE: Thank you.

7 Mr. Kolling, you are familiar with the
8 master plan and the zoning ordinance of the City of
9 Hoboken?

10 THE WITNESS: Yes, sir.

11 MR. MATULE: And you are familiar with
12 the proposed project as described by the last two
13 witnesses?

14 THE WITNESS: Yes, I am.

15 MR. MATULE: And you prepared a
16 planner's report, dated September 10th, 2015, to
17 support the requested variance relief?

18 THE WITNESS: Yes.

19 MR. MATULE: Okay. Could you go
20 through your report for the Board and give us your
21 professional opinion regarding the variance relief
22 requested and the positive and negative criteria?

23 THE WITNESS: I will try not to be too
24 redundant with what has already been presented.

25 We are well aware of the location and

1 the property descriptions, the two lots with the
2 older homes on it that are somewhat worn and tired.

3 The surrounding area Mr. Minervini has
4 described in some detail with the variety of
5 building heights and within the area.

6 The proposed development, he has also
7 gone through a significant amount of detail.

8 I would mention that as part of this
9 project the two nonconforming lots will be merged,
10 so that removes a nonconforming condition, and the
11 resulting lot, which would be 32 feet wide and a
12 hundred feet deep, will now be conforming in terms
13 of lot width and lot area, so that is something that
14 I think is a positive of the project alone.

15 And, of course, Mr. Chartier went
16 through a significant amount of the green benefits
17 that this project will bring.

18 The zoning is R-1, as the Board has
19 brought up themselves, and the intent of the R-1
20 Zone is to conserve the architecture and scale and
21 grade of the residential blocks and to reinforce the
22 residential character of the district, and I think
23 this project is consistent with that in terms of its
24 size and scale and its residential use, and it's
25 consistent with the density within the district as

1 well.

2 The variances that we are going to be
3 required for this project to proceed is the height
4 variance, 50 feet from DFE versus 40 feet as
5 permitted. A lot coverage of 66.9 percent due to
6 the decks in the rear versus the 60 percent that is
7 permitted.

8 The upper deck or upper floor, I should
9 say, is set back five feet. The requirement is to
10 match the predominant, which is zero here, and so I
11 am not sure if that is necessary to have a variance
12 for the upper floor, but we are presenting it anyway
13 because the building predominantly is at zero
14 setback, so the buildings can move in and out, but
15 that is what is happening on our fifth floor.

16 And the facade materials, because of
17 the contemporary design and the use of metal panels
18 and things of that nature, we don't have the same
19 percentage of masonry that you would get in a more
20 traditional Hoboken building.

21 The master plan in discussing the R-1
22 area, well, it was done in 2004. The 2011 adoption
23 of the Reexamination Report really didn't do
24 anything to modify the R-1 type of district
25 recommendations.

1 So I think what this project does do in
2 terms of the master plan is promote the capability
3 in scale, density and orientation between new and
4 existing development. The building is an infilled
5 project that faces the street, and has a similar
6 scale to the adjoining buildings in the area and has
7 an appropriate density, so it meets that
8 recommendation.

9 It also meets the recommendation to
10 provide open space on the interior of the blocks.
11 The rear garage building is being removed. The
12 Hoboken donut is being preserved or actually
13 recreated in that sense, and that therefore, I think
14 it meets that intent because of the creation of the
15 rear yard.

16 The rear yard will also provide
17 landscaping and rear yard trees, which is also a
18 recommendation of the master plan.

19 In terms of housing types, as the Board
20 is well aware, there is a recommendation for
21 providing family-type housing units. These units
22 are larger scale, and therefore, they meet that
23 recommendation as well, and there are several
24 recommendations within the housing element of the
25 master plan that reinforce that recommendation, and

1 of course, the master plan does have significant
2 recommendations about green development, and this
3 project, as Mr. Chartier has testified to, is very
4 green.

5 The height variance that we are looking
6 for is a D-6 variance, and I think that the site is
7 well suited to accommodate the additional height
8 because the block has a variety of different
9 heights. There are the school buildings that are
10 both across the street to the north and also at the
11 southern end of the block are rather tall.

12 The immediately adjacent building is
13 five and a half or six stories, when you are
14 counting the basement floor as a story, because of
15 the residential use of that space, so it fits into
16 the character, and I think therefore it is well
17 suited for this.

18 It preserves the character of the block
19 in terms of the heights, and I think the idea of
20 setting the upper floor back helps to serve as a
21 transition between the taller building to our south
22 and the permitted height of the 40 feet.

23 The height is also justified I think in
24 terms of the provision of the green element of the
25 solar panel, because the height of the building to

1 the south being a significantly tall building, I
2 think it is necessary to get the building up to this
3 height in order to provide that green benefit.

4 That benefit, as Mr. Chartier has
5 testified to, is also that as the microgrid that has
6 been proposed for Hoboken is established, this will
7 contribute to the -- tie into that microgrid, which
8 could then be used for emergency services and things
9 of that nature by in terms of powering the city hall
10 or police station or fire station or things of that
11 nature. So that to me is a public benefit that
12 derives from making the -- having the solar panels
13 and having them be more productive and efficient
14 through having the height of the building a little
15 bit taller.

16 It also should be pointed out that the
17 additional height doesn't really increase the -- or
18 create an intensification of use.

19 Permitted on this site are four
20 dwelling units. I think it comes out to actually
21 4.85, and we are proposing four units, so we are not
22 looking for extra density in conjunction with the
23 additional height. Rather, the additional floor
24 area is used to create these larger family-oriented
25 units, so I don't think that the granting of the

1 variance results in any substantial detriment to the
2 zone plan.

3 The use, the density is all permitted,
4 and I think that the building in general meets the
5 intent of the zone plan.

6 The lot coverage variance is as a
7 result of the decks. The decks do serve the benefit
8 of providing some outdoor living space for the
9 family-friendly units, and I think that that is a
10 good balance or offset in terms of allowing or
11 providing for that.

12 The other thing is that I don't think
13 there is any substantial detriment with the
14 additional lot coverage because the first deck
15 actually occurs at the third floor. It is about 25
16 feet above the ground, so it doesn't really impact
17 the ability of the yard in terms of additional
18 impervious coverage or anything of that nature, so I
19 think that the impact on the ground coverage is
20 minimal at best.

21 And even if there were a bit more
22 impervious coverage from the runoff from the decks,
23 for instance, I think that is more than mitigated by
24 both the retention and the detention that is being
25 provided on site.

1 The rainwater is being collected and
2 retained for use as a gray water system, so any
3 potential negative impacts are I think, in my
4 opinion, mitigated, so I don't see any substantial
5 detriment to either the zone plan or to the public
6 welfare.

7 I think the benefit of providing some
8 outdoor space for the families that will occupy this
9 unit and promoting family-friendly recommendations
10 of the master plan, I think offset any detriment, so
11 I think we meet the C-2 criteria in that regard.

12 The front yard, again, that only occurs
13 at the upper level. I think the benefit of that is
14 that it does set the building back a little bit at
15 the upper level. It serves as sort of a design
16 transition between the taller building to our south
17 and the permitted 40 foot height limit, so I think
18 as a design it is a better approach to design, and
19 therefore, again, provides a benefit.

20 There is no substantial detriment from
21 setting it back, clearly to either the zone plan or
22 to the general welfare, and again, here, too, I
23 think we have a C-2 type of an argument for granting
24 that front yard.

25 Now, the building facade, although

1 there is less masonry than would be required in the
2 facade, I think you have to look at what the intent
3 of that is, and the ordinance the way it is written
4 talks about having 75 percent masonry versus say
5 having wood or stucco or some other less -- what is
6 the word that I am looking for -- less substantial
7 material.

8 The idea is that you would want to have
9 the higher quality materials on the facades, and
10 although these materials are not masonry, the metal
11 panels and the other materials being selected, they
12 are of high quality. They are materials that are
13 also green, and therefore, I think are a high
14 quality, so we are meeting the intent that the
15 building is not being faced with some inferior type
16 of materials, like stucco or iFuse types of facade
17 materials, so I think we meet that intent.

18 And I think as Mr. Minervini was
19 discussing, in terms of the architecture, when you
20 have a contemporary building, it should look
21 contemporary. It is a generally accepted principle
22 of architecture, that buildings should be a product
23 of their own time, and that is what is being
24 achieved here, so I think we meet the intent of the
25 zone plan to provide quality materials.

1 I think that there is no substantial
2 detriment to the intent of this particular
3 requirement, and the building is well designed and
4 would not have any substantial detriment to the
5 general welfare either, so in this case, too, we
6 meet the C-2 criteria.

7 So in conclusion, I think that we meet
8 the positive and negative criteria for both the D-6
9 and the C variances, and we also I think promote
10 several of the purposes of the Municipal Land Use
11 Law in terms of promoting the general welfare
12 because the building provides improved housing, and
13 the existing buildings, they are kind of old and
14 tired, as I said. These will provide
15 family-friendly and ADA accessible units, and so I
16 think that promotes subparagraph 2(a). I think we
17 promote subparagraph 2(e) which deals with density
18 because we are consistent with the permitted density
19 within this area.

20 The site provides sufficient space in
21 an appropriate location for this type of use. The
22 lots are being consolidated, so you have a somewhat
23 larger lot than is required, and you are eliminating
24 two substandard lots to create one lot that is
25 consistent with the requirements and actually

1 exceeds the requirements, and I think the project
2 also provides a desirable visual environment by
3 removing those two older buildings, wood frame
4 buildings, that also don't meet the facade materials
5 requirements and replacing it with this rather
6 attractive and well-constructed building.

7 So I think that we also promote those
8 purposes of the Municipal Land Use Law and, again,
9 we have met our positive and negative criteria.

10 MR. MATULE: Thank you, Mr. Kolling.

11 ACTING CHAIRMAN BRANCIFORTE: Any Board
12 members?

13 COMMISSIONER WEAVER: Yes.

14 ACTING CHAIRMAN BRANCIFORTE: Let's
15 start with Antonio.

16 COMMISSIONER GRANA: Good evening.

17 THE WITNESS: Hi.

18 COMMISSIONER GRANA: Just a few
19 questions. I just want to be clear.

20 With respect to the height variance, it
21 is your testimony that -- well, what I heard of the
22 testimony is that -- two things.

23 One, the environmental benefits
24 versus -- or let's just call it the green benefits
25 that come as a result of putting the extra height on

1 the building, and I actually don't have any
2 questions about the green benefits. They are well
3 documented, but also the site suitability for a
4 taller building.

5 THE WITNESS: Right.

6 When you look at the character of the
7 area, for instance, if all the buildings here were
8 lower, and we asked for five stories, the site
9 wouldn't be suitable to be able to accommodate the
10 taller building.

11 But in this case, the building
12 immediately to our south is already taller, because
13 going down the block there are some shorter
14 buildings, but also when you get to the number one
15 school, I think it is also called the Rue School,
16 that's very large,

17 There are some five-story buildings
18 directly behind this to the east, and then there is
19 the Demarest School, so there is a variety of
20 building heights where a building of this scale
21 won't stick out. It can be accommodated within the
22 range of heights that are already there, so I think
23 that that gives it its site suitability.

24 COMMISSIONER GRANA: I am just looking
25 at Z-1, so in fact, some of those -- yes, the

1 building next door. Some of those taller buildings
2 are for different uses --

3 THE WITNESS: Yes.

4 COMMISSIONER GRANA: -- so I don't know
5 if that factors at all into my decision-making, if
6 this is a residential use, those are inherently
7 beneficial uses I suppose --

8 THE WITNESS: Schools are, yes.

9 COMMISSIONER GRANA: Yes. And might
10 justify the height under -- any height variances
11 that we would approve, like we approved the
12 structure next door, that was also tall.

13 THE WITNESS: Well, that building is
14 preexisting. I am sure that building was prior to
15 zoning.

16 COMMISSIONER GRANA: Okay. And then I
17 just --

18 MS. BANYRA: Excuse me.

19 Which building was prior to zoning?

20 THE WITNESS: The building next door.

21 COMMISSIONER GRANA: Rue -- oh, next
22 door.

23 MS. BANYRA: Next door.

24 Thank you.

25 COMMISSIONER GRANA: I don't want to

1 sound like a broken record. I do want to go back to
2 this question I asked Mr. Minervini about the front
3 of the building about the stoop, and there is a
4 reason for this, that is, that we talked about in
5 the R-1, and I will even quote your report
6 concerning the architectural, you know, scale, grain
7 or residential blocks in the R-1.

8 It's a conservation district, and there
9 are a lot of other stoops actually -- two things --
10 there are actually a lot of stoops that are on this
11 block and on Park Avenue, which I realize is a
12 different location, but this Board for the last 18
13 months had quite a bit of deliberation about
14 contemporary structures incorporating older features
15 to have some kind of communication with old
16 architecture.

17 Do you think that that is important in
18 this application?

19 THE WITNESS: It can be.

20 In some instances, it is difficult when
21 the building has to be raised significantly because
22 you can't get a stoop up that high. It is just out
23 of scale, out of proportion.

24 I think it is possible to do it in
25 here. I would have to defer to Mr. Minervini as the

1 architect because of the proportions, I don't know
2 how much space he needs to get up high enough to get
3 in, just how far out would it project into the
4 sidewalk.

5 What you find in many of the buildings
6 in Hoboken is that the stoops, although they appear
7 to be within the property line, because they have
8 wrought ironing fence that goes around it, actually
9 not only the front yard, but also the stoop is
10 projecting into the right-of-way, and I would assume
11 that is what's happening here as well, because I
12 believe this building is on the property line.

13 The building to our south appears to
14 line up with the property line, so that stoop
15 probably comes out into the right-of-way --

16 COMMISSIONER GRANA: Into the
17 right-of-way, so it would have to go to City
18 Council.

19 THE WITNESS: Yes.

20 COMMISSIONER GRANA: Last question:
21 From the north -- no, excuse me -- from the
22 southwest, southeast corner of Church Square Park,
23 would this building be visually prominent?

24 THE WITNESS: It will certainly be
25 easily visible because it is only one lot in, so if

1 you are on that southeast corner, and you look in
2 the direction, you will clearly see this building,
3 and I am sure you will see the building next door to
4 it as well.

5 COMMISSIONER GRANA: Great. Thank you.

6 And I have no questions about the lot
7 coverage.

8 Thank you.

9 ACTING CHAIRMAN BRANCIFORTE: Frank?

10 COMMISSIONER DE GRIM: No, I'm fine.

11 Thank you.

12 ACTING CHAIRMAN BRANCIFORTE: Cory -- I
13 will come back to you if you have any other
14 questions.

15 Bill?

16 COMMISSIONER MC BRIDE: Nope.

17 ACTING CHAIRMAN BRANCIFORTE: Diane?

18 COMMISSIONER MURPHY: Not right now.

19 ACTING CHAIRMAN BRANCIFORTE: Dan?

20 COMMISSIONER WEAVER: Yes.

21 Can you put up the rendering that is in
22 front of you?

23 If I argued that the north wall of the
24 building is in fact the second facade of the
25 building, and you testified about the high quality

1 materials on the facade, do you find that that
2 facade, which is clearly visible both because of the
3 park and the setback, the angle of view that you
4 have, that that meets your criteria?

5 THE WITNESS: Well, the materials
6 requirement I believe only refers to the front
7 facade. I --

8 COMMISSIONER WEAVER: I know I prefaced
9 my comment by saying that I consider that to be
10 another facade of the building. They are going for
11 a variance, and I am saying it becomes a very
12 prominent -- it becomes a very prominent skin of the
13 building, right?

14 THE WITNESS: I could see that.

15 COMMISSIONER WEAVER: You can see
16 easily see it because of the scale of the building
17 that houses Sweet Sue's, the fact that it is very
18 close to the corners, the fact that you could stand
19 back in the park and have very good view of that
20 side of the building.

21 Would you say that that is high quality
22 materials given that there is no visible
23 articulation providing any shade or shadow or scale?

24 It is really just in my estimation a
25 flat, you know, side of the building.

1 MR. MATULE: If I might, I think that
2 is really more of a question for the architect than
3 the planner.

4 COMMISSIONER WEAVER: Well, the planner
5 was testifying about the quality of the facade. I
6 am asking him to evaluate that.

7 THE WITNESS: I was testifying as to
8 the materials that were used on the facade --

9 COMMISSIONER WEAVER: Then he
10 shouldn't --

11 THE WITNESS: -- I don't know the
12 quality of these materials. What is used for the
13 side, I don't know.

14 MR. MINERVINI: If I may jump in to
15 Commissioner Weaver's question.

16 He is absolutely right the way it was
17 designed with the thought that a taller building
18 would be built adjacent to us.

19 Understanding your point, I just spoke
20 to the applicant. We will redesign this side facade
21 to in some way continue these materials around,
22 probably not the entire length of the building. I
23 don't think that would be the architectural way to
24 handle it, but certainly we can have a return of a
25 certain percentage of that side facade, recognizing

1 that it is something that will be prominent until,
2 of course, at sometime this becomes --

3 COMMISSIONER WEAVER: You know, I am
4 not advocating that the client or the applicant
5 spend, you know, a lot of money on the facade. It
6 just seems like it hasn't been given much priority
7 and that --

8 MR. GALVIN: Go ahead.

9 I just wanted to make sure that you
10 don't get interrupted.

11 Go ahead.

12 COMMISSIONER WEAVER: It's not --

13 MR. MINERVINI: I am shaking my head.

14 COMMISSIONER WEAVER: -- that it is not
15 given much priority and not much thought, just
16 because it is often a side facade, and it defies
17 that it would be covered up.

18 But until it is, if it ever is, in my
19 estimation, it is a primary facade, and there ought
20 to be architecturally, not just a way to strike a
21 line and say, okay, well, we are going to do 30
22 percent of the facade and we're going to strike a
23 line, and from there back it can be a cement panel.
24 And from here, over on this side, it has to be an
25 architecturally considered -- a well considered

1 facade, which doesn't have to be expensive. I am
2 not advocating that it be expensive. It just needs
3 to be more thought out.

4 MR. MINERVINI: Understood, and I
5 agree, and we will happily, if approved, of course,
6 give another shot at that.

7 COMMISSIONER WEAVER: Thank you.

8 MR. MINERVINI: I'm sorry. One more
9 thing for the Board.

10 I've also spoken to the applicant, and
11 we would like the opportunity to redesign the small
12 section of the front facade adding a stoop, which
13 would be accessed solely by that first floor unit.

14 Can I also continue the thought? I'm
15 hoping that --

16 MR. GALVIN: Well, no, not really, but
17 go ahead.

18 (Laughter)

19 If I stopped you, it's just like it is
20 not your turn. You have an attorney, and the
21 planner is going.

22 MR. MATULE: I brought him up to
23 address the facade question --

24 MR. GALVIN: I let it go a little bit,
25 but the point is --

1 MR. MATULE: Thank you.

2 MR. GALVIN: -- but the point is that
3 you laid down the architectural testimony. In fact,
4 you gave us testimony about things, about bulk
5 variances and things, but Mr. Kolling is up here
6 right now, and it is appropriate for him to opine
7 about the architecture. I thought that was a very
8 fair question Mr. Weaver asked.

9 MR. MINERVINI: I only came up to give
10 the response that we would address it. I am not
11 saying that the Commissioner was wrong.

12 MR. GALVIN: But Mr. Matule --

13 MR. MINERVINI: Would you like me to
14 sit down and come back up?

15 MR. GALVIN: Yeah. Sure, sure,
16 perhaps.

17 (Laughter)

18 Hey, it is now ten o'clock. I was
19 hoping we would get done at 8:30 or 9 o'clock, so we
20 will just go as long as have to. I could stay until
21 midnight.

22 MR. MINERVINI: So could I.

23 ACTING CHAIRMAN BRANCIFORTE: Pat, did
24 you drive tonight or did you take the train?

25 MS. CARCONE: I'm taking the train

1 tonight.

2 ACTING CHAIRMAN BRANCIFORTE: Okay.

3 Ed?

4 COMMISSIONER MC BRIDE: I don't have
5 any questions.

6 ACTING CHAIRMAN BRANCIFORTE: No
7 questions.

8 Okay. I definitely do have some
9 questions for you.

10 I wanted to go over one thing that
11 Antonio spoke about, and that was the height of the
12 Rue building, and you've already answered the
13 question, but I am not sure I heard your entire
14 answer.

15 Is it fair to compare the height of
16 this building to the height of the Rue building
17 given the fact that the Rue building is really quite
18 beneficial to the neighborhood?

19 I mean, is it fair to take that
20 comparison between the two buildings? Use that as
21 for your comparison.

22 THE WITNESS: Yes. I would say that it
23 is because when you look at a D-6 variance, you are
24 not looking at the use. It has to do with the
25 context of the heights of the structures, not with

1 the uses.

2 ACTING CHAIRMAN BRANCIFORTE: If the
3 Rue wasn't there, and the city came to us and said
4 we want to put up a 50 foot building, would they
5 have to meet the same criteria as your building
6 would?

7 I mean, given that a school is more
8 inherent and might be considered inherently
9 beneficial to the neighborhood versus this building,
10 which really doesn't meet that criteria?

11 THE WITNESS: Right.

12 You would look -- you would give -- let
13 me phrase it correctly -- you would look more at the
14 beneficial aspects and then judge the detriments
15 more leniently in a situation like that, so you
16 probably would give a little bit more of a
17 consideration that because it was an inherently
18 beneficial use --

19 ACTING CHAIRMAN BRANCIFORTE: To the
20 school.

21 THE WITNESS: -- the school.

22 What we are saying here, too, is that
23 there is the beneficial aspect of the contribution
24 to the proposed microgrid system by being able to
25 put the systems up here.

1 If the building was lower, then we
2 can't do the system.

3 ACTING CHAIRMAN BRANCIFORTE: Okay.

4 Mr. Minervini, and I'm not asking you
5 to come up, Mr. Minervini.

6 MR. MINERVINI: Okay.

7 (Laughter)

8 ACTING CHAIRMAN BRANCIFORTE: If you
9 could hold that up.

10 Mr. Minervini testified before that
11 losing the top floor, basically lowering -- I won't
12 say losing the floor because that's not what you're
13 asking for. You're not asking for number of floors.
14 You're asking for height. But losing the ten feet
15 of height would open up the top floor windows facing
16 north -- let's put it this way.

17 The building next door right now, the
18 building facing north, all of those windows get
19 light, all of those windows get unobstructed air.

20 This building goes up at the height you
21 propose, the top floor windows will lose -- at least
22 four or five of them will lose the light and the
23 free flow of air because your building is going to
24 be there.

25 Now, how do you justify saying, give us

1 the height, don't worry about the neighbor losing
2 his windows and his light and air?

3 THE WITNESS: The building does have a
4 four foot setback, which is adequate putting the
5 windows there. I don't see that that is a negative,
6 and the windows do face north. They are not getting
7 direct sunlight even today or ever.

8 ACTING CHAIRMAN BRANCIFORTE: Right.
9 But what about the air?

10 I mean, is a four foot alleyway really
11 going to allow air to flow through?

12 THE WITNESS: I believe -- oh, I would
13 have to defer to the architect in terms of that
14 construction standard, but I believe that, yes, that
15 would meet the code.

16 ACTING CHAIRMAN BRANCIFORTE: You know,
17 Eileen Banyra mentions in here that we need to have
18 a design that promotes and enhances Hoboken's
19 historic character and design image of the master
20 plan. You mentioned that, and you mentioned it in
21 your report.

22 So I go back to what I asked Mr.
23 Minervini before. When you are standing in Church
24 Square Park, and you look around the park at the
25 perimeter of the park and you see all of the

1 buildings there, this is the only building that is
2 going to have a facade like that, and you feel that
3 this facade is going to fit into the character of
4 what you see all around the park as you stand inside
5 of the park?

6 THE WITNESS: I think there are other
7 references in the Hoboken master plan that mimic
8 what I was saying before, that buildings should be
9 products of their own time, and so I think it is a
10 balancing act.

11 I don't think every building has to be
12 a replica of say the building next door with the
13 lintels and the sills, so I think that this building
14 provides at the ground level, the first two floors,
15 substantial masonry, and then it breaks into the
16 more contemporary materials as it goes up. I mean,
17 architectural design, a lot of it is subjective and
18 it's matter of taste, but in my opinion, this is a
19 very attractive building.

20 ACTING CHAIRMAN BRANCIFORTE: Well, in
21 your opinion it is.

22 But the question is: Is it possible to
23 design a building that would meet the facade
24 requirement without, as you said, you know, trying
25 to mimic some sort of historic value of the town or

1 character of the town?

2 I mean, buildings are being designed
3 all over town that don't have this and still look
4 fine.

5 THE WITNESS: You could add -- you
6 could take out the metal panels and put in more
7 masonry, and it would still look very contemporary,
8 and you could make it 75 percent masonry without,
9 you know, that obviously it could be done.

10 ACTING CHAIRMAN BRANCIFORTE: Okay.
11 Thanks.

12 THE WITNESS: I don't know if it is as
13 green an approach because there are different
14 building materials that don't contribute to -- that
15 do contribute to better air quality and things of
16 that nature. Zinc panels, for instance, I don't
17 think deteriorate or don't have to be painted, so
18 there are different types of green design criteria
19 that may possibly be materials that maybe the
20 masonry does or doesn't. I'd have to defer again to
21 Mr. Chartier.

22 ACTING CHAIRMAN BRANCIFORTE: Well, I
23 don't know if Mr. Chartier mentioned any green
24 benefit to the zinc panels. But did he?

25 I certainly didn't hear it.

1 COMMISSIONER COHEN: He talked about a
2 lot of other green benefits.

3 ACTING CHAIRMAN BRANCIFORTE: But not
4 any benefits to any zinc panels as far as I
5 remember.

6 You also talked about the fact that if
7 we give you this variance, you are going to knock
8 down those two buildings, and it's going to look
9 much prettier and it's going to be -- the two
10 buildings are nonconforming right now and they will
11 brought into conforming.

12 Is it possible to build something there
13 right now that would be conforming without asking
14 for the height variance or a lot coverage variance?

15 THE WITNESS: I really can't answer
16 that.

17 ACTING CHAIRMAN BRANCIFORTE: All
18 right. Thank you. That's fine.

19 Any other questions from the Board?

20 Anyone?

21 The professionals?

22 MS. BANYRA: I had a question relative,
23 and this might be for Mr. Chartier, but I will ask
24 you also.

25 Assuming that the corner gets built,

1 because usually, and I know you have been here
2 testifying on corners, it is typical that the corner
3 gets to be a higher structure than the adjacent
4 structures.

5 You are setting a little bit of a
6 precedent maybe with the 50 foot height, so maybe
7 you could talk about what happens when the corner
8 lot comes out, and from Mr. Chartier, how does that
9 impact solar panels?

10 MR. CHARTIER: It doesn't. It wouldn't
11 have a --

12 MS. BANYRA: Okay. I understand. Okay.
13 I just wanted to make sure that that's not --
14 doesn't affect it at all.

15 MR. CHARTIER: -- it wouldn't have any
16 effect.

17 MS. BANYRA: Okay.

18 THE WITNESS: From an urban design
19 perspective, I don't think we have to go taller than
20 this building because we have a story set back, so,
21 for instance, possibly that building maybe would
22 continue as a five-story building, but maintain the
23 street frontage all the way up, and that would still
24 give you the same impression of a slightly taller
25 structure at the corner because our structure would

1 be set back.

2 MS. BANYRA: Okay.

3 Do you have any pictures of what is
4 happening in the backyard?

5 THE WITNESS: Only what Mr. Minervini
6 had provided in the aerials and angles back. I
7 think in here the upper left corner when you are
8 looking down into the yard, you can see the little
9 structures that are in the back of this particular
10 property, but the property next door to our south
11 extends very far back, and there is nothing going on
12 back there because there's not that much space. But
13 as you go around the corner and down the side
14 street, there are buildings that go down facing on
15 to Fourth, but it looks like a pretty typical rear
16 yard configuration.

17 MS. BANYRA: Thank you.

18 ACTING CHAIRMAN BRANCIFORTE: I have a
19 quick question.

20 You are talking about, you know, a
21 benefit of this is you're going to be able to join
22 the microgrid, if something happens.

23 How do we hold you to that?

24 I mean, how do we legally hold you to
25 tap in and become part of the microgrid?

1 If the lights go out, and there's a
2 major hurricane, and you guys decide, you know what,
3 we can't spare the power right now, we're not going
4 to join the microgrid today, because we want it for
5 our own building, I mean, how do we hold you to that
6 legally?

7 I mean, how do we show up and say you
8 have to join the grid at this point?

9 MR. MATULE: I think that is a better
10 question for Mr. Chartier because I just don't even
11 know that if is a valid premise.

12 MR. CHARTIER: I had a dozen
13 conversations with Stephen Marks and a few other
14 people that are sort of handling the proposed
15 microgrid. Fortunately, it's got a cutting edge.
16 Hoboken is going to be a prototype. There is a lot
17 of information that they don't have yet. So the
18 benefits of doing these types of buildings is that
19 they are available. The power systems are there
20 down the road when --

21 ACTING CHAIRMAN BRANCIFORTE: No, I
22 understand that, Tom.

23 But my question is -- maybe it is for
24 the attorneys, not for the experts, but for the
25 attorneys.

1 How do we legally hold the developer to
2 task, so when the lights go out, he has to become
3 part of the microgrid?

4 What happens if in six months, he
5 decides, it's not worth it joining the microgrid,
6 we're not going to do it?

7 What happens at that point?

8 MR. MATULE: I can give you my opinion,
9 and you have an attorney also, and I suppose he
10 could give you his opinion.

11 But my opinion is that you could put a
12 condition in any resolution of approval that if and
13 when they develop the microgrid and the city wants
14 the applicant to tie into it, the applicant will tie
15 into it, and that could be done by recording the
16 resolution. It could be done by recording a deed
17 notice --

18 ACTING CHAIRMAN BRANCIFORTE: Would
19 that hold up in court?

20 MR. MATULE: Pardon?

21 ACTING CHAIRMAN BRANCIFORTE: Would
22 that hold up in court, if the developer went to
23 court and said, you know what, we agreed to it, but
24 it's just not going to work for us now?

25 MR. MATULE: I would think it would

1 hold up as well as any other condition that's put in
2 a deed.

3 MR. GALVIN: You know, do you want my
4 opinion?

5 (Laughter)

6 ACTING CHAIRMAN BRANCIFORTE: That is
7 what we hired you for.

8 MR. GALVIN: Yeah. That's what you
9 hired me for.

10 (Laughter)

11 I think that there is a sliding scale
12 on conditions. I mean, I think that there's the
13 kind of condition that you absolutely get, and then
14 you get to this farther end of the conditions where
15 you might get it and you might not get it. Okay?

16 I think this is a might not get it
17 condition, because the microgrid is a brilliant
18 idea. It would be great if Hoboken could pull that
19 off. It would be awesome if we could pull all of
20 these buildings and do it.

21 But right now it is just in its infant
22 state, and I don't know that what I put in here, I'm
23 putting in: Will become a microgrid, if the city
24 permits.

25 I think there's an expectation that

1 MR. MARSDEN: And at this point you
2 don't have the battery system designed?

3 MR. CHARTIER: No.

4 MR. MARSDEN: Okay. Thank you.

5 MR. CHARTIER: Not to say that the
6 microgrid wouldn't --

7 MR. MARSDEN: Yeah, I understand, but
8 you know, until the microgrid happens, then --

9 MR. CHARTIER: You know, just to add to
10 that, we looked at batteries for this building, and
11 we looked at batteries for past buildings, and the
12 battery technology is just kind of not quite there
13 yet. Tesla has a battery system that has a lot of
14 hype, but I don't believe it's for sale yet. At
15 least we did last spring, and it wasn't on track
16 yet, and we were looking at other battery systems,
17 and it is just not there yet, but the buildings will
18 be ready for a battery system down the road.

19 ACTING CHAIRMAN BRANCIFORTE: I don't
20 want to move back into your testimony, because I
21 want to move this along. But I'm kind of thinking
22 now, I mean, you know, if the sun comes up at six
23 a.m. and sets at five or whatever or 5:30, I mean,
24 how many of those hours, of those 12 or 13 hours are
25 actually going -- the sun's going to be strong

1 enough to produce enough electricity, you know, to
2 push back into the microgrid?

3 MR. CHARTIER: How many hours?

4 ACTING CHAIRMAN BRANCIFORTE: You know,
5 I mean --

6 MR. CHARTIER: It sort of depends. I
7 mean, in the summertime the sun comes up at six a.m.
8 and sets close to nine o'clock, it gets 16 hours or
9 sunlight.

10 ACTING CHAIRMAN BRANCIFORTE: Every
11 hour that -- I mean, it doesn't have to -- the sun
12 doesn't have to get to a point where it is producing
13 enough energy to generate -- to hit those solar
14 panels and generate energy, does it?

15 I mean, does it produce as much energy
16 at seven o'clock in the morning as it does at 12
17 noon?

18 MR. CHARTIER: No. It produces more at
19 noon when the sun is directly overhead.

20 The benefit of the microgrid is that
21 when you need that power, you need it. You don't
22 really care where it comes from.

23 So the idea is the microgrid is really
24 going to be mainly fueled initially by diesel,
25 generators, natural gas generators, but we had a

1 problem during Sandy where you couldn't pull
2 gasoline or diesel out of the ground. That's why
3 you need a portion of this to be renewable energy,
4 so you don't have to rely on fuels.

5 You know, this isn't going to power the
6 hospital. It's not going to power the fire
7 department entirely. It is going to add to it. The
8 goal is that this is sort of --

9 COMMISSIONER WEAVER: You can't even
10 power your own building.

11 A VOICE: 50 percent.

12 MR. CHARTIER: -- we have learned a lot
13 on each one of these buildings. We sort of use it
14 in the design of the next one and use it to sort of
15 promote --

16 ACTING CHAIRMAN BRANCIFORTE: I guess
17 we're -- I understand that, but I guess where I'm
18 going with it, I am concerned that your solar panels
19 aren't not going to generate enough power to, you
20 know, work your building to supply your building,
21 and then have enough left over --

22 COMMISSIONER MC BRIDE: Surplus.

23 ACTING CHAIRMAN BRANCIFORTE: --
24 surplus -- thanks -- to push into the rest of the
25 grid.

1 You know, if it's is only going to be
2 enough for an hour or two every day, I am thinking
3 really is that worth it.

4 MR. CHARTIER: I don't think the
5 microgrid discussion really like drives this. I
6 mean, I think the primary concern is the residents
7 who live in the building and the people who live
8 next door to it, down the street.

9 I mean, I lived through Hurricane
10 Sandy. Once the water receded after a few days, I
11 couldn't get in touch with anyone. I walked to a
12 friend's house on Eleventh and Bloomfield --

13 ACTING CHAIRMAN BRANCIFORTE: I
14 understand.

15 MR. CHARTIER: -- and I was able to
16 charge first my cell phone, and it only took an
17 hour, and this is going to become kind of an island
18 during those types of situations.

19 ACTING CHAIRMAN BRANCIFORTE: I
20 understand.

21 As I said, I didn't want to get too
22 much back into your testimony, so let's cut it off.

23 Any other questions?

24 So I am going to open it up to the
25 public first and then Mr. Matule will speak.

1 MR. GALVIN: Yeah. Well, I think we're
2 going to recall Mr. Minervini.

3 ACTING CHAIRMAN BRANCIFORTE: Okay.

4 MR. GALVIN: Is there anybody from the
5 public who wants to be heard on this?

6 ACTING CHAIRMAN BRANCIFORTE: Any other
7 questions?

8 MR. GALVIN: Do you want to ask
9 questions of this witness?

10 ACTING CHAIRMAN BRANCIFORTE: Of the
11 planner.

12 UNIDENTIFIED VOICE: No.

13 F R A N K M I N E R V I N I, having been
14 previously sworn, testified further as follows:

15 MR. MATULE: Okay.

16 Mr. Minervini, you are still under
17 oath.

18 (Laughter)

19 ACTING CHAIRMAN BRANCIFORTE: You know
20 what, I'm sorry. Nobody in the public is up to
21 speak, so can I have motion to close public portion?

22 COMMISSIONER GRANA: Motion.

23 ACTING CHAIRMAN BRANCIFORTE: Motion to
24 close public portion.

25 Second, anybody?

1 MR. GALVIN: We need a second, guys.

2 COMMISSIONER WEAVER: Second.

3 ACTING CHAIRMAN BRANCIFORTE: All in
4 favor?

5 (All Board members voted in the
6 affirmative)

7 MR. GALVIN: Anybody opposed?

8 Okay.

9 MR. MINERVINI: After listening to some
10 of the comments, I spoke to the applicant. We are
11 proposing two relatively minor revisions of the
12 facade.

13 One would be a stoop entry stair that
14 would serve primarily only -- pardon me -- only the
15 lower apartment. We would design that. It would
16 accommodate the rise of about four feet eight
17 inches.

18 The second would be that where we have
19 on the facade designed as aluminum panels, be
20 replaced with masonry, the cast concrete to look
21 just like you see it, but we would then no longer
22 need the masonry material variance.

23 MR. MATULE: One other question.

24 You also talked about wrapping the
25 design around the side for a certain portion. Are

1 we looking at the north facade of the building?

2 MR. MINERVINI: Yes. I think what we
3 would do is we would wrap a portion of that facade,
4 but as suggested, and I agree, we should spend a bit
5 more attention on that facade considering that it
6 will be visible certainly until the adjacent
7 building is constructed.

8 MR. MATULE: And there was a proffer
9 made. I don't know whether it was in your testimony
10 or in Mr. Chartier's testimony that the applicant
11 had offered to plant a minimum of ten street trees
12 on the block assuming the Shade Tree Commission
13 directs them where to be planted.

14 The design as you originally have on
15 your plan shows a fence line between the facade of
16 the building and the curb on the sidewalk.

17 If you are proposing this stoop now,
18 and you were going to plant a street tree in front
19 of this building, would that fence have to go?

20 THE WITNESS: Yes. Our drawings were
21 showing a gate line, which is consistent with what's
22 existing on the site, as well as the adjacent
23 property to our south.

24 With the stoop, I think we would
25 probably remove that as well as a street tree, and

1 the addition of a street tree would mean that we
2 couldn't have that gate.

3 But as I look at the photograph, the
4 adjacent buildings had storage there anyway, so by
5 removing the gate line, I think we can accomplish a
6 street tree and a stoop.

7 MR. MATULE: And have appropriate
8 traffic flow on the sidewalk, pedestrian flow?

9 MR. MINERVINI: Yes.

10 MR. MATULE: Okay. I don't have any
11 further questions of Mr. Minervini.

12 COMMISSIONER WEAVER: I do.

13 ACTING CHAIRMAN BRANCIFORTE: Go ahead.

14 COMMISSIONER WEAVER: I'm sorry. Just
15 on the heels of last week's testimony and requests,
16 is it possible to have a one inch cavity for
17 vibration isolation at the elevator hostway?

18 THE WITNESS: Yes. My mistake. I plan
19 on actually having that on all of our projects, but,
20 yes.

21 COMMISSIONER WEAVER: Thank you.

22 ACTING CHAIRMAN BRANCIFORTE: Thanks
23 for mentioning that, Dan.

24 COMMISSIONER MURPHY: I just -- in
25 terms of a street tree on that sidewalk is so narrow

1 on that block, and it is the school block. It is
2 very hard to walk on it, so I am just going to say
3 that the street tree may have to go somewhere else.

4 MR. MINERVINI: There may be a problem
5 with our proposal?

6 COMMISSIONER MURPHY: No. It's just
7 that block is really narrow. It's like the gates
8 all come out pretty far.

9 COMMISSIONER WEAVER: But, again, he is
10 testifying or he's suggesting they would plant ten
11 street trees on this block, so you are saying --

12 COMMISSIONER MURPHY: I can't imagine
13 how it would work or where they would go because,
14 you know, for a number of years I walked my daughter
15 to school on that block, so I'm familiar with it,
16 and it is very narrow.

17 Once you get past Sweets, it just
18 becomes like this, and since it is a school on the
19 corner, there's just lots of traffic and strollers,
20 and I'm just saying it's something that needs to be
21 really looked at before you --

22 MR. MATULE: No. I would say, we
23 would be happy to change that proffer on this
24 block --

25 THE WITNESS: The next project.

1 COMMISSIONER MURPHY: -- or, you know,
2 somewhere else in town or across the street --

3 THE WITNESS: I think the applicant
4 would be happy to do that. If we cannot provide
5 them on the street, then --

6 COMMISSIONER MURPHY: Then somewhere
7 else.

8 THE WITNESS: Yes.

9 ACTING CHAIRMAN BRANCIFORTE: Any more
10 questions for Mr. Minervini?

11 COMMISSIONER DE GRIM: Actually I have
12 one for Mr. Weaver.

13 (Laughter)

14 COMMISSIONER WEAVER: I swear to tell
15 the whole truth.

16 (Laughter)

17 COMMISSIONER DE GRIM: You asked for
18 the one inch gap, but the elevator is already at the
19 four foot space.

20 COMMISSIONER WEAVER: Oh, it is?

21 COMMISSIONER DE GRIM: Yeah, or it
22 appears to --

23 MR. MINERVINI: You are right. I
24 should have remembered that.

25 COMMISSIONER WEAVER: Oh, you're

1 definitely right.

2 ACTING CHAIRMAN BRANCIFORTE: All
3 right.

4 THE WITNESS: We'll save that for the
5 next project.

6 COMMISSIONER WEAVER: I take it back.

7 ACTING CHAIRMAN BRANCIFORTE: Any more
8 questions?

9 COMMISSIONER WEAVER: Thank you.

10 COMMISSIONER DE GRIM: Sure.

11 ACTING CHAIRMAN BRANCIFORTE: Anybody
12 in the public want to ask a question of Mr.
13 Minervini now that he has given new testimony?

14 No.

15 Seeing none.

16 COMMISSIONER COHEN: Motion to close
17 public portion.

18 COMMISSIONER WEAVER: Second.

19 ACTING CHAIRMAN BRANCIFORTE: Now we
20 are ready to hear from the public.

21 If anybody in the public would like to
22 make a comment about the project, please step
23 forward.

24 MR. GALVIN: Raise your right hand.

25 You can go. You got the --

1 (Laughter)

2 MR. GALVIN: Do you swear or affirm the
3 testimony you are about to give in this matter is
4 the truth, the whole truth, and nothing but the
5 truth?

6 MR. COHEN: Yes.

7 MR. GALVIN: State your full name for
8 the record.

9 MR. COHEN: My name is Howard Cohen.

10 MR. GALVIN: Spell your last name.

11 MR. COHEN: C-o-h-e-n.

12 MR. GALVIN: Okay. And your street
13 address?

14 MR. COHEN: 161 Fourth Street.

15 MR. GALVIN: All right. Very good.
16 You may proceed.

17 MR. COHEN: Okay. I have been a long
18 time tenant on the second floor of 161 for about 34
19 years, and I am a little concerned about the decking
20 for this new building because it seems like it is
21 going to extend five or six feet to the back of the
22 building I am in, and block one of the windows and
23 everything, you know, cutting light and air and
24 everything else.

25 MR. GALVIN: Awesome.

1 Thank you.

2 COMMISSIONER WEAVER: Sir, could you
3 locate 161?

4 MR. COHEN: Sure. It is right here.

5 MS. BANYRA: Mr. Matule, can you do it
6 on the big map maybe?

7 ACTING CHAIRMAN BRANCIFORTE: Yeah.
8 Dan, can you step back?

9 Mr. Matule, can you bring up the --

10 MR. MATULE: Can I see it --

11 ACTING CHAIRMAN BRANCIFORTE: --
12 exhibit -- your drawings because -- that drawing in
13 your hand right there.

14 MR. MATULE: This drawing?

15 ACTING CHAIRMAN BRANCIFORTE: The front
16 page.

17 MS. BANYRA: Well, probably the front
18 page with the radius --

19 COMMISSIONER MURPHY: Z-1.

20 ACTING CHAIRMAN BRANCIFORTE: Z-1.

21 There you go.

22 You have the tax map there in the upper
23 left-hand corner.

24 MR. MATULE: Which property is yours?

25 MR. COHEN: It's right here.

1 MR. MATULE: This is Block 12. This is
2 Fourth Street.

3 MR. COHEN: Yeah. It's going to be --
4 I believe it would be this one here.

5 ACTING CHAIRMAN BRANCIFORTE: Block 12.

6 COMMISSIONER WEAVER: It might be
7 better, Mr. Matule, on Z-2.

8 MR. MATULE: Well, that is what I was
9 trying to do.

10 Let me ask you this question: Is Keith
11 Moe your landlord?

12 MR. COHEN: Yes.

13 MR. MATULE: Okay. That's blocked off.

14 (Laughter)

15 And your building -- so this is Fourth
16 Street.

17 MR. COHEN: Correct.

18 MR. MATULE: So is this you, this
19 one-story building?

20 MR. COHEN: No. I think it is part of
21 this --

22 MR. MATULE: So this is you, the
23 three-story building?

24 MR. COHEN: Yes.

25 MR. MATULE: Okay. So just to put it

1 in perspective, this will be the rear, so this
2 deck --

3 ACTING CHAIRMAN BRANCIFORTE: No, no,
4 no.

5 MR. COHEN: The windows are about 20
6 inches from here, so it is most likely the front of
7 this one.

8 MR. MATULE: It is probably going to
9 be --

10 MR. COHEN: It's probably --

11 THE REPORTER: Wait a second. I can't
12 hear you.

13 MR. MATULE: If there was a privacy
14 screen on there, would you be concerned?

15 MR. COHEN: Well, there's also the
16 issue that we will not get much light any more or
17 air, you know, because it is only set back about
18 four feet, so you have all of this decking that is
19 going to be basically --

20 THE REPORTER: I can't hear you.

21 MR. MATULE: He is just expressing his
22 concern about the fact that there is going to be
23 that decking on the -- well, actually the decking on
24 the first two floors, the decking is not there. The
25 decking starts up at the third floor.

1 MR. COHEN: Right. It will be over the
2 windows.

3 MR. MATULE: All right. Well --

4 ACTING CHAIRMAN BRANCIFORTE: Okay. Is
5 there anything else?

6 (Mr. Cohen confers with Mr. Matule)

7 MR. MATULE: Can that be pulled in, if
8 that is a concern --

9 ACTING CHAIRMAN BRANCIFORTE: Are we
10 ready to move on to the next speaker or did you
11 have --

12 MR. MATULE: I am just asking the
13 applicant in light of the concern that has been
14 expressed, if that was something that could be
15 pulled in a couple feet.

16 ACTING CHAIRMAN BRANCIFORTE: Well, you
17 guys can discuss that, and then I will hear from the
18 next speaker.

19 MR. MATULE: Okay.

20 MR. GALVIN: Sir, raise your right
21 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. O'NEILL: Yes, I do.

1 MR. GALVIN: State your full name for
2 the record.

3 MR. O'NEILL: Kenneth O'Neill.
4 I live at 514 Jefferson street,
5 Hoboken.

6 MR. GALVIN: Spell your last name, Mr.
7 O'Neill.

8 MR. O'NEILL: O apostrophe N-e-i-l-l.

9 MR. GALVIN: All right. Tell us what
10 you have to tell us.

11 MR. O'NEILL: I like the building, the
12 design of the building. I think the fact that the
13 way I look at it is Hoboken is becoming a new place
14 for a lot of people. I walked these streets for 66
15 years and seen a lot of the older buildings, such as
16 this, come to its economic life, and now we are
17 having a new building, new people, new taxes.

18 (Laughter)

19 I am also a Board member of HOPES,
20 which owns the school at 301.

21 What I took the liberty of doing is on
22 my phone to get on websites, so if you need to see
23 that I am Board member, we have seen this
24 presentation a while ago, and we are in favor of it
25 because they are also going to be building a

1 building for us right next to it --

2 MR. GALVIN: I kind of have to stop
3 you.

4 You are the president of the
5 organization?

6 MR. O'NEILL: I'm the treasurer.

7 MR. GALVIN: I mean, are you
8 authorized? Did they give you a resolution or
9 something?

10 MR. O'NEILL: What we did is we spoke
11 about --

12 MR. GALVIN: You can tell us how you
13 feel about it, but you really can't tell us about
14 that institution.

15 MR. O'NEILL: You know what? Because I
16 know we spoke about it Monday, and I said I was
17 going to come to the meeting, and they said well,
18 tell them we're in support of it.

19 MR. GALVIN: Well, even if you can't,
20 you already did.

21 (Laughter)

22 MR. O'NEILL: So we got that.

23 ACTING CHAIRMAN BRANCIFORTE: You can't
24 unring a bell.

25 MR. O'NEILL: But I guess as an

1 individual, I do like it.

2 I have seen other buildings that these
3 gentleman have built before. They look nice. And,
4 as I said, Hoboken is becoming a new Hoboken, and I
5 would just like to see the progress continue and
6 support this type of development in the city.

7 MR. GALVIN: Thank you.

8 MR. O'NEILL: Thank you.

9 ACTING CHAIRMAN BRANCIFORTE: Anybody
10 else in the public like to step forward?

11 MR. GALVIN: Raise your right hand.

12 Do you swear or affirm the testimony
13 you are about to give in this matter is the truth,
14 the whole truth, and nothing but the truth?

15 MR. MC NAMARA: It is.

16 MR. GALVIN: State your full name for
17 the record and spell your last name.

18 MR. MC NAMARA: Timmy McNamara,
19 M-c-N-a-m-a-r-a.

20 MR. GALVIN: And your street address?

21 MR. MC NAMARA: I reside at 318
22 Bloomfield Street. I am an employee for the City of
23 Hoboken for the last 30 years, the Fire Department.
24 I'm recently retired.

25 I also did some research on the

1 developers, and I myself do like what I see. I am a
2 lifelong resident, and I've seen the changes.

3 I like that they are building larger
4 units now that we have families in the area instead
5 of moving out.

6 For quite a few years, you had a lot of
7 cookie cutters, two-bedroom, two-bath, and they were
8 kind of set up for post college type kids, people
9 residing there, and now I like that we're -- I have
10 a young child -- that it's a family kind of town and
11 by building these types of things that will keep the
12 families here, so they don't have to move out to the
13 suburbs. People want to stay here anyway.

14 Some of the Board members made some
15 references to closing up windows and such on that
16 other building. I live right behind where the new
17 HOPES building is going to be, which when I was at
18 the last meeting, you guys I believe approved it,
19 and it is with a glass structure, so it is very --
20 not even as -- it's more modern than what I saw
21 here.

22 I also like that they are green and are
23 saving water and electricity, which is not helping
24 myself, but it's helping the environment.

25 We were talking about the windows. The

1 Board approved that HOPES building, which is going
2 to close up five windows directly on the building
3 next door to that building, so I don't see how that
4 really has to do with this building, even though --

5 MR. GALVIN: Well, let me --

6 MR. MC NAMARA: -- I live uptown -- I
7 grew up looking at a building I could reach out and
8 hit the brick.

9 MR. GALVIN: You are the public. You
10 are allowed to have your opinion, but we have legal
11 things that we have to look at, like the HOPES
12 building is an inherently beneficial use. That is a
13 more important building than just a regular
14 residential structure.

15 MR. MC NAMARA: Well, I also have an
16 opinion on that, but I won't get into it too much.

17 (Laughter)

18 A school being more, you know, what's
19 the term used --

20 ACTING CHAIRMAN BRANCIFORTE:
21 Inherently beneficial.

22 MR. MC NAMARA: -- inherently
23 beneficial. You know, it depends how you feel about
24 schools and living next to a school --

25 MR. GALVIN: No, no, no.

1 (Laughter)

2 MR. MC NAMARA: -- I used HOPES'
3 facilities growing up, so I am a proponent of that
4 building --

5 MR. GALVIN: I am a lawyer --

6 MR. MC NAMARA: -- and it's going to
7 block my sunlight --

8 MR. GALVIN: -- I'm a lawyer, and I
9 have to listen to what the court tells me.

10 If the court tells me that churches and
11 schools and things like that are inherently
12 beneficial uses, then that's what I have to tell
13 this Board. Whether you like it or you don't like
14 it, I have to do my job.

15 MR. MC NAMARA: Again, I have a bit of
16 an opinion here.

17 If I could just throw that out, because
18 I don't get much of an opinion at home, so I'd like
19 to --

20 MR. GALVIN: Well, you and I have that
21 in common.

22 (Laughter)

23 MR. MC NAMARA: -- well, again, I do
24 like what they do. I've seen it around town. It is
25 a little different, but again, with all of the

1 positives of it between, you know, the green
2 buildings and the larger family units, that is why I
3 like it.

4 Thank you for your time.

5 MR. GALVIN: Thank you.

6 ACTING CHAIRMAN BRANCIFORTE: Anybody
7 else in the public wish to step forward and speak?

8 MR. GALVIN: Raise your right hand

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

12 MS. STOFFEL: I do.

13 MR. GALVIN: State your full name for
14 the record.

15 MS. STOFFEL: Zabrina Stoffel,
16 Z-a-b-r-i-n-a, S-t-o-f-f-e-l.

17 MR. GALVIN: Where do you live.

18 MS. STOFFEL: 340 Garden Street right
19 across the street, the one with the funny stairs --

20 (Laughter)

21 -- as a matter of fact.

22 Would you like me to show it to you?

23 ACTING CHAIRMAN BRANCIFORTE: There to
24 the left in the center?

25 MS. STOFFEL: Right next to 7 Stars,

1 directly across the street. Every day when I open
2 my front door, I see two dilapidated buildings. I
3 can tell you that I am really not sorry to see these
4 come down.

5 It is quaint to see the facade of these
6 two cute little things, but the reality of looking
7 at them every day, they are really broken down.

8 My brother -- I have a two-family
9 house. My brother lives upstairs, so I am upstairs
10 and I'm downstairs. I see lots of different street
11 views from three floors of my house, and the roofs
12 are caving in, and this is a good thing. This is a
13 good kind of progress. I know that not all progress
14 is a good thing, but this is.

15 The family element is an important
16 thing. I support larger construction and having
17 places that are homes because when people live in a
18 home, they build a community, and that is what keeps
19 each other safe, each other's children and each
20 other's stuff, their cars, and neighbors call and
21 they say, "Hey, I am going to Target. Do you need
22 toilet paper?"

23 Like it is the good stuff. It is the
24 people that came over and charged their phones
25 because I had a generator during the hurricane,

1 because I sent my husband to New Paltz to sleep in a
2 parking lot for 12 hours, I'm not kidding, and he
3 did it --

4 (Laughter)

5 -- and we got the generator, and there
6 were a lot of people at our house, and that is a
7 good thing.

8 Any of the people who were living here
9 before, they weren't part of the community any more.
10 They weren't coming out of their house, and they
11 couldn't really live in their homes because they
12 were disabled, and they were just staying on the
13 ground floor, so the houses need to be -- so I am
14 totally fine with the height. I don't think that
15 will be a problem.

16 And I agree that all zoning should
17 become LEED for the whole city for all new
18 construction. I think you should be so bold, if you
19 have any influence in that, I think that you can
20 make that happen.

21 The water detention and retention
22 systems, I think are both really excellent
23 additions, and I really hope that other developers
24 will follow in their lead and spend the extra time
25 and money to incorporate it into their normal plans,

1 and we can all be saving and spending less
2 preventing tragedies, and that is it really.

3 ACTING CHAIRMAN BRANCIFORTE: Thank
4 you, Zabrina.

5 COMMISSIONER COHEN: Thank you.

6 ACTING CHAIRMAN BRANCIFORTE: Anybody
7 else in the public wish to step forward?

8 MR. GALVIN: Raise your right hand.

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

12 MR. GALLUCCA: I do.

13 MR. GALVIN: State your full name for
14 the record and spell your last name.

15 MR. GALLUCCA: Michael Gallucca,
16 G-a-l-l-u-c-c-a.

17 MR. GALVIN: Street address?

18 MR. GALLUCCA: 325 Garden.

19 MR. GALVIN: Please proceed.

20 MR. GALLUCCA: I live right there. You
21 can see my house from here, too. Right there, the
22 second one from the school.

23 It is hard for me to find anything
24 negative about this project. I mean, I pass these
25 houses every day. I have three kids in the town.

1 You know, as far as the environmental
2 friendly features of the building, as far as the
3 height, I mean personally, you have a building right
4 there next to it that's, you know, going to be
5 higher, so I don't see anything wrong with that.

6 As far as the style of it, I mean, I
7 have seen buildings this group has built throughout
8 the town, and it's, you know, it's never been sort
9 of fantastic, so I mean, that is all I can really
10 say.

11 I mean, I live four houses away, and
12 it's five houses away, and I am all for it.

13 So thank you.

14 ACTING CHAIRMAN BRANCIFORTE: Thank
15 you.

16 Anybody else in the public want to step
17 forward and make a comment?

18 Seeing no hands raised.

19 COMMISSIONER COHEN: Motion to close
20 public portion.

21 ACTING CHAIRMAN BRANCIFORTE: Second,
22 anyone?

23 COMMISSIONER MC BRIDE: Second.

24 ACTING CHAIRMAN BRANCIFORTE: All in
25 favor?

1 (All Board members answered in the
2 affirmative)

3 ACTING CHAIRMAN BRANCIFORTE: Antonio,
4 can you hand me that board, the top one?

5 Mr. Matule, do you have some closing
6 remarks?

7 MR. MATULE: I do.

8 Just to address -- is it Mr. Cohen?

9 MR. COHEN: Yes.

10 MR. MATULE: -- the comments made by
11 Mr. Cohen concerning the deck four feet off of his
12 rear facade at zero lot line, I spoke to the
13 applicant about shifting the whole deck over four
14 feet to the south property line, because there is
15 four feet separation from the other building, but
16 after knocking it about a little bit, it seemed the
17 most equitable thing to do is if we shifted it over
18 two feet, there would then be a six foot separation
19 from both buildings, which seems like a reasonable
20 amount of space with the privacy screens on either
21 side, so I just put that out there as a proffer to
22 address Mr. Cohen's concerns.

23 So just some closing remarks: First of
24 all, I would like the Board to bear in mind that the
25 applicants have a proven track record in town --

1 ACTING CHAIRMAN BRANCIFORTE: Excuse
2 me. What is that noise?

3 I'm sorry, Mr. Matule.

4 What's that noise?

5 COMMISSIONER MC BRIDE: It's my fault,
6 sorry. My cell phone.

7 MR. MATULE: They have done several
8 LEED buildings already. They are seeking LEED
9 platinum certification. As the testimony you heard,
10 there are numerous, you know, cutting edge green
11 technology features. They offered to plant ten
12 additional street trees.

13 The principal structure has been kept
14 at 60 percent lot coverage. The density is within
15 the allowable density. The most significant
16 variance I would suggest is for the 50 feet in
17 height for that fifth floor.

18 I know there has been some talk about
19 how prominent this building will be if you are
20 standing on the southeast corner of Church Square
21 Park looking at it. I would suggest that whether
22 that fifth floor is there or not, I don't think the
23 impact would be substantially different. So I mean,
24 you either like the architecture or you don't.

25 We do have a six-story building right

1 next door to the south. As Mr. Kolling said, it is
2 a very site specific issue. That building directly
3 impacts the solar panels.

4 The inability to have those solar
5 panels directly impacts the ability to have the LEED
6 platinum certification.

7 So at the end of the day, you know, I
8 think the question the Board has to balance here is
9 whether any potential negative impact from that
10 additional ten feet of height that is set back five
11 feet outweighs the ability to have the solar panels
12 on the roof and how that contributes to the overall
13 sustainability of the project.

14 The windows on the north side of the
15 building to our south are still going to have four
16 feet offset. They are already on the north side of
17 that building, so I mean, they are going to get
18 light, they are going to get air, and they are going
19 to still be able to get light into their apartments.
20 I don't know how much more or less, I can't say.

21 It is a very esthetically attractive
22 building. Certainly it's a much better use of the
23 property than currently exists, and I would like to
24 think that what is being offered is a better zoning
25 alternative than a conforming four-story non LEED

1 certified building, and I think that is the context
2 that we need to look at this in, and I would request
3 that is how you look at it.

4 Thank you.

5 ACTING CHAIRMAN BRANCIFORTE: Thank
6 you.

7 I want to ask a question of the owner
8 about what is going on there right now. I don't
9 know if it is proper or not, though.

10 COMMISSIONER COHEN: Counsel is on your
11 right.

12 ACTING CHAIRMAN BRANCIFORTE: Well, it
13 seems like there's construction already started.
14 The windows are missing on this board, and I thought
15 when I walked by a couple days ago, there were
16 construction workers maybe even gutting the
17 buildings already, so --

18 MR. MATULE: Mr. Slifliski is one of
19 the principals of the applicant. You can have him
20 sworn and he can --

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. SLIFIRSKI: Yes, I do.

1 MR. GALVIN: State your full name for
2 the record and spell your last name.

3 MR. SLIFIRSKI: Peter Slifirski. S-l-i-f-i-r-s-k-i, and I
4 live at 130 Park Avenue.

5 We were approached by the fire
6 department to allow the Hoboken Fire Department to
7 practice, because they knew that we were going to
8 demolish this building, to practice with the fire
9 department crews, which they had been there for a
10 few weeks a couple months ago, and that is where the
11 damage is. You know, they rip out the windows. You
12 know, they had training sessions there for several
13 days that they're getting.

14 ACTING CHAIRMAN BRANCIFORTE: So you
15 said that the city -- you just said that the city
16 knows you are going to demolish the buildings?

17 MR. SLIFIRSKI: Correct.

18 ACTING CHAIRMAN BRANCIFORTE: So you're
19 going to demolish these buildings whether you get
20 this variance or not?

21 MR. SLIFIRSKI: Yeah.

22 ACTING CHAIRMAN BRANCIFORTE: So this
23 idea that we need this variance or this approval to
24 improve the --

25 MR. GALVIN: You don't have to do that.

1 ACTING CHAIRMAN BRANCIFORTE: Okay.

2 Let's stop. Let's stop right there.

3 Let's go in a different direction.

4 Fine. Thanks.

5 Any questions for the owner?

6 Seeing none from the public.

7 COMMISSIONER GRANA: Motion to close.

8 ACTING CHAIRMAN BRANCIFORTE: Second,
9 anyone?

10 COMMISSIONER WEAVER: Second.

11 MR. GALVIN: All in favor?

12 (All Board members answered in the
13 affirmative)

14 ACTING CHAIRMAN BRANCIFORTE: All
15 right. So we are done with Mr. Matule, right?

16 So we're going to open it up to --

17 MR. GALVIN: I think that the Board
18 should deliberate.

19 COMMISSIONER WEAVER: Were there any
20 comments from our planner?

21 COMMISSIONER MURPHY: Or engineer?

22 MS. BANYRA: I don't have anything,
23 other than what I asked already.

24 You know, I think one of the
25 considerations is certainly you are balancing the

1 environmental, as was summed up by Mr. Matule, you
2 are balancing environmental considerations and new
3 buildings for the existing buildings that are there,
4 which sounds like they are deteriorated.

5 One of the other things is that there
6 will be a larger -- at some point in time, there
7 will be a larger building on the corner. I don't
8 know if that has any impact on your decision of that
9 side and the visibility of the side, but at some
10 point a one-story building on the corner will be
11 removed, and that candy store will be gone.

12 Relative to the street trees and things
13 on the street, you know, and walking down that
14 street, it is really tight because the fences are so
15 far out into the public right-of-way, that they
16 should all be moved back, which is, you know, why
17 the applicant has indicated they will get rid of
18 that fence and possibly put some trees.

19 But certainly if you look at that side
20 of the street, that all of those trees -- there are
21 no trees on that side of the street, so, you know,
22 something should be evaluated, and it may not be in
23 the power of this Board to evaluate that.

24 So I think, you know, you're really
25 weighing -- again, when you look at variances, you

1 are balancing, you know, the benefits. It's a cost
2 benefits thing. What they have testified and what
3 they're asking, does it outweigh, you know, what the
4 request is and potential detriments to the
5 neighborhood.

6 ACTING CHAIRMAN BRANCIFORTE: Thanks,
7 Eileen.

8 Any questions for Eileen?

9 COMMISSIONER WEAVER: I don't --

10 ACTING CHAIRMAN BRANCIFORTE: You can
11 ask --

12 COMMISSIONER WEAVER: Maybe we can't
13 ask them, but we can ask our engineer.

14 So I think I may have found another
15 error on the plans.

16 The fifth floor looks like this is now
17 coming up as the rear deck terrace stair thing. On
18 Z-6, drawing 2, the rear stair appears to be going
19 up, but then if you look at the roof, it is just an
20 outline, which looks like there's a roof over the
21 outdoor space.

22 And if you look at the elevation, the
23 rear elevation, there doesn't appear to be over
24 that, and there doesn't appear to be a stair going
25 up. I just need that confirmed.

1 MR. MINERVINI: There is no access from
2 that top proposed outdoor space to the roof, so
3 that's --

4 COMMISSIONER WEAVER: And there's no
5 cover over it?

6 MR. MINERVINI: Correct.

7 COMMISSIONER WEAVER: Thank you.

8 MR. GALVIN: Thank you, Mr. Marsden.

9 (Laughter)

10 MR. MINERVINI: Didn't he just ask me?

11 MR. MARSDEN: That's all right.

12 MR. GALVIN: He asked our engineer to
13 give him the response.

14 MR. MARSDEN: I agree with Frank.

15 (Laughter)

16 MR. MINERVINI: Thank you, Mr. Marsden.

17 ACTING CHAIRMAN BRANCIFORTE: Okay. So
18 let's start deliberations.

19 Who would like to start?

20 COMMISSIONER COHEN: I will start.

21 I think it is a good project. I think
22 that the track record actually of these developers
23 matter somewhat in that they have built beautiful
24 contemporary buildings that we've approved.

25 We recently approved, I know it's for a

1 different use, but on the same block of the HOPES
2 building, a contemporary building extension that is
3 higher than this one.

4 Yes, this is a private development, not
5 a public space or a school space, but the dominant
6 structure on this block is 70 feet high. This is
7 significantly smaller than that, and it is smaller
8 than the one that's next door to it. So the height
9 I think is the biggest challenge on this
10 application, and you know, I am interested in
11 knowing what other people think.

12 But I do think in the context of this
13 block, the height of this building is not
14 outrageous, and given what Eileen is saying that,
15 you know, the one-story Sweet Shop that's next to it
16 is not going to be the future of this block.

17 This is going to be more typical than
18 atypical for this side of the street. You know, we
19 spent a lot of time recently talking about
20 applications, where the density was a big problem.
21 This is a property where its density is 4.8
22 permissible, four units are going to be built. They
23 are going to be large family-friendly units that
24 will enhance the neighborhood.

25 I think the design is really

1 spectacular. I think it is a beautiful design, and
2 I think that it will enhance the neighborhood.

3 I also think that we have improved this
4 application during the hearing. I think
5 Commissioner Weaver said about the facade that's
6 facing the park that is going to be made at least
7 temporarily a major viewpoint from Church Square
8 Park until whatever gets built next to it is built
9 will be a benefit to the community, as well as the
10 facade that's facing the street, and I think that
11 was a good catch.

12 And I also think that the platinum LEED
13 certification is a benefit to the community. I
14 mean, you know, we hear LEED get thrown around a
15 lot. We don't hear about platinum LEED very often,
16 and I think that this is -- the testimony of Mr.
17 Chartier was extensive. It was sincere, and it is
18 documented what they intend to do, and they are
19 going to do something that is extraordinary in terms
20 of benefits to the environment and benefits to the
21 community.

22 I mean, we just -- I attended the
23 Rebuild By Design meetings last week and heard
24 about, you know, the 520 million gallons of the
25 Hudson River that emptied into Hoboken and the

1 importance of buildings that take environmental
2 water management and the kinds of aggressive things
3 that they are doing here will make a difference, if
4 we continue to approve buildings like this.

5 So, yes, there is a negative impact
6 with respect to some of the neighbors here. I don't
7 think there is any doubt about that. There are some
8 windows that are going to be covered, but again,
9 they are going to be building at 60 percent lot
10 coverage. They're going to be exposing the donut
11 that really doesn't exist right now. I think the
12 benefits of this outweigh the negative impacts.

13 And, finally, there was some reference
14 to the fact that we need to promote the historic
15 character of Hoboken, but that same section refers
16 to the many attractive older buildings that
17 contribute to the city's neighborliness. These are
18 not two of those buildings.

19 The two buildings that are leaving here
20 will not be missed, so I mean, I think that when we
21 talk about preserving the historic character of
22 Hoboken, that doesn't mean that you can't build a
23 beautiful contemporary building, where there used to
24 be two old buildings that were in bad shape, and
25 that is what these two building are, so I would

1 support this.

2 ACTING CHAIRMAN BRANCIFORTE: Thanks.

3 Anybody else?

4 Sure, Dan.

5 COMMISSIONER WEAVER: Yeah.

6 I agree with a lot of what Commissioner
7 Cohen said with the exception of the LEED that is
8 well documented. I don't know if we have any
9 documentation on the LEED.

10 Insofar as Ms. Stoffel said, as a LEED
11 accredited professional, I think that a lot of the
12 buildings, if not all of the buildings, ought to be
13 LEED, and we ought to put that into the code or
14 that's fraught with many problems. You know, we
15 can't -- for us to say that they can't get their C
16 of O, if they don't get their LEED platinum creates
17 a whole host of problems.

18 Certainly there is more that we can do
19 to encourage a lot of the elements of LEED, you
20 know, whether it's water reuse, gray water systems,
21 energy efficiency.

22 I mean, New York City has done a lot in
23 the past six or seven years with upgrading their --
24 you know, their sort of building code to do that, so
25 we should by all means do that.

1 I am a little concerned about the
2 buffer that they have for their LEED platinum. That
3 seems to be only three points. There is a lot of
4 maybes. But just because you think yes, you can get
5 it doesn't mean that you will get it, and we don't
6 have a professional on staff I think who is fluent
7 enough in LEED to be able to -- and enough
8 experience -- I'm sorry, I don't know, maybe you
9 do -- to be able to judge whether these things are
10 real or not for them.

11 So following our counsel's advice, we
12 have to throw out the LEED platinum, as much as we
13 all like to believe them and we like them to get it,
14 we have to throw it out because we just don't know.

15 They are not necessarily going to get
16 Passivhaus certification. We don't know about that
17 either. That is a completely different system for
18 judging the energy efficiency of the building.
19 The project, I think the height is in keeping with
20 Garden Street in that area.

21 My son goes to Boy Scouts in the Rue
22 building. I walk there, you know, once a week. I
23 have friends who, you know, live in that
24 neighborhood, and I think I have voiced my concerns
25 about the north facade because the primary facade if

1 and when Sweet Sue's, which by the way is a bakery,
2 it's a fantastic bakery. It's not candy.

3 (Laughter)

4 When that's replaced with a taller
5 building, then great. And that facade will be -- if
6 it's a fantastic piece of art that gets covered up,
7 then that is our loss.

8 But in the meantime, until that is
9 covered up, you know, it could become an amenity for
10 the community.

11 I am therefore a little reluctant to
12 approve the application until we see both the
13 integration of the stoop and the facade language
14 that they're implying, as well as what the addition
15 of the masonry does to that facade. It just makes
16 me nervous, and I can't vote for this project until
17 I see that in my own mind.

18 But aside from that, I think it is a
19 valuable project. I think it's an opportunity to
20 add a stoop because you lift up the ground floor
21 anyway.

22 I am concerned about the deck on the
23 back. I certainly think that the top floor deck,
24 which is what we were talking about, which I just
25 confirmed, the top floor deck could be trimmed back

1 significantly to provide at least on the top floor,
2 because that's not a through-way for units above to
3 be coming down and through that outdoor terrace play
4 space because it is a means of egress. You have to
5 keep that clear, so that area could be recouped.

6 And if you pull that back, it could
7 have more sky exposure plain for the gentleman who
8 lives next door, as well as the additional two feet
9 that they want to give.

10 Frankly, as a trade-off, although I
11 alluded to, you know, the possibility for having
12 some doors on to the terrace on the street side, I
13 would be more than willing to personally have that
14 as an outdoor space, and their outdoor space where
15 you could go outside, have a cup of coffee, and look
16 down the street, as a trade-off for some of the
17 space in the back, because it is there anyway. It
18 is like free space in my mind, so that is where I
19 stand.

20 Thank you.

21 ACTING CHAIRMAN BRANCIFORTE: Thanks,
22 Mr. Weaver.

23 Who would like to speak next, Antonio?

24 COMMISSIONER GRANA: Thank you. Thank
25 you, Chairman.

1 So let me begin by stating that I --
2 excuse me -- it's been a long night -- that I
3 enthusiastically support seeing these kinds of
4 applications come in front of this Board.

5 You know, we all who live here know the
6 concerns about the environmental conditions in the
7 town, the desire for not only the town to remediate,
8 but for individual developers to remediate, and in
9 my view, you know, this is exactly the kind of
10 applications we want to see come in front of us.

11 There are some variances being asked
12 for to accommodate that, and I accept the fact that
13 the height, while it will have a negative impact on
14 the neighbor next door, I guess whether today those
15 windows would actually be built next door.

16 ACTING CHAIRMAN BRANCIFORTE: Go ahead.
17 I'm sorry, Antonio.

18 COMMISSIONER GRANA: Do we need a
19 pause?

20 MR. GALVIN: No. I was telling our
21 secretary that she should make the train.

22 (Laughter)

23 COMMISSIONER GRANA: I am going to
24 finish up.

25 ACTING CHAIRMAN BRANCIFORTE: She has

1 to take the train in a few minutes.

2 MR. GALVIN: No. Take your time.

3 ACTING CHAIRMAN BRANCIFORTE: Take your
4 time, because she still has time. She can run.
5 Don't worry about it.

6 MS. CARCONE: Yeah, thank you.

7 (Laughter)

8 COMMISSIONER GRANA: At any rate, I
9 just want to say I enthusiastically support that.

10 I understand that there's some negative
11 impacts on the neighbors.

12 I did opine significantly on the master
13 plan components about traditional architectural only
14 because this Board has deliberated at length about
15 looking in this immediate neighborhood about
16 contemporary structures that we want to introduce,
17 but we deliberated at length about the need to have
18 some historical callouts to things that we think are
19 benefits, like stoops and things like that, we
20 deliberated at length.

21 We have also said that in public
22 structures, we are willing to be more bold because
23 of public structures. That I want to be consistent,
24 and that's why I wanted to harp, the applicant has
25 proffered some things to ameliorate the concerns,

1 and I stand behind the application, and Pat gets her
2 train.

3 ACTING CHAIRMAN BRANCIFORTE: Yeah.
4 I'm sorry about that, Antonio.

5 Pat, if you have to leave, I know you
6 have to get the train.

7 MS. CARCONE: I got a few more minutes.
8 Go.

9 ACTING CHAIRMAN BRANCIFORTE: Okay.

10 MR. GALVIN: Because if you have to
11 leave, I'll do the roll call.

12 MS. CARCONE: Okay. That's fine.

13 ACTING CHAIRMAN BRANCIFORTE: Who would
14 like to speak next?

15 Frank?

16 COMMISSIONER DE GRIM: I don't get to
17 vote tonight, so there's no point in my saying
18 anything.

19 ACTING CHAIRMAN BRANCIFORTE: All
20 right.

21 COMMISSIONER MURPHY: That's always the
22 point if you have something to say --

23 ACTING CHAIRMAN BRANCIFORTE: You're
24 here for a reason.

25 (Everyone talking at once.)

1 implementation of some of the things that we spoke
2 about today, as well as just, you know, little
3 things I guess I've seen like that bike rack on the
4 inside, the exterior -- the exterior -- and what
5 would it look like if we added more masonry to the
6 exterior of the building.

7 Overall, I definitely like the
8 building.

9 ACTING CHAIRMAN BRANCIFORTE: Thanks,
10 Cory.

11 Dianne?

12 COMMISSIONER MURPHY: So I'm not going
13 to repeat a lot of these different things, but I
14 still have a concern with doing the height, and I
15 feel like the height is being asked for mostly for
16 the solar panels obviously also because they get
17 another apartment out of it. But, you know, we
18 don't know if they are going to, you know, get their
19 platinum LEED certification, and so I am a little
20 concerned. I mean, it is a wider building than most
21 buildings. It is -- I mean, it is unfortunate I
22 guess that the building next door to it is as big as
23 it is, because even though the school is a very
24 large part of this block, it is anchored at the
25 other end of the block, and then you have these

1 normal sized homes for our community, and then boom,
2 at the end of this block now we're going to end up
3 having these very tall buildings.

4 And I also am concerned in that we are
5 sitting here saying, okay, so maybe we really should
6 have all of these buildings in Hoboken that are new
7 be LEED certified, and the next thing you know, they
8 are going to need to be taller to be able to
9 accommodate these things, and I don't know how I
10 feel about it in terms of how I will vote that way.

11 But I do like the look of the building.
12 I generally feel that I like their accommodation to
13 changing the masonry for us percentage-wise, and I
14 do understand that, you know, we can't repeat the
15 old and should be of the times, and it is a pretty
16 handsome looking building, so that is where I am at
17 the moment.

18 ACTING CHAIRMAN BRANCIFORTE: Ed?

19 COMMISSIONER MC BRIDE: Well, I don't
20 want to repeat anything that was said.

21 There are three variances asked for,
22 lot coverage, height, and facade, and I think they
23 made amends on the facade to make it better. I
24 don't have a problem with the height on that
25 particular block, and the lot coverage I think is

1 their height, therefore, we should be compared to
2 HOPES because they got their height variance, we
3 should get our height variance, too, because of the
4 Rue School and the building next door, which was
5 built, God knows when.

6 The idea that, you know, we are
7 replacing two ugly old buildings with a brand new
8 building, you can do that anyway. You don't need a
9 variance. You don't need to be in front of this
10 Board to replace two old dilapidated buildings in
11 this town. You can do it without a variance at the
12 Zoning Board.

13 Construction has already started. The
14 builder already said, you know, they plan to
15 demolish the building anyway.

16 I don't like the facade. I don't like
17 al the metal of -- the zinc of the facade. I don't
18 think it is going to fit in right when you are
19 sitting in the park taking in the view with the
20 library and Our Lady of Grace and the Demarest
21 School, and then you're going to look over in this
22 direction and you're going to see a very modern
23 building, and, you know, it doesn't have to look
24 like Disneyland. It doesn't have to be a building
25 that tries to replicate or mimic old Hoboken, but we

1 have seen plenty of buildings that look very pretty
2 without having to look phony.

3 So mostly it's the height I am worried
4 about and the lot coverage, too, because I am
5 concerned about the building going out and blocking
6 windows next door, even with the four foot buffer,
7 it still doesn't cut it.

8 I don't believe that just because they
9 face north now, they're not getting light and air,
10 so that is where I stand on it.

11 I think we are all set for conditions.

12 MR. GALVIN: Sure.

13 ACTING CHAIRMAN BRANCIFORTE: How are
14 we going to work this out, too, with the design of
15 the stoop?

16 COMMISSIONER COHEN: He is going to
17 say --

18 MR. GALVIN: Well, one of the things
19 that Dan suggested was that they revise the plans.
20 You look at it first, so that is something that you
21 have to consider. Do you want me to make -- I have
22 a whole list of things --

23 COMMISSIONER COHEN: Can we do that at
24 the memorialization?

25 COMMISSIONER GRANA: Can we do that at

1 the memorialization?

2 COMMISSIONER COHEN: Yeah. Can we see
3 a revised plan --

4 MR. GALVIN: You can. Sometimes that's
5 the way to go, and sometimes it is better to see
6 what you are buying before you buy it. I mean,
7 doing it at memorialization, we're under a little
8 bit more pressure to say yes.

9 COMMISSIONER WEAVER: We are, right?
10 Because under the memorialization, the clock is
11 ticking.

12 COMMISSIONER MURPHY: Right, and you're
13 hoping it's done.

14 MR. GALVIN: Well, listen, I think
15 there are plenty of times when it depends on the
16 scale. It depends on how important the changes are.
17 Sometimes things are easy to show us.

18 But if you are in favor, at this point,
19 Phil, you're in favor of the case, you want to see
20 what it looks like, but you wouldn't be, not of this
21 case based on the drawings, you just want a chance
22 to see --

23 COMMISSIONER COHEN: To address Dan's
24 concern, I mean, if we got them to extend the time
25 for us to approve a memorialization and give us an

1 opportunity to look at the design before we vote, so
2 that if we give them feedback at that time, they
3 could incorporate that.

4 Can we do that?

5 COMMISSIONER WEAVER: Yeah. But that's
6 the same as extending -- that's a continuation of
7 the hearing. Basically it's a de facto continuation
8 of the hearing, right?

9 (Everyone talking at once)

10 MR. GALVIN: Well, no, if we carry
11 this, if we carry the proceeding for them to revise
12 the plan before you vote, you can do that. That's
13 if they allow us to do that.

14 Where is Mr. Matule?

15 I can't see him. Sorry. He was
16 sitting directly behind you.

17 Do you understand what the debate is
18 here?

19 MR. MATULE: I understand the debate.
20 Obviously, you know, given our druthers, we would
21 prefer to have the Board vote tonight subject to the
22 memorialization being held up pending review of the
23 revised plans --

24 MR. GALVIN: I can tell you --

25 MR. MATULE: -- I think everybody knows

1 Mr. Minervini's work, you know.

2 MR. GALVIN: -- about an hour and a
3 half ago when we had our break, I had suggested that
4 maybe this matter be carried.

5 I checked, and I knew that we were
6 going to run out of time on March 3rd, so at that
7 point, knowing that the applicant wanted to go
8 forward, it was out of our hands, so we can go
9 either way, guys. You tell me.

10 Why don't I at least run through the
11 issues? Let me do all of the conditions.

12 COMMISSIONER DE GRIM: Yeah.

13 MR. GALVIN: The plan is to be revised,
14 and it's to be reviewed and approved by the Board at
15 the time of memorialization.

16 Mr. Minervini offered the following
17 changes: He will add a stoop entry stair. The
18 facade will be replaced with masonry. The applicant
19 will provide a wrap-around facade --

20 COMMISSIONER DE GRIM: You said the
21 facade. Do you mean the zinc portion of the facade
22 will be replaced with masonry?

23 MR. GALVIN: Yes, I am sorry. I've
24 been stalking you all night, and now I want your
25 help.

1 ACTING CHAIRMAN BRANCIFORTE: What's
2 that?

3 MR. MINERVINI: We are proposing metal
4 on the front facade. We will exchange it for a
5 masonry material.

6 MR. GALVIN: The metal on the facade
7 will be replaced with masonry.

8 COMMISSIONER DE GRIM: Right. That was
9 your concern --

10 ACTING CHAIRMAN BRANCIFORTE: No more
11 zinc then you're saying?

12 MR. MINERVINI: There was -- I don't
13 think there was zinc. Someone mentioned zinc, but
14 the zinc wasn't part of this proposal.

15 COMMISSIONER DE GRIM: Whatever the
16 metal is being replaced with --

17 MR. MINERVINI: It's a composite
18 aluminum metal --

19 MR. GALVIN: That eliminates the
20 variance.

21 COMMISSIONER COHEN: That eliminates
22 the facade variance.

23 COMMISSIONER GRANA: It eliminates the
24 facade variance.

25 MR. MINERVINI: Yes.

1 MR. GALVIN: Did I miss something here?

2 When did this come up?

3 COMMISSIONER MURPHY: Yes.

4 MR. GALVIN: The applicant will provide
5 a wrap-around facade treatment for the exposed side
6 of the building.

7 The plans to eliminate the gate line is
8 part of adding the tree and adding the stoop.

9 Bicycle storage is to be added within
10 the building, and the plan must show a one inch
11 cavity --

12 COMMISSIONER WEAVER: No, not required

13 COMMISSIONER DE GRIM: No.

14 (Everyone talking at once)

15 MR. GALVIN: Okay. Good, because I had
16 no clue what that was.

17 ACTING CHAIRMAN BRANCIFORTE: That was
18 an elevator buffer.

19 COMMISSIONER DE GRIM: That I had
20 learned from Mr. Weaver at the last meeting.

21 MR. GALVIN: Thank you. I am grateful.

22 The building -- because I have to have
23 help, that's the only way to do this.

24 The building is to have a solar array
25 as described to the Board at the time of the

1 hearing.

2 Three: The building is to achieve LEED
3 platinum certification, and must have the following
4 features. This project will utilize a Passivhaus
5 design.

6 (B) Pervious concrete sidewalk.

7 (C) Bicycle storage.

8 (D) There will be a white protective
9 roof.

10 (E) The applicant agreed to plant ten
11 street trees at the direction of the city Shade Tree
12 Commission. These trees will be planted on this
13 street, if practical, and if not, in the adjacent
14 neighborhood.

15 There will be a 12 kilowatt solar array
16 on the roof of the building, which will also be used
17 in an emergency. This system will become --

18 MR. MARSDEN: Can I?

19 MR. GALVIN: Let me get the last
20 sentence out.

21 MR. MARSDEN: Okay. I'm sorry.

22 MR. GALVIN: This system will become a
23 part of the microgrid, if the city permits.

24 MR. MARSDEN: Without the microgrid,
25 though, you don't have a standby electric --

1 MR. GALVIN: No. They said it would be
2 standby no matter what.

3 MR. MARSDEN: Yeah. But if it doesn't
4 have a battery assembly, there's no storage of
5 power, therefore, it can't be standby generation --
6 power.

7 MR. GALVIN: Help.

8 MR. CHARTIER: It can when the sun is
9 shining. It doesn't need batteries.

10 MR. MARSDEN: Yeah, but only for
11 sunlight hours. In the evening it won't be --

12 MR. GALVIN: Let me tell you why I'm
13 adding it.

14 In other communities I am in, you are
15 only allowed to discharge into the power bridge.
16 You're not allowed to use it in the event of an
17 emergency. I know hospitals that can't use their
18 solar arrays in an emergency. So if they are saying
19 they have the technology to do that, that's a good
20 thing.

21 MR. CHARTIER: PSE&G allows it --

22 ACTING CHAIRMAN BRANCIFORTE: Can you
23 step forward, Tom?

24 MR. CHARTIER: PSE&G allows it. It
25 doesn't actually leave the building, but it can be

1 used within the building.

2 MR. GALVIN: Right. But they are not
3 doing that in other major facilities, like at
4 hospitals in Central Jersey. They are telling us it
5 only goes into the grid. They can't use it in the
6 event of an emergency. It will sit there, but they
7 can't use it, so --

8 MR. CHARTIER: In this case it can be
9 used.

10 MR. GALVIN: Okay. So that's why --

11 MR. MARSEN: I would disagree with it,
12 but I just want to make clear, it's not going to be
13 functioning --

14 MR. GALVIN: Do you want me to put it
15 will only be used in an emergency when the sun
16 shines?

17 (Laughter)

18 Okay.

19 COMMISSIONER WEAVER: I mean, no,
20 seriously, they should provide a plan for how that
21 will be accomplished.

22 I mean, it could even be a white paper
23 to say, we talked about -- we talked about, you
24 know, lights on certain circuits. There could be
25 lights, you know, a refrigerator outlet, it could

1 be, you know, two convenience outlets within the
2 unit for charging phones and laptops, that sort of
3 thing. But it could even just be a more
4 comprehensive description of how they actually --
5 that there's some thought that went into this.

6 MR. GALVIN: Yes.

7 So back to the top list that we are
8 going to approve at memorialization, we would like a
9 white paper on the emergency backup system.

10 ACTING CHAIRMAN BRANCIFORTE: Do you
11 have something that you wanted to add?

12 MS. BANYRA: No. I was saying to
13 Dennis that, you know, we had asked that Mr.
14 Chartier provide like a listing, a detailed list,
15 that can supplement when Dennis is formalizing this,
16 you know, resolution.

17 MR. GALVIN: (G) The applicant is to
18 supply a stormwater detention system tank of
19 approximately 1500 gallons. That's for LEED
20 platinum.

21 Four: The applicant is to obtain City
22 Council approval of any encroachment into the city
23 right-of way.

24 I wasn't sure if I understood there was
25 an encroachment, but if there is, you have to get

1 city right-of-way --

2 COMMISSIONER COHEN: Dennis, but back
3 to the retention, there's a 1500 gallon detention,
4 and 1300 gallon retention.

5 MR. MARSDEN: I would like to add --

6 MR. GALVIN: Shush.

7 Go ahead.

8 MR. MARSDEN: -- I would like to add:
9 And provide a full report, a full drainage report on
10 that.

11 MR. GALVIN: I am going to come down
12 further. Hold on one second.

13 MR. MARSDEN: They need to add all of
14 the details and stuff that they agreed to.

15 MS. BANYRA: Put that on the list --

16 MR. GALVIN: Well, if I don't, we are
17 going to add it. Hold on. Okay?

18 The applicant is to obtain city
19 approval of any encroachment. I got that.

20 Five: There is to be no access to the
21 exterior Juliet balconies, so you got to take the
22 person off the picture, okay?

23 (Laughter)

24 Six: Approval of the Flood Plain
25 Administrator, is that needed here?

1 MR. MARSDEN: I think so.

2 MR. GALVIN: Seven: The applicant is
3 to obtain North Hudson Sewer Authority approval.

4 Eight: The applicant is to submit a
5 report to the Board's Engineer for his review and
6 approval of the detention/retention system,
7 including gray and black water elements.

8 Is that okay?

9 MR. MATULE: No black water.

10 COMMISSIONER DE GRIM: Just gray.

11 COMMISSIONER GRANA: No black.

12 MR. GALVIN: Mississippi.

13 (Board members conferring)

14 (Laughter)

15 MR. GALVIN: Keep on calling.

16 ACTING CHAIRMAN BRANCIFORTE: Okay. Is
17 that all?

18 Mr. Matule, I don't know.

19 MR. MATULE: County site plan approval.

20 ACTING CHAIRMAN BRANCIFORTE: What's
21 that?

22 MR. MATULE: County site plan approval.

23 MR. GALVIN: We're going to do the
24 professional letters, okay, professional letters and
25 the standard conditions.

1 MS. BANYRA: The stairs moved in or the
2 deck moved in --

3 MR. GALVIN: No.

4 COMMISSIONER COHEN: Deck moved two
5 feet to the south.

6 COMMISSIONER GRANA: No. I think Mr.
7 Matule should describe it again, the deck changes.

8 MR. MATULE: Pardon me?

9 ACTING CHAIRMAN BRANCIFORTE: The
10 changes to the deck.

11 MR. MATULE: The deck, we are going to
12 move the deck. We are going to slide them two feet
13 to the south, so that there's six feet on the north
14 side between the rear wall and Mr. Cohen's building,
15 and the deck, which will have a privacy screen, and
16 then there will be six feet to the indented part of
17 the building to the south --

18 COMMISSIONER COHEN: And the deck will
19 have privacy screens on both north and south
20 facades.

21 COMMISSIONER WEAVER: And we're not
22 asking for a reduction of the top floor outdoor
23 space?

24 COMMISSIONER GRANA: No, we did not.

25 COMMISSIONER WEAVER: For Mr. Cohen,

1 no?

2 COMMISSIONER MURPHY: Is it Mr. Cohen?

3 COMMISSIONER COHEN: He's another Mr.
4 Cohen.

5 MR. GALVIN: Anything else you would
6 like to contribute?

7 COMMISSIONER COHEN: Anything about the
8 presentation of the plans at the time of
9 memorialization, revised plans?

10 MR. GALVIN: There is a whole bunch
11 here that I read first, and I just went back and
12 added the deck is to be moved to the south, the
13 white paper, and the deck will have a privacy screen
14 on the north and south side. All of those things
15 have to be shown on the memorialized plan.

16 MS. BANYRA: But we have to receive
17 that before. You know, the Board is going to be
18 looking at -- we will be looking at the details,
19 like we always do, on a revised set of plans,
20 Dennis.

21 MR. MARSDEN: Did you include the
22 detention details? That is all.

23 He has to provide the plan details of
24 the --

25 MR. GALVIN: I put a report.

1 You want including details?

2 MR. MARSDEN: Including details, yes.

3 MR. GALVIN: Thank you, Jeff.

4 COMMISSIONER COHEN: I think that's it.

5 MR. GALVIN: Listen, I am going to
6 suggest that we expended a lot of effort on this
7 tonight. I am going to suggest that you vote on
8 this tonight, just so that everybody is listening,
9 but the next time we get a case like this, where we
10 are going to make this many changes, I really think
11 it is in the city's best interest for you to have
12 the plans revised and look at them first before you
13 say yea or nay.

14 When you have one thing you have to
15 change, like if you're going to swap out a banding,
16 that's the kind of stuff that you can do relatively
17 easily. But this many changes, this would become a
18 bad habit, if we did this on like several
19 properties, so if you guys want to be dragged out
20 that way, that's going to be a bad thing, so take my
21 advice. I do recommend you move forward on this.

22 Is there a motion?

23 COMMISSIONER COHEN: Motion to approve
24 with conditions.

25 COMMISSIONER GRANA: Second.

1 ACTING CHAIRMAN BRANCIFORTE: Can we
2 have a roll call, please?

3 MR. GALVIN: I'm going to do that.

4 MR. GALVIN: Mr. Cohen?

5 COMMISSIONER COHEN: Yes.

6 MR. GALVIN: Mr. Grana?

7 COMMISSIONER GRANA: Yes.

8 MR. GALVIN: Ms. Murphy?

9 COMMISSIONER MURPHY: No.

10 MR. GALVIN: Mr. Weaver?

11 COMMISSIONER WEAVER: No.

12 MR. GALVIN: Mr. McBride?

13 COMMISSIONER MC BRIDE: Yes.

14 MR. GALVIN: Mr. Johnson?

15 COMMISSIONER JOHNSON: Yes.

16 MR. GALVIN: Mr. Branciforte?

17 ACTING CHAIRMAN BRANCIFORTE: No.

18 ACTING CHAIRMAN BRANCIFORTE: The
19 motion failed. It is denied.

20 Okay. So our next regularly scheduled
21 meeting is what, March, does anybody know?

22 March 15th.

23 Can I have a motion to close, please?

24 COMMISSIONER MC BRIDE: Motion to
25 close.

1 COMMISSIONER MURPHY: Motion to close.

2 ACTING CHAIRMAN BRANCIFORTE: All in
3 favor?

4 (All Board members answered in the
5 affirmative.)

6 (The meeting concluded at 11:30 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

 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: 2/29/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.