

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

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REGULAR MEETING OF THE :  
HOBOKEN ZONING BOARD OF : January 28, 2014  
ADJUSTMENT : Tuesday 7 p.m.  
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Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Antonio Grana
- Commissioner Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher

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

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

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1                   CHAIRMAN AIBEL: Good evening,  
2 everyone.

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

11                   Please all join in the Pledge of  
12 Allegiance.

13                   (Pledge of Allegiance recited.)

14                   CHAIRMAN AIBEL: For anybody who may  
15 not know where he or she is, you are at the Hoboken  
16 Zoning Board of Adjustment Regular Meeting. This is  
17 our first meeting for 2014. We have the pleasure of  
18 having a full Board tonight, the first time in  
19 probably about a year.

20                   So the first thing, Pat, let's do a  
21 roll call.

22                   MS. CARCONE: Commissioner Aibel?

23                   CHAIRMAN AIBEL: Here.

24                   MS. CARCONE: Commissioner Cohen?

25                   COMMISSIONER COHEN: Here.

1 MS. CARCONE: Commissioner Grana?

2 COMMISSIONER GRANA: Here.

3 MS. CARCONE: Commissioner Greene?

4 VICE CHAIR GREENE: Here.

5 MS. CARCONE: Commissioner Murphy?

6 COMMISSIONER MURPHY: Here.

7 MS. CARCONE: Commissioner Branciforte?

8 COMMISSIONER BRANCIFORTE: Here.

9 MS. CARCONE: Commissioner Fisher?

10 COMMISSIONER FISHER: Here.

11 MS. CARCONE: Commissioner McAnuff,  
12 Commissioner Tremittedi, and Commissioner DeFusco  
13 are absent.

14 CHAIRMAN AIBEL: Great. Thanks, Pat.

15 So we are going to do a few minutes of  
16 administrative business.

17 The first order of business is to have  
18 our new appointments sworn in, and I guess our  
19 counsel gets the privilege of doing that.

20 MR. GALVIN: So can Mr. Cohen, Mr.  
21 Grana, Ms. Murphy, Mr. Branciforte, and Ms. Fisher,  
22 could you all please rise and raise your right  
23 hands?

24 I am going to swear you in. I'm going  
25 to read it, and then ask you to say you do, okay?

1                   Do you solemnly swear that you will  
2                   faithfully, impartially and justly perform all of  
3                   the duties as a Board member for the City of Hoboken  
4                   Zoning Board of Adjustment to the best of your  
5                   ability, so help you God?

6                   And do you solemnly swear that you will  
7                   support the Constitution of the United States, the  
8                   Constitution of the State of New Jersey, and that  
9                   you will bear true faith and allegiance to the same  
10                  and to the Governments established in the United  
11                  States and this state under the authority of the  
12                  people, so help you God?

13                  COMMISSIONER COHEN: I do.

14                  COMMISSIONER FISHER: I do.

15                  COMMISSIONER GRANA: I do.

16                  COMMISSIONER BRANCIFORTE: I do.

17                  MR. GALVIN: Congratulations and  
18                  welcome aboard.

19                  I am going to ask you each to sign  
20                  this, and then I will notarize it.

21                  VICE CHAIR GREENE: Jim, don't you have  
22                  to be sworn, too?

23                  CHAIRMAN AIBEL: I was sworn before.

24                  (Board members confer.)

25                  CHAIRMAN AIBEL: We are now going to go

1 through our reorganization items for 2014. The  
2 first item on the agenda is the nomination and  
3 election of officers. We will start with the  
4 Chairman, and I will ask if anybody wants to offer a  
5 name.

6 COMMISSIONER BRANCIFORTE: Mr. Chair, I  
7 would like to nominate you, Jim Aibel, for the  
8 position of Chair.

9 CHAIRMAN AIBEL: Thank you.

10 Is there a second?

11 COMMISSIONER GRANA: I'll second.

12 MR. CARCONE: Was that Mr. Grana?

13 COMMISSIONER GRANA: Yes.

14 MS. CARCONE: Okay.

15 CHAIRMAN AIBEL: Are there any other  
16 names that people want to put into the nomination?

17 (No response.)

18 MR. GALVIN: Roll call.

19 MS. CARCONE: Commissioner Cohen?

20 COMMISSIONER COHEN: Yes.

21 MS. CARCONE: Commissioner Grana?

22 COMMISSIONER GRANA: Yes.

23 MS. CARCONE: Commissioner Greene?

24 VICE CHAIR GREENE: Yes.

25 MS. CARCONE: Commissioner Murphy?

1 COMMISSIONER MURPHY: Yes.

2 MS. CARCONE: Commissioner Branciforte?

3 COMMISSIONER BRANCIFORTE: Yes.

4 MS. CARCONE: Commissioner Fisher?

5 COMMISSIONER FISHER: Yes.

6 MS. CARCONE: Commissioner Aibel?

7 CHAIRMAN AIBEL: Yes.

8 Thank you, everybody.

9 Now, we need to do the same exercise

10 for a Vice Chairman.

11 Do I have any names in nomination?

12 COMMISSIONER BRANCIFORTE: Mr. Chair, I

13 would like to nominate Elliot Greene for Vice Chair.

14 CHAIRMAN AIBEL: Thank you.

15 Do I hear a second?

16 COMMISSIONER MURPHY: Second.

17 CHAIRMAN AIBEL: Thank you.

18 MS. CARCONE: Commissioner Aibel --

19 CHAIRMAN AIBEL: Well, let me ask, are

20 there any other nominations that you want to put in

21 action here?

22 (No response)

23 CHAIRMAN AIBEL: No.

24 Thanks.

25 MS. CARCONE: Ready?

1 CHAIRMAN AIBEL: Yes.

2 MS. CARCONE: Commissioner Cohen?

3 COMMISSIONER COHEN: Yes.

4 MS. CARCONE: Commissioner Grana?

5 COMMISSIONER GRANA: Yes.

6 MS. CARCONE: Commissioner Greene?

7 VICE CHAIR GREENE: Abstain.

8 MR. GALVIN: You can vote for yourself.

9 VICE CHAIR GREENE: All right. Then I

10 will say yes.

11 CHAIRMAN AIBEL: You are not getting

12 compensated.

13 MR. GALVIN: The most you can get is

14 aggravation.

15 (Laughter)

16 (Board members all talking at once.)

17 MS. CARCONE: Commissioner Murphy?

18 COMMISSIONER MURPHY: Yes.

19 MS. CARCONE: Commissioner Branciforte?

20 COMMISSIONER BRANCIFORTE: Yes.

21 MS. CARCONE: Commissioner Fisher?

22 COMMISSIONER FISHER: Yes.

23 MS. CARCONE: Commissioner Aibel?

24 CHAIRMAN AIBEL: Yes.

25 VICE CHAIR GREENE: Thank you.

1                   CHAIRMAN AIBEL: And now we have a  
2 nomination for our Board Secretary.

3                   Does anybody wish to put a name in?

4                   I will put Pat Carcone into the  
5 nomination.

6                   MS. CARCONE: Thank you.

7                   COMMISSIONER COHEN: I will second  
8 that.

9                   CHAIRMAN AIBEL: Anybody, any other  
10 nominations?

11                   (No response)

12                   MS. CARCONE: Commissioner Aibel?

13                   CHAIRMAN AIBEL: Yes.

14                   MS. CARCONE: Commissioner Cohen?

15                   COMMISSIONER COHEN: Yes.

16                   MS. CARCONE: Commissioner DeFusco?

17                   Oh, I'm sorry, he's absent.

18                   Commissioner Grana?

19                   COMMISSIONER GRANA: Yes.

20                   MS. CARCONE: Commissioner Greene?

21                   VICE CHAIR GREENE: Yes.

22                   MS. CARCONE: Commissioner Murphy?

23                   COMMISSIONER MURPHY: Yes.

24                   MS. CARCONE: Commissioner Branciforte?

25                   COMMISSIONER BRANCIFORTE: Yes.

1 MS. CARCONE: Commissioner Fisher?

2 COMMISSIONER FISHER: Yes.

3 CHAIRMAN AIBEL: Thank you, Pat, for  
4 agreeing to serve.

5 MS. CARCONE: Thank you.

6 CHAIRMAN AIBEL: We now have as an item  
7 the approval of our 2014 meeting schedule. I think  
8 it has been circulated a couple of times.

9 Do you need a roll call vote?

10 MR. GALVIN: No. We can do all in  
11 favor, too, but you need a motion and a second.

12 CHAIRMAN AIBEL: Do I have motion to  
13 approve the 2014 meeting schedule?

14 MS. BANYRA: Mr. Chair, I don't know --  
15 I don't see February 11th's meeting on this. Should  
16 that be added on here, so we don't have to do a  
17 special notice?

18 MR. GALVIN: You could do that.

19 MS. BANYRA: Then there is no special  
20 notice required.

21 MR. GALVIN: I didn't know we were  
22 meeting on the 11th.

23 MS. BANYRA: Well, your office does.

24 MR. GALVIN: Okay.

25 (Laughter)

1 (Board members all talking at once.)

2 MR. GALVIN: Then a motion should be  
3 made amending it to include February 11th.

4 (Board members confer.)

5 CHAIRMAN AIBEL: All right. Do I have  
6 a motion to approve with the amendment of February  
7 11th, 2014?

8 COMMISSIONER BRANCIFORTE: I will make  
9 the motion.

10 CHAIRMAN AIBEL: Thank you.

11 Second?

12 COMMISSIONER MURPHY: Second.

13 CHAIRMAN AIBEL: Thank you, Diane.

14 MR. GALVIN: All in favor?

15 (All Board members answered in the  
16 affirmative.)

17 MR. GALVIN: Any opposed?

18 (No response)

19 CHAIRMAN AIBEL: The next item is the  
20 approval of the designation of The Jersey Journal as  
21 our official newspaper of record.

22 Motion?

23 COMMISSIONER BRANCIFORTE: Motion.

24 COMMISSIONER COHEN: Can I just ask you  
25 a question about that?

1                   Is this a change from prior practice in  
2 terms of designating --

3                   MS. CARCONE: We haven't had a paper  
4 designated. We had The Record, The Jersey Journal  
5 and The Star-Ledger as the city's official  
6 newspapers, but not one paper designated.

7                   COMMISSIONER COHEN: So is the thinking  
8 that it is better just to have The Jersey Journal,  
9 or is it cheaper to have The Jersey Journal?

10                  I just was wondering what the decision  
11 was as to why --

12                  MR. GALVIN: I will tell you.  
13 Normally, the procedure is you -- and maybe I don't  
14 completely get it, but what you normally do is you  
15 adopt the same papers that are approved by the  
16 governing body. In this case it is The Star-Ledger,  
17 The Bergen Record, and The Jersey Journal, and it  
18 didn't make any sense to some of us -- well, but  
19 they were requiring in the past, which was  
20 completely wrong, was they were requiring them to  
21 notice in all three papers, and you can't do that.  
22 You can only require one. And I think the way the  
23 resolution is written is your first choice is The  
24 Jersey Journal, your second choice is The  
25 Star-Ledger, but we kind of left The Bergen Record

1 out of the mix.

2 MS. CARCONE: Okay.

3 MR. GALVIN: Right, isn't that the way  
4 the resolution read?

5 MS. CARCONE: I don't have a copy of  
6 the resolution with me, but --

7 MR. GALVIN: Okay. That is the way I  
8 read the resolution.

9 MS. CARCONE: Okay.

10 COMMISSIONER COHEN: So it sounds like  
11 it is a different motion.

12 MR. GALVIN: We could just adopt all  
13 three papers as opposed to designating one. If you  
14 designate one, then Pat is going to encourage them  
15 to file in that paper.

16 COMMISSIONER COHEN: Right. But, I  
17 mean, it just sounds like the motion would be to  
18 have The Jersey Journal and The Bergen Record as a  
19 second --

20 MR. GALVIN: Or the Star-Ledger --

21 COMMISSIONER COHEN: -- I'm sorry --  
22 The Star-Ledger as a second.

23 MR. GALVIN: Right. That's the way the  
24 resolution -- the resolution I liked it, and that is  
25 the way it was drafted,

1 MS. CARCONE: Okay.

2 COMMISSIONER COHEN: Okay.

3 (All Board members talking at once.)

4 COMMISSIONER FISHER: Could I ask a  
5 question? How come they don't use The Reporter?

6 MR. GALVIN: I have no idea.

7 (All Board members talking at once.)

8 MR. GALVIN: It has to do with -- and  
9 also there is sometimes -- there's other things,  
10 too. It's where it is published and what the number  
11 of papers are, and there are other requirements for  
12 the city to make that determination, so I don't know  
13 why.

14 CHAIRMAN AIBEL: So do you want to make  
15 a motion?

16 COMMISSIONER COHEN: Yes. I will make  
17 that motion.

18 MS. CARCONE: The Jersey Journal and  
19 The-Star Ledger second?

20 MR. GALVIN: The way the resolution is,  
21 it's The Jersey Journal, and then in the alternative  
22 you could use The Star-Ledger. That's the way I  
23 read the resolution.

24 MS. CARCONE: Okay.

25 MR. GALVIN: I was going to compliment

1           you on how well it was drafted.

2                       COMMISSIONER COHEN: I will make that  
3 motion.

4                       COMMISSIONER GRANA: Second.

5                       CHAIRMAN AIBEL: All in favor?

6                       (All Board members answered in the  
7 affirmative.)

8                       CHAIRMAN AIBEL: Great.

9                       We now have to create two committees to  
10 review the 2014 RFQs for the engineer and planner.  
11 We will get to an item for appointment of Board  
12 Attorney, and we have one applicant, so we won't be  
13 in a competitive review.

14                      But is there anybody who would be  
15 interested in leading a review of the -- I think  
16 there are three or four responses to the RFQs.

17                      Would you have preference, Phil?

18                      COMMISSIONER COHEN: Well --

19                      CHAIRMAN AIBEL: Want to lead them  
20 both?

21                      COMMISSIONER COHEN: I can do both.

22                      CHAIRMAN AIBEL: Okay. Would somebody  
23 want to join --

24                      COMMISSIONER FISHER: I'll join in the  
25 committee --

1                   THE REPORTER: You know what, I have to  
2 be able to hear what you're saying.

3                   COMMISSIONER FISHER: I'm sorry. I  
4 will join in the committee.

5                   VICE CHAIR GREENE: Okay. Two  
6 committees or one committee to do both?

7                   CHAIRMAN AIBEL: One committee to do  
8 both.

9                   MR. GALVIN: Then it would just be two  
10 people, and that is it.

11                  CHAIRMAN AIBEL: You can't have three?

12                  MR. GALVIN: No.

13                  COMMISSIONER FISHER: You can't have  
14 three?

15                  MR. GALVIN: No.

16                  VICE CHAIR GREENE: Then we should  
17 split it --

18                  MR. GALVIN: You can decide by a  
19 majority vote, and you could have four people. It  
20 is better to be safe than sorry. Trust me on this,  
21 because three could be determinative, if there is  
22 four people. I have heard the Court say that. That  
23 is why we only put two on in the past. So what I  
24 would recommend is put two on one committee and put  
25 two on another committee if people want to serve.

1                   CHAIRMAN AIBEL: Do you have a  
2 preference?

3                   COMMISSIONER FISHER: No.

4                   CHAIRMAN AIBEL: Can I suggest the  
5 planner, do we have another taker for being on the  
6 planner review?

7                   VICE CHAIR GREENE: I will do the  
8 planner.

9                   MR. GALVIN: Engineer.

10                  CHAIRMAN AIBEL: And now the engineer?  
11 Thank you, John.

12                  COMMISSIONER BRANCIFORTE: Did I say  
13 that?

14                  (Laughter.)

15                  CHAIRMAN AIBEL: Well, get Antonio --

16                  COMMISSIONER GRANA: What are the two  
17 committees?

18                  CHAIRMAN AIBEL: Actually I am going to  
19 suggest that Tiffanie and one of our new members do  
20 the planner.

21                  COMMISSIONER GRANA: Yes, I will do the  
22 planner.

23                  CHAIRMAN AIBEL: Is that okay?

24                  And, Diane, would you do the engineer  
25 with John?

1 COMMISSIONER MURPHY: Sure.

2 CHAIRMAN AIBEL: And, Phil, you are the  
3 lead person.

4 COMMISSIONER COHEN: Okay.

5 COMMISSIONER FISHER: I thought you  
6 said two --

7 MR. GALVIN: You can only have two.

8 CHAIRMAN AIBEL: Phil, do you want to  
9 step aside?

10 COMMISSIONER COHEN: Sure.

11 So he is saying it has to be a  
12 committee of two.

13 (All Board members talking at once.)

14 COMMISSIONER COHEN: We didn't do it  
15 that way in the past. We used to have committees of  
16 three --

17 CHAIRMAN AIBEL: Or four I think, but  
18 certainly three.

19 Is there a disqualification here,  
20 Dennis, that we create our own process?

21 MR. GALVIN: I am telling you, it is a  
22 potential conflict of interest -- you could form in  
23 effect a majority with three for this body, for a  
24 number of seven. Four people is a majority vote,  
25 and three would decide it.

1           I have seen a judge rule that that  
2           creates an effective majority and it would be a  
3           violation of the Public Meetings Act. That is why  
4           you can only have committees of two at the Zoning  
5           Board, and really Zoning Boards don't have a lot of  
6           committees. This would be the extent of our  
7           committee activity.

8           We're not like the Planning Board. The  
9           Planning Board has a larger number. The Planning  
10          Board has nine. Therefore, the Planning Board can  
11          have three.

12          COMMISSIONER MURPHY: I don't have to  
13          do it this year. I can do it next year.

14          CHAIRMAN AIBEL: Thank you, Diane.

15          And, John, why don't we turn it over to  
16          Antonio?

17          COMMISSIONER BRANCIFORTE: That's fine.

18          (Everybody talking at once)

19          MS. CARCONE: So the engineer is Cohen  
20          and Grana, and the planner is Greene and Fisher, is  
21          that correct?

22          COMMISSIONER FISHER: Whatever you  
23          want.

24          COMMISSIONER GRANA: No, it's the other  
25          way.

1                   CHAIRMAN AIBEL: Antonio and Phil have  
2 the engineer.

3                   COMMISSIONER GRANA: Antonio and Phil  
4 are for the engineer.

5                   MS. CARCONE: Antonio and Phil are for  
6 the engineer. Greene and Fisher are for the  
7 planner?

8                   CHAIRMAN AIBEL: Great.

9                   I hope that is the hardest decision of  
10 the evening.

11                   Now, we have to review the appointment  
12 for our Board Attorney. The Dennis Galvin Law Firm  
13 is our applicant this year.

14                   I guess I would like to propose that we  
15 reappoint The Dennis Galvin Law Firm for 2014 as  
16 Board Counsel. I think Dennis and his firm have  
17 done an excellent job this past year, and I am  
18 expecting and hoping for a greater greatness this  
19 year.

20                   VICE CHAIR GREENE: Is there any change  
21 in the terms and conditions?

22                   MR. GALVIN: No. I didn't ask for any  
23 more money. Should I have?

24                   (Laughter)

25                   VICE CHAIR GREENE: Then I will move

1 it.

2 CHAIRMAN AIBEL: Do I have a second?

3 COMMISSIONER COHEN: Second.

4 CHAIRMAN AIBEL: Thank you, Phil.

5 COMMISSIONER FISHER: Can we -- I'm  
6 sorry -- I just wanted to -- I think we are still  
7 confused with the committees.

8 CHAIRMAN AIBEL: Okay. I will try to  
9 fix it.

10 Do you want to do a roll call?

11 MS. CARCONE: Commissioner Cohen?

12 COMMISSIONER COHEN: Yes.

13 MS. CARCONE: Commissioner Grana?

14 COMMISSIONER GRANA: Yes.

15 MS. CARCONE: Commissioner Greene?

16 VICE CHAIR GREENE: Yes.

17 MS. CARCONE: Commissioner Murphy?

18 COMMISSIONER MURPHY: Yes.

19 MS. CARCONE: Commissioner Branciforte?

20 COMMISSIONER BRANCIFORTE: Yes.

21 MS. CARCONE: Commissioner Fisher?

22 COMMISSIONER FISHER: Yes.

23 MS. CARCONE: Commissioner Aibel?

24 CHAIRMAN AIBEL: Yes.

25 Condolences.

1 (Laughter)

2 MR. GALVIN: Oh, thank you.

3 I was thinking about -- who has got the  
4 planner and who has got the engineer?

5 CHAIRMAN AIBEL: My understanding or  
6 intention was Phil and Tiffanie would be the  
7 planner, and Antonio and Phil would do the engineer.

8 MR. GALVIN: The engineer. That's  
9 clear.

10 MS. CARCONE: Say that again.

11 VICE CHAIR GREENE: Phil is going to  
12 head both.

13 MS. CARCONE: Phil is going to head  
14 both.

15 (All Board members talking at once.)

16 MS. CARCONE: Phil is going to head  
17 both.

18 CHAIRMAN AIBEL: Pat, would you make  
19 sure everybody gets the drop box?

20 MS. CARCONE: Get the drop box, yes.

21 CHAIRMAN AIBEL: Okay. So I guess,  
22 Eileen, we will talk about the February 11th date as  
23 we go through --

24 MS. BANYRA: When going through the  
25 list, I think Pat and I looked at the different

1 applications and who is on first and second and cued  
2 them up.

3 CHAIRMAN AIBEL: So good evening,  
4 everybody.

5 We are now going to turn to our  
6 hearings for the evening.

7 I think what I would like to do is  
8 identify those at least three hearings that we  
9 expect to reach tonight and then discuss the others  
10 that are on our agenda, which I think, as most of  
11 you know, was backed up because we had to cancel  
12 last Tuesday.

13 So we expect that we will start the  
14 evening with 526 Hudson Street. We will hear 88  
15 Garden Street. We expect to hear 401-403 Jefferson.

16 Then we have next on the agenda,  
17 1312-1318 Adam Street.

18 Mr. Matule?

19 MR. MATULE: Good evening, Mr.  
20 Chairman.

21 CHAIRMAN AIBEL: I have a notation here  
22 that it is to be carried to --

23 MS. BANYRA: Oh, Mr. Matule, no, wait.  
24 I conferred with the Board Secretary, and we are  
25 trying to put a -- a generalized -- saying a small

1 application and a big application together. So we  
2 were looking at possibly March for 1312-1318. It is  
3 a big application. I'm not sure we will get through  
4 that, and it is either March that we could possibly  
5 start it on the second meeting -- the meeting of the  
6 18th, but I am not sure. So I don't know if you  
7 want to carry again or just get a date certain where  
8 we know that you would be heard, so --

9 MR. MATULE: I will defer to the Board.

10 Obviously, my client would like it  
11 sooner rather than later, but if -- I know we had  
12 some discussion about having multiple meetings in  
13 the month of February.

14 MS. BANYRA: Right. We have the 11th.  
15 The 11th I have already cued up from the last  
16 meeting, which is going to be -- should I just  
17 announce which ones I think, and then we can go back  
18 to 1312?

19 CHAIRMAN AIBEL: Yes. Let's --

20 MS. BANYRA: So I believe 1118 --  
21 118-120 Madison would be on the 11th, as would 301  
22 Newark.

23 And then 1300 Park would be on the  
24 18th, and 1312-1318 Adams could possibly start on  
25 that day.

1                   And then if the Board wants to have a  
2                   third meeting in February, we could maybe continue  
3                   that the last meeting in February, and if that is  
4                   just too much, then we will extend it to the March  
5                   18th meeting.

6                   MR. MATULE: Well, obviously subject to  
7                   the Chair, I would like to carry it to the 18th  
8                   tonight in light of the fact that I don't know how  
9                   big 1300 Park Avenue is.

10                  MR. GALVIN: I don't think it is going  
11                  to be a big case --

12                  MS. BANYRA: I'm sorry, 1300 Park?

13                  MR. GALVIN: -- yes. It's Mr.  
14                  Kantowitz, but --

15                  MS. BANYRA: Well, this is what is  
16                  happening. So depending upon what we get through  
17                  tonight, I assume that if tonight might run a little  
18                  bit slower just as people are getting familiar with  
19                  the applications, so we have three applications on  
20                  tonight. Assuming we get through all three, then  
21                  that clears the schedule for the 11th.

22                  We have two applications scheduled for  
23                  the 11th, and then we have two scheduled for the  
24                  18th, and Mr. Matule's, we could do that one on the  
25                  18th. And then at that time we can decide whether

1 or not we need a meeting on the 25th, seeing what  
2 happens on the 11th. We probably could then know if  
3 we need to have another meeting, because if anything  
4 gets carried, then the whole thing starts moving  
5 into March.

6 MR. MATULE: I understand, and that is  
7 agreeable.

8 MR. GALVIN: So we can put you at least  
9 on the 18th, and hopefully get you started and then  
10 we will get -- we will find our way out of the  
11 woods.

12 MR. MATULE: For purposes of public  
13 notice, we will make the announcements tonight --

14 MR. GALVIN: Right.

15 MR. MATULE: -- that 118-120 Madison  
16 and 301 Newark are going to be on the 11th, and  
17 1312-1318 Adams and 1300 Park will be on the 18th.

18 MR. GALVIN: I agree with that.

19 MR. MATULE: Not that the last one was  
20 mine.

21 MR. GALVIN: No, no, but that was  
22 helpful.

23 CHAIRMAN AIBEL: Let me just say, I may  
24 be overly optimistic, do you have witnesses for  
25 118-120 Madison tonight?

1                   MR. MATULE: I do. We weren't really  
2                   planning on going forward tonight, but if we had to,  
3                   we could or we could at least start it.

4                   CHAIRMAN AIBEL: My suggestion there is  
5                   why don't we see how things progress in the next  
6                   hour or hour and a half, and then make a decision  
7                   about keeping them on.

8                   MR. MATULE: Okay, great.

9                   CHAIRMAN AIBEL: So do we want to --

10                  MS. BANYRA: Mr. Chair, then also just  
11                  for the record, we did receive a letter from Jeff  
12                  Kantowitz, the attorney for 1300 Park, and he and I  
13                  spoke today about February 11th and February 18th,  
14                  and we agreed on the February 18th date, because I  
15                  felt that we certainly should be cleared at least to  
16                  get his application hopefully done in one night, so  
17                  he requested to be carried to the 18th and asked if  
18                  I would announce that.

19                  (All Board members talking at once)

20                  MR. GALVIN: Want me to say it out  
21                  loud?

22                  I know I am repeating what Mr. Matule  
23                  just said better, but 1312 Adams, we are going to  
24                  carry that matter to the 18th without notice.

25                  We are going to carry the 301 Newark

1 Street to the February 11th meeting without notice,  
2 and we are going to carry the 1300 Park Avenue  
3 matter to February 18th without notice.

4 Does anybody have a question about  
5 that?

6 UNIDENTIFIED VOICE FROM THE AUDIENCE:  
7 You're not discussing 1300?

8 MR. GALVIN: Not tonight, not until the  
9 18th.

10 MR. GALVIN: Yes, sir?

11 MR. EVERS: Hum, Kevin Walsh of the  
12 Fair Share Housing Center asked me to ask this  
13 question: Given that 1312-1318 hasn't submitted a  
14 compliance plan for the affordable housing  
15 ordinance, why is it even being considered a clear  
16 application? We know it hasn't been submitted. We  
17 offered it, and we've never gotten it --

18 MS. BANYRA: There -- I can answer it,  
19 if you want me to try.

20 (Board members confer)

21 MR. GALVIN: Let her answer it.

22 MS. BANYRA: I will tell you what I  
23 know.

24 What I know is that we requested the  
25 compliance plan in terms of a completeness

1 determination.

2 We received something from the office  
3 of Shirley Bishop that laid out a schedule of how  
4 many units. We sent it back and indicated that that  
5 wasn't what was acceptable in terms of a compliance  
6 plan, so the applicant is on notice that we are not  
7 going to hear the application until we get the  
8 compliance plan, but -- and they are working with  
9 Shirley Bishop.

10 So I am not sure what the holdup is in  
11 terms of going between Ms. Bishop and the applicant,  
12 but they are on notice that they are not going to be  
13 heard. We can't hear it until we had one submitted.  
14 It doesn't have to be adopted, but it has to be  
15 submitted, and they received a letter to that effect  
16 I think in October or November of last year.

17 MR. EVERS: So I saw that in the file,  
18 but the question is --

19 THE REPORTER: You know what, I can't  
20 hear you that well. Can you come up here?

21 MR. EVERS: Why sure.

22 MR. GALVIN: Mr. Evers?

23 MR. EVERS: The question is simply: If  
24 they haven't submitted the plan of compliance, then  
25 how is it that the application -- there may be a

1 very good reason, and I am asking what it is.

2 MS. BANYRA: Yes.

3 MR. EVERS: How is it that the  
4 application is considered complete, and if it's not  
5 complete, why is it being scheduled at all?

6 MS. BANYRA: So there was some  
7 confusion as to whether or not they had submitted.  
8 I understood from the attorney that he had submitted  
9 the compliance plan, and we have gone back and forth  
10 with Shirley Bishop's office because I assumed that  
11 I maybe didn't receive the compliance plan, so I was  
12 under the impression there was one in a file  
13 somewhere. The applicant's attorney I believe  
14 assumed that there was one submitted as well.

15 When we came to the conclusion that  
16 there doesn't appear to be anything other than this  
17 memo from Shirley Bishop, we went back and said that  
18 that is not the compliance plan.

19 So it's been back and forth -- I  
20 assumed we had the compliance plan when we got  
21 something from Shirley Bishop, and that I had  
22 misplaced it.

23 So when I found out that there was  
24 actually nothing in the file of record and then went  
25 back to Ms. Bishop's office and Brandy Forbes, then

1 we basically indicated that it is not acceptable, so  
2 it kind of got cued up thinking that we had already  
3 received it.

4 MR. EVERS: No, no. Okay. But it  
5 isn't a complete application --

6 MR. BANYRA: It's not until we receive  
7 the compliance plan.

8 MR. EVERS: -- so why is it being  
9 scheduled?

10 You are not supposed to even schedule  
11 applications until they are complete.

12 MR. GALVIN: That is not completely  
13 true. We can schedule a case that is less than  
14 complete. I didn't know that this piece of  
15 paperwork wasn't in that file. Okay?

16 And if they were deemed complete  
17 inadvertently because we thought we had the plan,  
18 but don't, that is another factor we have to  
19 consider, but we can resolve that between now and  
20 February 18th.

21 So if you like, have Mr. Walsh send me  
22 a letter to outline his concerns.

23 MR. EVERS: Okay. Thank you.

24 MR. GALVIN: All right.

25 VICE CHAIR GREENE: Is this a situation

1       where we should have them renotice, 1312? It has  
2       been around for quite some time.

3                   COMMISSIONER BRANCIFORTE: When was the  
4       notice sent out? I was wondering the same thing.

5                   MR. GALVIN: Again, you have to  
6       understand. Let's be clear here. We didn't have a  
7       full Board for, you know, seven or eight months, so  
8       we have been carrying -- we've been pulling stuff  
9       along because we had to, because of our  
10      circumstances we have not been able to provide a  
11      full Board.

12                   If you feel this is an important case  
13      and you feel that it should notice, then you can  
14      carry it with notice. But there is a good reason  
15      why we have been, you know, even though these cases  
16      are long in the tooth, we have been reasonable  
17      because I think we had an obligation to be  
18      reasonable.

19                   MS. BANYRA: This is the first  
20      application that we actually had that we are  
21      applying the affordable housing ordinance to, the  
22      first one that came in under the new ordinance. So  
23      the compliance plan -- what I suggested to both the  
24      applicant and to Brandy Forbes is that Shirley  
25      Bishop be involved in that, so that we have a

1 plan -- she is the housing specialist for the city,  
2 that she be involved in it. Because when we get a  
3 plan, a structure for a plan, I want it to be able  
4 to be reparable, so I want something that's modeled  
5 now, so we know what we are looking at, and we have  
6 a model that we are going to be following, so  
7 Ms. Bishop, I believe, is on board with that.

8 VICE CHAIR GREENE: Maybe under the  
9 circumstances, it would not be unreasonable for us  
10 to require new notice.

11 MR. GALVIN: It is your call.

12 VICE CHAIR GREENE: No, it's the  
13 Board's call.

14 MR. GALVIN: Well, I mean, that's what  
15 I'm saying. It's the Board's call. I didn't mean  
16 you personally.

17 VICE CHAIR GREENE: So how do you want  
18 to proceed?

19 MR. GALVIN: Well, let's do this. Let  
20 me separate -- let me do this first. I would like a  
21 motion to carry 301 Newark Street and 1300 Park and  
22 301 to the February 11th meeting, and 1300 Park to  
23 February 18th without notice.

24 Can I have a motion to that effect?

25 VICE CHAIR GREENE: I'll move it.

1 MR. GALVIN: Can I have a second?

2 COMMISSIONER BRANCIFORTE: Second.

3 MR. GALVIN: All in favor?

4 (All Board members answered in the  
5 affirmative.)

6 MR. GALVIN: Okay. As to 1312 Adams,  
7 the proposal is to carry it to February 18th subject  
8 to them making sure that we have the compliance.  
9 Whatever is required under affordable housing has to  
10 be put together for us before that night, okay?

11 COMMISSIONER FISHER: Does it have to  
12 be --

13 THE REPORTER: I can't hear you.

14 (Everyone talking at once.)

15 MS. BANYRA: According to the statute  
16 ten days before --

17 MR. GALVIN: Mike, I got your point.  
18 Your point is well made.

19 What I just heard Eileen say is that it  
20 is a new ordinance. We have already deemed it  
21 complete. We are going to wind up in a lawsuit with  
22 the applicant if we start pushing the other way. We  
23 have to have the compliance done before we are going  
24 to proceed on the matter.

25 MR. EVERS: The question, though, is if

1       you are going to say it has to be in before the  
2       hearing, they can hand it in ten minutes before.

3               MS. BANYRA: No, no, no. I was just  
4       asked that question. It has to come in at least  
5       statutorily ten days prior to the hearing because it  
6       needs to be in the file for a complete review by  
7       anybody who may be interested in that.

8               MR. MATULE: If I may, Mr. Galvin, and,  
9       Mr. Evers, I am the attorney for the applicant in  
10      that matter, and because it was one of the first  
11      matters submitted when the new ordinance was  
12      adopted, my client actually met with Ms. Bishop and  
13      asked her to prepare a plan for him to submit.

14              She prepared a document based on the  
15      COA paradigm, if you will, which at the time we  
16      submitted the application, we presumed since she is  
17      the affordable housing representative for the city  
18      and she prepared it for us, that it was an  
19      appropriate document to submit.

20              Since that time it has been determined  
21      that the Board of professionals would like it more  
22      fleshed out, if you will, to follow the language in  
23      the ordinance, which I am in the process of doing.  
24      I mean, basically we are just going to parrot the  
25      language back and put it into a document --

1                   MR. GALVIN: And we will have that by  
2                   February 8th.

3                   MR. MATULE: You will have it by  
4                   February 8th, and frankly, Ms. Banyra and I have  
5                   both discussed it and agreed that I am going to  
6                   continue to work with Ms. Bishop, because whatever  
7                   this document is ultimately tailored to be will  
8                   probably be the prototype going forward for  
9                   subsequent applications. So we are working on it,  
10                  and you definitely will have something filed that we  
11                  believe satisfies the statutory language by February  
12                  8th.

13                  MR. GALVIN: Okay.

14                  So now there is a motion pending to  
15                  carry this to the 18th, subject to that compliance  
16                  being submitted on time, and provided you waive the  
17                  time in which the Board has to act also?

18                  MR. MATULE: Yes. We have been rolling  
19                  that on an ongoing basis also.

20                  MR. GALVIN: Right.

21                  And you are going to renotice, with  
22                  renotice.

23                  CHAIRMAN AIBEL: Should we do a roll  
24                  call?

25                  MR. GALVIN: Yes. Let's do a roll call

1 and don't call the Chairman. He's not voting on  
2 this.

3 MS. CARCONE: Okay.

4 Commissioner Cohen?

5 COMMISSIONER COHEN: Yes.

6 MS. CARCONE: Commissioner Grana?

7 COMMISSIONER GRANA: Yes.

8 MS. CARCONE: Commissioner Greene?

9 VICE CHAIR GREENE: Yes.

10 MS. CARCONE: Commissioner Murphy?

11 COMMISSIONER MURPHY: Yes.

12 MS. CARCONE: Commissioner Branciforte?

13 COMMISSIONER BRANCIFORTE: Yes.

14 MS. CARCONE: Commissioner Fisher?

15 COMMISSIONER FISHER: Yes.

16 MR. MATULE: In The Jersey Journal.

17 (Laughter)

18 MR. GALVIN: It's better than having it  
19 in three papers.

20 CHAIRMAN AIBEL: Just to say we are  
21 finished with our administrative business, does  
22 anybody have any other issues that they would like  
23 to raise of an administrative nature?

24 COMMISSIONER COHEN: Just that perhaps  
25 for our next meeting, we will be able to circulate

1 and vote on our Rules of Procedure, which we didn't  
2 circulate in advance of this one.

3 CHAIRMAN AIBEL: I left my review,  
4 Phil, for discussion with counsel.

5 COMMISSIONER COHEN: Right.

6 CHAIRMAN AIBEL: I guess what I would  
7 expect is that once you agree on a form of document,  
8 it will be circulated to us in advance --

9 COMMISSIONER COHEN: Right.

10 CHAIRMAN AIBEL: -- of the next  
11 meeting?

12 COMMISSIONER COHEN: Right.

13 CHAIRMAN AIBEL: Good.

14 MR. MATULE: Just a point of  
15 clarification, Mr. Chairman, with respect to 118-120  
16 Madison, we are going to reserve on that at the  
17 moment and make the announcement later?

18 CHAIRMAN AIBEL: That's correct.

19 MR. GALVIN: We are going to see how  
20 fast we go.

21 MR. MATULE: Okay.

22 MR. GALVIN: If we go real slow, we  
23 will get you out of here in an hour. If we are  
24 going fast, you maybe will get lucky.

25 MR. MATULE: Thank you.

1                   CHAIRMAN AIBEL: Great, thanks.

2                   (Continue on next page.)

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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

- - - - - X  
 RE: 526 HUDSON STREET :  
 Block 216.01, Lot 25 : January 28, 2014  
 Applicants: Yayine Melaku and Menassie:  
 Taddese : Tuesday 7:45 p.m.  
 C & D Variances :  
 (Carried from 12/17/13) :  
 - - - - - X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Antonio Grana
- Commissioner Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher

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

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

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

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9                   85 Livingston Avenue  
10                  Roseland, New Jersey 07068  
11                  Attorneys for the Applicant.

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## I N D E X

WITNESS	PAGE
JENSEN C. VASIL	46 & 90
KENNETH OCHAB	70

## E X H I B I T S

EXHIBIT NO.	PAGE
A-1	48
A-2 and A-3	70

1                   CHAIRMAN AIBEL:  So, 526 Hudson Street,  
2   Mr. Murphy?

3                   MR. GALVIN:  Right.  Our first piece of  
4   business -- I'm sorry.  Put your appearance on the  
5   record.

6                   MR. MURPHY:  Good evening.

7                   My name is Joe Murphy with the law firm  
8   of Connell Foley.  I represent the owner of 526  
9   Hudson Street, which is Block 216.1, Lot 25, Yayine  
10  Melaku and Menassie Taddese.

11                  MR. GALVIN:  And I have advised you  
12  that one of our Board members, we have seven sitting  
13  tonight, Ms. Fisher is in a lawsuit against one of  
14  your other clients.  I don't believe that that is a  
15  conflict, and I believe that she can sit without  
16  impairment.

17                  Do you have any objection to her  
18  sitting on this matter?

19                  MR. MURPHY:  I have no objection.

20                  CHAIRMAN AIBEL:  Thank you.  That is  
21  good.

22                  Okay, Mr. Murphy?

23                  MR. MURPHY:  Okay.  We are here tonight  
24  seeking certain variances.  We are certainly  
25  requesting a D variance for a rear extension of an

1 existing fourth story to a principal structure. The  
2 existing principal structure has four stories, where  
3 three stories are permitted in the zone, and the  
4 zone is the R-1 Court Street zone.

5 The second variance that we are  
6 requesting is also for the rear extension of an  
7 existing fourth story, where the rear extension will  
8 have a height of 44 feet, ten inches, which is  
9 higher than permitted in the zone, but it matches  
10 the height of the existing principal structure.

11 And the third variance we are  
12 requesting is a C variance to add one additional  
13 residential story over an accessory structure, which  
14 is a carriage house or a garage that presently has  
15 one story above the garage.

16 What we are proposing is that we will  
17 have one residential unit over the garage, but it  
18 will consist of two stories, but it will remain  
19 within the 30 foot height.

20 The applicants, I might note, is a  
21 current resident of Hoboken, and they are looking to  
22 have a larger home for their family.

23 I would like to call the applicant's  
24 engineer, architect to be sworn in.

25 State your name, and we'll swear you

1 in.

2 MR. GALVIN: Raise your right hand.

3 Do you swear to tell the truth, the  
4 whole truth, and nothing but the truth, so help you  
5 God?

6 MR. VASIL: I do.

7 J E N S E N C. V A S I L, having been duly  
8 sworn, testified as follows:

9 MR. GALVIN: State your full name for  
10 the record and spell your last name.

11 THE WITNESS: Jensen Vasil, V, as in  
12 Victor, a-s-i-l.

13 MR. GALVIN: Mr. Chairman, do we accept  
14 Mr. Vasil's credentials as a licensed architect?

15 CHAIRMAN AIBEL: Yes. We have heard  
16 from Mr. Vasil before.

17 MR. MURPHY: Thank you.

18 With that, I will ask Mr. Vasil to  
19 describe existing conditions at the site.

20 THE WITNESS: The site is a 14 foot by  
21 a hundred foot lot that extends from Hudson Street  
22 through to Court Street. It has two structures on  
23 the lot. There is an existing four-story brick  
24 structure with a three-story extension and a  
25 two-story brick garage at the rear of the structure

1 fronting Court Street.

2 MR. MURPHY: Can you also describe for  
3 the Board the current use of the building?

4 THE WITNESS: The current use of the  
5 building is a one-family in the four-story portion,  
6 and in the back is an apartment over a one-story  
7 parking for the garage.

8 MR. MURPHY: The principal structure,  
9 did it previously have --

10 THE WITNESS: It was previously a  
11 four-family.

12 MR. MURPHY: Okay. Can you briefly  
13 describe the expansion that we are seeking approval  
14 for here tonight?

15 THE WITNESS: The expansion would  
16 consist of a fourth story over the three-story --  
17 the third-story extension in the back, and also an  
18 additional story over the one-story over the garage  
19 on Court Street.

20 MS. BANYRA: I don't believe that  
21 document has been submitted before, so do we want to  
22 mark that?

23 MR. GALVIN: Yes, we do.

24 That will be Exhibit A-1.

25 THE WITNESS: There is five individual

1 views.

2 MS. CARCONE: Are there copies to give  
3 out?

4 MR. GALVIN: Mr. Murphy, you have --  
5 there is five of one. We only have to put A-1 on  
6 one of them.

7 THE WITNESS: There is five individual  
8 views that are all unique.

9 MR. GALVIN: So that's --

10 MR. MURPHY: A-1 through 5.

11 MR. GALVIN: Or unless they are  
12 stapled, then it is all one document.

13 Do you have a clip?

14 Why don't you clip it, so we don't have  
15 to mark it.

16 Come on guys, tell us something, let's  
17 get going.

18 (Laughter)

19 (Exhibit A-1 marked.)

20 THE WITNESS: Correct.

21 MR. GALVIN: Who has got the next line?

22 MR. MURPHY: You can go through the  
23 proposed expansion.

24 THE WITNESS: Yes. The proposed  
25 expansion is a one-story extension on top of the

1 existing three-story, the principal structure, and  
2 then one story over the garage, plus one story at  
3 the Court Street structure.

4 MR. MURPHY: Could you walk us through  
5 the variances that we are seeking?

6 THE WITNESS: Certainly.

7 MR. GALVIN: Do you need A-1 to do that  
8 or not?

9 THE WITNESS: No, I don't.

10 MR. GALVIN: Then the Board would like  
11 to look at it.

12 Thanks.

13 Go ahead.

14 THE WITNESS: There is a D variance for  
15 the rear extension on the top of the principal  
16 structure. On the fourth story, it is a one-story  
17 extension over an existing three-story --

18 MR. GALVIN: Okay. What kind of a D  
19 variance is that?

20 THE WITNESS: It is a --

21 MR. GALVIN: D-6 for height or --

22 MR. MURPHY: Yes.

23 THE WITNESS: D-6 for height.

24 MS. BANYRA: Excuse me.

25 Can I ask, two D-6 variances, one for

1 height and one for stories?

2 THE WITNESS: Correct.

3 MR. GALVIN: Okay.

4 THE WITNESS: Also for the height,  
5 there is a 40-foot height limit. The existing  
6 building is 40 foot -- 44 foot, ten inches at the  
7 front of the structure, and it slopes back to the  
8 rear. So the highest point of the roof is 44 foot,  
9 ten, so that is existing along the Hudson Street  
10 frontage.

11 There is also a C variance for the  
12 additional one-story residential over the second  
13 structure on the Court Street building.

14 MS. BANYRA: And just for the Board  
15 members, the C variance on that one is because there  
16 is a two-story limitation, I believe --

17 THE WITNESS: That's correct.

18 MS. BANYRA: -- so they are going for  
19 the third story --

20 THE WITNESS: That's correct. It is  
21 two stories and 30 feet. On that structure it would  
22 be three stories, which is a C variance, but we  
23 would still be under 30 feet. We would be at 29  
24 foot, six inches.

25 MR. MURPHY: Any questions?

1                   CHAIRMAN AIBEL: Are you finished with  
2 your testimony?

3                   THE WITNESS: Yes.

4                   CHAIRMAN AIBEL: Okay, Board?  
5 Mr. Cohen?

6                   COMMISSIONER COHEN: I have a question.  
7                   With respect to the rear portion, where  
8 you are looking to get the extra height, can you  
9 describe what the building that it backs up against,  
10 are there any windows that are facing that extra  
11 story?

12                   It is hard to tell from the diagram  
13 that you circulated what potential impact it is  
14 going to have on the neighbor directly behind it.

15                   THE WITNESS: You would have the two  
16 side buildings. There is one -- there's a  
17 four-story building to the left of it -- well, I  
18 guess it would be from Hudson Street to the left of  
19 it, with a one-story extension at the bottom.

20                   At the opposite side, there's a  
21 four-story brick building with a two-story  
22 extension, which is a carriage house to the right of  
23 that --

24                   MS. BANYRA: You are pointing to the  
25 survey, which is in the lower right-hand side of the

1 plan.

2 THE WITNESS: That's correct.

3 MS. BANYRA: So if you are looking at  
4 your plan, if you look at the lower right-hand side,  
5 you can see the existing buildings on either side,  
6 and that's what he's referring to --

7 THE WITNESS: In the back, Court Street  
8 is a unique situation. They have small carriage  
9 houses in the back, so each one of these backs up to  
10 a building already on the same property.

11 There is a two-story structure from the  
12 building to the right, there is an existing --  
13 behind that, and the building to the left, there is  
14 a four-story -- there's a one-story structure behind  
15 the existing four-story.

16 COMMISSIONER COHEN: Okay. But let's  
17 talk about the buildings that it is bumping up  
18 against that are on Court Street.

19 So you have the buildings on Court  
20 Street that back up against the property line to  
21 this building that is on Hudson, right?

22 THE WITNESS: Correct.

23 COMMISSIONER COHEN: And then you are  
24 building an extra story on the back of the lot on  
25 the Hudson Street property.

1                   And what I am asking you is: With  
2                   respect to the Court Street property, what impact --  
3                   because it is going to be directly up against the  
4                   Court Street property, is that correct?

5                   THE WITNESS: Correct.

6                   COMMISSIONER COHEN: And is it the same  
7                   height as the property on Court Street?

8                   THE WITNESS: No. The property on  
9                   Court Street is about 15 -- actually 14 feet lower,  
10                  so it's our -- first of all, it is our building  
11                  directly behind us, so there are two buildings on  
12                  the same lot. It's a through lot. One building is  
13                  a four-story building that faces Hudson Street, and  
14                  the other is a three-story building that faces Court  
15                  Street, and that's all our lot.

16                  COMMISSIONER COHEN: So it is the one  
17                  property owner all the way around, front and back?

18                  THE WITNESS: Yes.

19                  COMMISSIONER COHEN: But then the  
20                  property line -- so the property behind Court  
21                  Street, there is just a road there. There's no  
22                  other property on it?

23                  THE WITNESS: That's correct.

24                  There is a road, and there's another  
25                  carriage house, and there's the -- you know, it is

1 the same sort of idea as Washington Street.

2 COMMISSIONER COHEN: Okay. Thank you.

3 VICE CHAIR GREENE: Could you describe  
4 the purpose of the one-story addition above the  
5 garage?

6 THE WITNESS: Sure.

7 That accessory use is permitted to be a  
8 separate residential unit with the garage on Court  
9 Street. The additional floor would equate to 280  
10 square feet, which is huge for an already small  
11 one-story apartment, so it would take it from 280  
12 square feet to 520 square feet, so it would be a  
13 little more rentable -- rentable unit.

14 VICE CHAIR GREENE: So is the second  
15 story currently occupied?

16 THE WITNESS: The second story is not  
17 currently occupied.

18 VICE CHAIR GREENE: Is it occupiable?

19 THE WITNESS: It is in disrepair, but  
20 it's -- I would not call it occupiable at the  
21 moment, no.

22 VICE CHAIR GREENE: So the purpose --  
23 the intention then is to create a two-story  
24 apartment?

25 THE WITNESS: Correct.

1                   MR. MURPHY: One single apartment for  
2 two stories?

3                   THE WITNESS: Correct.

4                   VICE CHAIR GREENE: Where is the  
5 entrance to that apartment?

6                   THE WITNESS: That would be off Court  
7 Street. There is a door next to the garage, and  
8 part of the stipulation is that that garage space  
9 has to be deeded to the person who is using that  
10 apartment, so it is kind of a perk for living in  
11 such a small space.

12                  VICE CHAIR GREENE: I see.

13                  And then with the proposed story  
14 addition, the height of that structure would be the  
15 tallest structure on that section of Court Street?

16                  THE WITNESS: No. There are quite a  
17 few other three-stories, including at the end of the  
18 street at Sixth and -- Sixth and Court, right  
19 next -- right across from the Court Street  
20 Restaurant, there is a four-story structure, which  
21 is quite large, and it comes around about a hundred  
22 feet.

23                  VICE CHAIR GREENE: But this would be  
24 taller than either of the adjacent structures?

25                  THE WITNESS: This would be taller than

1 the two adjacent structures, but it only goes down  
2 for one building, and then at the next lot it goes  
3 back up to three stories. There is a couple of  
4 others on that street -- on that block, I should  
5 say.

6 VICE CHAIR GREENE: Thank you.

7 CHAIRMAN AIBEL: How tall are the  
8 buildings on the west side of Court Street facing  
9 the proposed extension?

10 THE WITNESS: The one -- the one  
11 directly next to us to the south --

12 CHAIRMAN AIBEL: No. Immediately  
13 across.

14 THE WITNESS: -- oh, immediately across  
15 from them.

16 Immediately across there is an open lot  
17 here, and then there is another two-story that is  
18 directly across from us.

19 There is a three-story that I don't  
20 believe it starts until about two buildings away on  
21 the opposite side.

22 CHAIRMAN AIBEL: I am just going to say  
23 this, and you can help me address it.

24 You know, I am certainly not opposed to  
25 anything that's proposed generally, but I need to

1 point out that this is a non-conforming lot. It is  
2 small. You have already gotten approvals to build a  
3 three-story extension, and you are now asking for  
4 intensification to build a fourth story there, and  
5 you are proposing to build a substantial two-story  
6 addition on top of the Court Street side garage,  
7 which as I am looking at your slides here, make it  
8 probably the most densely built lot in that area.

9 THE WITNESS: There is actually a  
10 building -- a completely through lot, two buildings  
11 down, so there is one at 90 percent coverage --

12 CHAIRMAN AIBEL: That's on the corner.

13 THE WITNESS: -- it's straight through  
14 from Hudson.

15 CHAIRMAN AIBEL: On the corner, though.

16 THE WITNESS: No. It is only two over.  
17 We are 526, so that would be -- south of us -- so  
18 525 is a through lot -- my diagram should have it --

19 MS. BANYRA: Can you maybe go  
20 through -- I think the Board would have a better  
21 idea of what everything looks like, if you go  
22 through your plans that show the elevations --

23 THE WITNESS: Sure.

24 MS. BANYRA: -- and the floor plans, I  
25 think that might be helpful.

1                   Just so the Board -- just so the Board  
2                   knows, the applicant, as we indicated, there is a D  
3                   variance for the number of stories and the height of  
4                   the building, and you might be wondering why isn't  
5                   it a D variance for the rear building that is  
6                   getting another story also, and the reason why that  
7                   is a C variance is because it is an accessory  
8                   structure. As an accessory structure, it is not a D  
9                   variance. It is considered a C variance.

10                   So, you know, normally an additional  
11                   story would connote a D variance, but not on an  
12                   accessory structure, so that is what the distinction  
13                   is on that.

14                   MR. GALVIN: Right. In the laws it  
15                   says a principal -- ten feet or ten percent of a  
16                   principal structure, and that is an accessory  
17                   structure.

18                   You guys didn't bring any pictures at  
19                   all of what is going on out there?

20                   MR. MURPHY: Our planner has pictures.

21                   MR. GALVIN: I think we need that. We  
22                   need to see it.

23                   MS. BANYRA: He has elevations, too,  
24                   that he can show --

25                   THE WITNESS: Sure.

1                   So just to go through the plan, right  
2                   now at the bottom there is just a garage next to the  
3                   mechanical space, and that would -- at the floor  
4                   above it is a kitchen and an open studio, and then  
5                   the additional floor would create a one-bedroom and  
6                   a bath and stairs -- right now --

7                   MR. MURPHY: Is that the existing  
8                   garage where you have the first level of the  
9                   garage --

10                  THE WITNESS: Correct.

11                  MR. MURPHY: -- and then the second  
12                  level is a one-story apartment --

13                  THE WITNESS: That's correct.

14                  MS. BANYRA: Can you show the elevation  
15                  for that before you move on to the principal  
16                  building?

17                  THE WITNESS: Sure.

18                  So this is the existing Court Street  
19                  elevation, and this would be the proposed, so it is  
20                  a mimic of the second floor basically.

21                  MR. MURPHY: You mentioned the height  
22                  of the building itself will be within the permitted  
23                  under the code?

24                  THE WITNESS: Correct. Under the 30  
25                  feet, that is permitted.

1                   MR. MURPHY:  Would you like to walk  
2                   through the principal structure now?

3                   THE WITNESS:  Certainly.

4                   So on the principal structure, there is  
5                   a master bedroom below, so it would be taking this  
6                   wall out in the back and extending it out over the  
7                   existing addition and creating another large bedroom  
8                   at the top floor.

9                   And then on the elevation, it would  
10                  be -- right now there is a -- there's brick in the  
11                  back of the existing three-story, and then it would  
12                  be just filling in that top story.

13                  MR. MURPHY:  Could you go back to the  
14                  prior sheet and just walk us through the five and  
15                  the additions and the comparative size of the  
16                  existing building?

17                  THE WITNESS:  Sure.  It is nine foot  
18                  six deep by 14 feet wide.

19                  MR. MURPHY:  And the existing  
20                  structure?

21                  THE WITNESS:  The existing structure is  
22                  56 inches by 14 feet wide.

23                  MR. MURPHY:  You are adding nine feet?

24                  THE WITNESS:  9.6, correct

25                  MS. BANYRA:  Can I also just add a

1 couple of things to flush out the application for  
2 new Board members?

3 I think the old Board members may  
4 recall that this application and a couple of other  
5 applications were received zoning compliance and  
6 permits to construct, so they were constructed --  
7 the applicant pulled the building permit and was  
8 able to construct -- it is a substandard lot. It's  
9 a nonconforming lot, but they were able to construct  
10 an addition onto the first three levels.

11 If you have been out there to see it,  
12 the levels are all there with the exception of the  
13 top fourth floor.

14 Since that time, the Board has had a  
15 hearing on an application, where it determined that  
16 on any nonconforming lot, it has to come to the  
17 Board first, so we have a number of these  
18 applications that are -- I am going to say in the  
19 cue, so to speak. There will be another one  
20 later on tonight that the Board has decided that  
21 those shouldn't have gotten permits ahead of time,  
22 so we are kind of dealing with some of these  
23 applications now.

24 So the application -- it's built with  
25 three stories added on, and they are now in for just

1 the top level, basically the fourth story on the  
2 back. So you will be hearing about a couple of  
3 these tonight and probably for the next couple of  
4 meetings, and then that I think that that should  
5 maybe hopefully stop. Okay?

6 CHAIRMAN AIBEL: Any other questions  
7 for the planner -- the architect? My apologies.

8 VICE CHAIR GREENE: I do, if I may.

9 CHAIRMAN AIBEL: Go ahead.

10 VICE CHAIR GREENE: So, Mr. Vasil, I'm  
11 just looking at A-102 --

12 THE WITNESS: Yes.

13 VICE CHAIR GREENE: -- when I asked you  
14 about the existing floor in the carriage house, you  
15 said it was not occupiable?

16 THE WITNESS: Correct.

17 VICE CHAIR GREENE: But on the plan it  
18 says there's no work planned.

19 THE WITNESS: You have -- that was also  
20 under the previous approval, that that work was  
21 approved, because you are allowed one story over the  
22 garage.

23 VICE CHAIR GREENE: So this is new  
24 construction?

25 THE WITNESS: Correct -- well, yes, it

1 is interior renovation. The shell was there,  
2 though, but it is interior.

3 COMMISSIONER GRANA: So is the plan to  
4 renovate the shell and add on a top or to go to the  
5 structure --

6 THE WITNESS: To renovate the shell and  
7 add a top because that structure itself actually  
8 is -- because it is -- actually over the property  
9 line, so you can see on the survey, the building  
10 actually extends over the property line by 6.5 feet,  
11 you know, to the west, the existing building line.

12 Our obviously new structure would  
13 conform inside of the building lot, but the existing  
14 structure is there.

15 MR. MURPHY: Essentially, they were  
16 rehabilitating the existing second story --

17 THE WITNESS: Correct, the shell.

18 MR. MURPHY: -- the shell, and then  
19 proposing to add on to that, an additional story  
20 above that?

21 THE WITNESS: That is correct.

22 COMMISSIONER BRANCIFORTE: You don't  
23 necessarily have to have the new third story on that  
24 building to make it --

25 THE WITNESS: No. 280 square feet I

1 think is quite small, being that there is other --  
2 there's at least three other buildings that are  
3 three-story there on that block, including a couple  
4 that have four stories. I think that is quite a  
5 hard thing to sell, the 280 square feet.

6 CHAIRMAN AIBEL: Let me ask you to do  
7 this. If you have done it already, you can  
8 elaborate for me.

9 THE WITNESS: Sure.

10 CHAIRMAN AIBEL: You know, we have  
11 actually seen one of these applications before in a  
12 property nearby, and one of the elements that was  
13 important to the Board there was that the finish of  
14 the exterior, because there, there was a  
15 substantial -- a new construction and a very  
16 substantial improvement of the carriage house --

17 THE WITNESS: Right.

18 CHAIRMAN AIBEL: -- so how are you  
19 going to finish this to make it attractive and very  
20 pleasing to your neighbors?

21 THE WITNESS: This, we were planning on  
22 doing a cement stucco finish for the actual  
23 building, but then pulling out the lentils and blue  
24 stone -- blue stone lentils and sills on that  
25 facade, so that gives it some definition, and also

1           there is a cornice that is fairly similar to a lot  
2           of the Hoboken cornices with the raised panels along  
3           the top.

4                         MR. MURPHY:   In the packet --

5                         THE WITNESS:   Correct.

6                         (Board members all talking at once and  
7           conferring)

8                         COMMISSIONER FISHER:   You are not  
9           preserving the existing facade of the second floor.  
10          You are actually going to pull that off?

11                        THE WITNESS:   We are at the first  
12          floor, so we are going to provide a water table  
13          around that first floor, and then the second floor  
14          would go over it, correct.

15                        MR. MURPHY:   Would it be helpful to try  
16          to hold that up and go over that for everyone?

17                        I know it is a little small, but --

18                        THE WITNESS:   Sure.

19                        So there is a water table here, and  
20          then below it would be the brick, and then on top of  
21          that would be the stucco, so it would give it some  
22          definition, some scale definition.

23                        CHAIRMAN AIBEL:   Any other questions  
24          from the Board?

25                        COMMISSIONER MURPHY:   I have a

1 question.

2 So 60 percent of the lot is where the  
3 main building is, and then you are allowed to have  
4 20 percent of the existing lot of what is left?

5 MS. BANYRA: On that street, you are  
6 allowed 20 percent lot coverage for a carriage  
7 house, not what is left, just 20 percent coverage  
8 for a carriage house of the existing lot. It is  
9 typically a conforming lot that we are talking  
10 about.

11 In this case the building is a  
12 nonconforming lot. The structure -- the structures  
13 that were there were preexisting nonconforming,  
14 okay? That is the terminology we use for that --

15 COMMISSIONER MURPHY: Use --

16 MS. BANYRA: -- not use, but in terms  
17 of structures.

18 So the structure that is the carriage  
19 house covers 20 percent of the lot, which would meet  
20 the ordinance, and the building -- the main  
21 structure covered 60 percent.

22 Where the rub was on this is that it  
23 was a nonconforming lot --

24 COMMISSIONER MURPHY: Right.

25 MS. BANYRA: -- so it wasn't entitled

1 to necessarily 60 percent coverage --

2 COMMISSIONER MURPHY: Right.

3 MS. BANYRA: -- on a conforming lot  
4 that is what you are entitled to, so there was an  
5 interpretation of the Board that basically it's a  
6 nonconforming lot. You're not -- that is not a give  
7 me that you can do 60 percent coverage on any lot,  
8 only if you are a conforming lot do you have the  
9 right to build to 60 percent coverage.

10 But the structure is up for three  
11 floors --

12 COMMISSIONER MURPHY: Uh-huh.

13 MS. BANYRA: -- and is -- so right now  
14 what we are left to deal with is the top floor.

15 COMMISSIONER MURPHY: One and an  
16 additional -- okay.

17 CHAIRMAN AIBEL: Jeff?

18 MR. MARSDEN: Yeah.

19 I believe in the ARC meeting, we  
20 discussed having the apron and the garage entrance  
21 that is going to be rebuilt, be reconstructed  
22 because it is in really poor condition.

23 THE WITNESS: Yes. It would be  
24 reconstructed in a similar fashion to what is there.  
25 We can't encroach too much more because the building

1 is already out, so it would be --

2 MR. MARSDEN: You got paver and you got  
3 cobblestone, and it has to be rebuilt because it  
4 pretty much is not usable.

5 Would you be willing to add that to  
6 your plans or details for that?

7 THE WITNESS: Certainly.

8 CHAIRMAN AIBEL: Seeing no more  
9 questions, let me open it up to the public and --

10 MR. MURPHY: We still have our planner.

11 MR. GALVIN: Yes, that's true.

12 CHAIRMAN AIBEL: I'm just going to open  
13 it up for questions of the architect.

14 Okay. This is the opportunity for  
15 anybody in the public to come and ask questions of  
16 the architect. Public comments will come later.

17 Seeing no public questions --

18 COMMISSIONER COHEN: Motion to close  
19 the public portion for this witness.

20 CHAIRMAN AIBEL: Thank you.

21 Second?

22 VICE CHAIR GREENE: I'll second.

23 MR. GALVIN: The engineer has another  
24 question.

25 MR. MARSDEN: I hate when this happens.

1 CHAIRMAN AIBEL: And that question was?

2 MR. MARSDEN: Yeah, that is a good  
3 question. I'll remember --

4 MR. GALVIN: After the apron --

5 MR. MARSDEN: Oh, no.

6 You are in receipt of my October 22nd  
7 revised November 2013 letter. Do you have any  
8 problems with any of the issues?

9 THE WITNESS: No.

10 MR. MARSDEN: Thank you very much.

11 MS. BANYRA: Just for the point of the  
12 record, my report indicates that the taxes were  
13 outstanding. I didn't revise my report just to take  
14 that off, but the taxes were paid in full. I  
15 believe I received that notice at the end of  
16 November or the beginning of December, so the taxes  
17 are paid.

18 CHAIRMAN AIBEL: Great, thanks.

19 MR. GALVIN: Mr. Ochab, raise your  
20 right hand.

21 Do you swear to tell the truth, the  
22 whole truth, and nothing but the truth, so help you  
23 God?

24 MR. OCHAB: I do.

25

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

3 CHAIRMAN AIBEL: Mr. Chairman, do you  
4 accept Mr. Ochab's credentials?

5 CHAIRMAN AIBEL: We do.

6 MR. GALVIN: Mr. Ochab, did you bring  
7 photos?

8 THE WITNESS: Yes.

9 MR. GALVIN: Let's mark those as A-2  
10 and A-3 to shed some light on this thing.

11 (Exhibits marked A-2 and A-3.)

12 (Board members confer.)

13 MR. GALVIN: Just one for each board I  
14 think will work.

15 Mr. Chairman, do we accept Mr. Ochab's  
16 credentials?

17 CHAIRMAN AIBEL: We do for the second  
18 time.

19 (Laughter)

20 THE WITNESS: Thank you.

21 I wrote a report, dated September 3rd,  
22 2013 and submitted that with the application, of  
23 course. I will get right to it.

24 The purpose of the application is to  
25 first convert an existing four-story building on

1 Hudson to a single-unit residence, and also then to  
2 take an existing carriage house garage building and  
3 convert that to an accessory apartment.

4 These uses are permitted. We are in  
5 the R-1 CS or Court Street zone, so the zoning  
6 ordinance permits both the residence, of course,  
7 and, of course, the carriage house because of the  
8 location of Court Street, and the master plan talks  
9 extensively about the redevelopment of Court Street  
10 as part of the unique physical environment with the  
11 cobblestone streets and the buildings right up to  
12 the street.

13 So the whole intent from a planning  
14 perspective is to take the old dilapidated, in my  
15 terms, dilapidated building and convert it to a  
16 carriage house, basically in conformance with the  
17 ordinance with three exceptions.

18 One is that the fourth floor of the  
19 existing building, the main house, the primary  
20 house, is the existing fourth floor, which will be  
21 expanded by nine and a half feet, so that requires a  
22 height variance both for the number of stories and  
23 the physical height, which would be 47 and a half  
24 feet, so that those are both D-6 variances under the  
25 Municipal Land Use Law, and the carriage house is an

1        accessory structure. It meets all of the accessory  
2        structure carriage house requirements with the  
3        exception of the number of stories.

4                Only one is permitted, and we are  
5        proposing two, and that is, of course, a C variance  
6        under the ordinance.

7                So let's go through the photographs,  
8        and then you will get a better idea of where we are.

9                On A-3, the upper left photograph, is a  
10       photograph of the front of the primary building from  
11       Hudson, and we have, of course, one, two, three,  
12       four stories. Four stories on either side, and a  
13       five-story building directly to the south as shown  
14       in the picture.

15               The upper right photograph shows the  
16       back of the building, which is the project building,  
17       right in the center of the photographs. I will put  
18       a little arrow there, and that is again a four-story  
19       building in the back. And, again, it will come  
20       out -- the fourth story will come out nine and a  
21       half feet.

22               The existing building to the south is  
23       basically at the same extension as the existing  
24       building, so it is going to be set back nine and a  
25       half feet, and the property to the north, the same

1       there. The extension will be just nine and a half  
2       feet out from both of those buildings.

3                       The building to the south of the  
4       adjacent building immediately to the south is a  
5       five-story building, which comes -- the depth of  
6       that building is about, I would say, 85 to 90 feet,  
7       so that building extends completely across the track  
8       from Hudson almost to Court Street. There is two or  
9       three parking spaces just on Court Street in the  
10      back, and that has a major effect on Court Street  
11      because that essentially is a shield, which  
12      basically blocks whatever sunlight comes around from  
13      the backyard of these units, both on the site and  
14      the adjacent site.

15                      The lower left photograph is a  
16      photograph of Court Street.

17                      The building on the immediate left is  
18      the building that we are discussing. It is the old  
19      garage building. You can see the garage door.

20                      The adjacent building to the left is  
21      part of the adjoining property to the left on the  
22      rear, and that is basically a -- owned by a  
23      sorority, so these are actually residences here,  
24      although it doesn't look like it, they are, and that  
25      extends for about 75 feet along the frontage of

1 Court Street, and then just beyond there, there is a  
2 three-story carriage house newly constructed.

3 The lower right photograph is a closeup  
4 of the carriage house, the existing garage, we will  
5 call it. It is not habitable. I have been in it.  
6 Up on the second floor, it is not too sturdy, so it  
7 will be completed gutted and then reconstructed, as  
8 will the front cobblestone area, which is in need of  
9 repair.

10 Okay. A-2 is a little bit better view  
11 of the backs of the buildings.

12 The upper left photograph is a  
13 photograph of the sorority building. Next door to  
14 the north, this is our building right here on the  
15 extreme right hand-photograph, and you can see there  
16 is just for some rear yard area, a whole lot of  
17 stairways, back fire escape area, and this stair  
18 leads actually to the accessory building in the back  
19 of the property. That is the residence.

20 The upper right photograph is a  
21 photograph of the property just to the south, and  
22 here is our building to the left of that, which has  
23 already been bumped out nine feet.

24 Nothing back here except a little deck  
25 on the roof of the small extension of that building.

1 This it about maybe eight or nine feet coming out on  
2 the adjacent building.

3 Then to the left -- or to the right of  
4 that or to the south of that is the wall of the big  
5 five-story building that I spoke about earlier.

6 The lower left photograph is a photo of  
7 the garage building on the site from the back yard  
8 of the primary house. So standing back here on the  
9 stairs facing the garage, and this is what it looks  
10 like, obviously not well, but the brick work is  
11 nice, so hopefully that will be there and some of  
12 the windows.

13 And then the lower right photograph is  
14 a continuation of the stairway on the adjacent  
15 property, which is a metal stair, coming up to an  
16 entrance way, and this is the residence for the  
17 sorority, so these stairs are these stairs.

18 Then on A-4, A-4 is basically a  
19 collection of Court Street photographs. So on Court  
20 Street we have on the upper left, we have the view  
21 of the properties on the west side of Court Street.  
22 That is across the street from where we are located.

23 We have a collection of three-story  
24 buildings, some two-story, some threes, and way in  
25 the background we have a five-story at the corner of

1 Sixth Avenue -- Sixth Street and Court. That is  
2 this building on the lower left, which is one, two,  
3 three, four stories, and it consumes about a hundred  
4 feet of frontage along the Court Street property.

5 The other two buildings are -- the  
6 upper right building, that is a three-story carriage  
7 house, very nicely done, and this carriage house is  
8 almost directly across the street from us. It is  
9 this building on the upper left photograph, that is  
10 a closeup of that building. And this one is just  
11 slightly to the south of us, so if you come across  
12 the street and go to the south, we have another  
13 three-story carriage house. Again, very nicely  
14 done.

15 All of these buildings have a front  
16 entrance door and a garage door, and then brick  
17 fenestration, and that is exactly what I think the  
18 architect is portraying on his plan that we have the  
19 same kind of effect.

20 So in term of the variances, on the D  
21 variances, we have proofs, which entail using what  
22 is called the Coventry criteria and also the Grasso  
23 criteria, which are mentioned in my report. They go  
24 back to court cases that set up the criteria to be  
25 used in these special types of variances.

1                   So for building height, essentially  
2                   there are two issues. One: Is the building height  
3                   being proposed consistent with the neighborhood  
4                   character and consistent with the buildings in the  
5                   neighborhood, and I would say that the answer is yes  
6                   to both the principal building as well as the  
7                   accessory structure carriage house both from a  
8                   physical standpoint and also from a number of  
9                   stories standpoint.

10                   Particularly on the carriage houses, I  
11                   think I have done maybe three or four. All have  
12                   been three stories all on Court Street, all within  
13                   the 30 feet physical height limitation, and I think  
14                   that is kind of what the emerging pattern is here  
15                   for the development on Court Street, particularly  
16                   when we have a 14 foot lot, because when we have a  
17                   20 foot limitation on the depth of the building, of  
18                   the carriage house building, because we have  
19                   setbacks from the principal building, which is 20  
20                   feet, so we wind up with 280 square feet, if we only  
21                   use one floor. And to me, well, that is not even a  
22                   motel room, so that is pretty small.

23                   So going to the third story gives them  
24                   more building space, more livable space, and begins  
25                   to develop the character of a more recent character

1 to the redevelopment of the Court Street area.

2 Certainly it improves the visual image  
3 of what we have there today, and maybe it will do  
4 something about this building, which is the adjacent  
5 building to the south of us.

6 This is our building here. This is the  
7 adjacent garage. I don't want to even say it is a  
8 structure. It is just a collection of stone. I  
9 never saw anybody park in there either by the way,  
10 so that is part of the D-6 proofs.

11 The other part is whether or not there  
12 would be any problems associated with the expansion,  
13 height expansion, and in my view, the answer would  
14 be no. Again, all we are talking about here is the  
15 bumping out of the fourth story by nine feet.

16 We are on the north side of the  
17 adjacent building to the south, so there is no sun  
18 impedance. The sun comes around from the southeast  
19 or the southwest, and really this five-story  
20 building in front of everything kind of blocks the  
21 whole access to sun and light, so there is just a  
22 little bump-out here, and I don't think there is any  
23 problems that are associated with that that can't be  
24 accommodated on the site.

25 Again, the three-story building for the

1 carriage house is one in which the character of the  
2 Court Street area is three stories under 30 feet,  
3 and it provides adequate space, at least the  
4 evolving image of what Court Street is going to be  
5 in the future.

6 The other variance that we have --  
7 well, I talked about it, which was the height on the  
8 Court Street carriage house.

9 Now, all of the other requirements of  
10 the accessory building for Court Street are met both  
11 in terms of the coverage, parking, one garage is  
12 provided, and again, we are under the 30 foot height  
13 requirement.

14 And Eileen is correct, when you have an  
15 undersized lot and an undersized width, we always  
16 have a variance for expansion of a nonconforming  
17 structure within that lot, as well for a four-story,  
18 so that is a C variance.

19 Typically with all of these  
20 applications, I would say it certainly is worth the  
21 granting in this case because of the improvements  
22 that are going to be made to the property and in  
23 conformance again with the master plan's guide of  
24 how Court Street should be developed,

25 Thank you.

1 CHAIRMAN AIBEL: Thank you, Mr. Ochab.

2 Board members, anybody want to start  
3 with Mr. Ochab?

4 COMMISSIONER BRANCIFORTE: Well, the  
5 photo you showed me on the right-hand corner, when  
6 was that photo taken, the photo on the right-hand  
7 corner?

8 THE WITNESS: This one?

9 COMMISSIONER BRANCIFORTE: Yes.

10 When was that photo taken?

11 THE WITNESS: When did I do the report?

12 September, so it would have been either  
13 August or early September.

14 COMMISSIONER BRANCIFORTE: So the new  
15 addition that is under construction, is it shown  
16 there already?

17 THE WITNESS: Oh, no, it would not be.  
18 It started sometime after that.

19 CHAIRMAN AIBEL: Do you have a photo of  
20 that?

21 THE WITNESS: No, I don't. I have not  
22 been there since.

23 COMMISSIONER GRANA: I do.

24 COMMISSIONER FISHER: I do, too.

25 MR. GALVIN: Right. But we can't

1 introduce it into the record because you all have it  
2 on pieces of equipment, and you don't have it  
3 printed out.

4 I don't want to encourage the Board  
5 members to be introducing evidence on a regular  
6 basis, although we can, if we have the right case,  
7 we can do that. Okay?

8 But you have been there, and guess  
9 what, I got good news for you. You are the fact  
10 finders. You have been there, and you have seen it.  
11 That's assuming everybody has gone out there and  
12 taken a look.

13 COMMISSIONER BRANCIFORTE: No. I  
14 didn't go out to look at it.

15 MR. GALVIN: Okay.

16 COMMISSIONER BRANCIFORTE: Working on  
17 the Court Street building, the accessory building,  
18 did you say should or would help the building next  
19 door, is that what you said?

20 THE WITNESS: No. I sort of suggested  
21 that improvement of this building might encourage  
22 something to happen on the garage next door.  
23 Sometimes it does, and sometimes it doesn't.

24 COMMISSIONER BRANCIFORTE: So what  
25 purpose does it serve given the nine-foot extension,

1 I mean, how does it improve the neighborhood given  
2 the nine foot extension on the top of the fourth  
3 story --

4 THE WITNESS: The nine foot extension  
5 on the fourth story --

6 COMMISSIONER BRANCIFORTE: -- what is  
7 the advantage of that to the neighbor?

8 THE WITNESS: Well, it allows certainly  
9 for a more uniform building facade on the back side,  
10 provides some additional living space, but clearly  
11 it doesn't increase the lot coverage. The lot  
12 coverage is based on the three floors below.

13 COMMISSIONER BRANCIFORTE: You are kind  
14 of enclosing the building to the south of the top  
15 floor, kind of creating a cave there on the top  
16 floor for the building to the south?

17 I mean, now it's open because there is  
18 no extension, so a person could look out the window  
19 there on the top floor and see -- have some sort of  
20 a view, but that nine foot extension is just going  
21 to be a wall, right?

22 THE WITNESS: Well, for this amount of  
23 space here is what you are dealing with. That is  
24 for you to find, but my view on it is it doesn't  
25 impede to any substantial degree this person's

1 occupancy of light, air. There is no particular  
2 view to anything back here except the back side of  
3 the Washington Street commercial buildings, so --

4 COMMISSIONER BRANCIFORTE: I am always  
5 wary about the word "substantial," because  
6 substantial to you might mean something different  
7 than substantial to the people who live there.

8 THE WITNESS: That is for you to  
9 determine, not for me to determine.

10 COMMISSIONER BRANCIFORTE: Okay.

11 MR. GALVIN: That is correct.

12 COMMISSIONER BRANCIFORTE: No more  
13 questions.

14 Thank you.

15 CHAIRMAN AIBEL: Anybody else?

16 COMMISSIONER GRANA: Are we saying that  
17 with the addition of the nine foot extension on the  
18 top floor, that there is no impact to light on the  
19 buildings directly to the north?

20 THE WITNESS: The key word here is  
21 whether there is a substantial detriment or a  
22 substantial impact, so we take the view that every  
23 variance has some impact. The question is whether  
24 it's substantial or not.

25 I always have to be careful to remind

1 myself that we are dealing with the impact of the  
2 fourth floor extension, not the lower three floors,  
3 because the lower three floors are permitted under  
4 the ordinance, so it is only that top floor whether  
5 or not building that top floor has any substantial  
6 impact. We're talking about that as well.

7 That is for you to decide, but in my  
8 view, that rectangle inside of this box here, I  
9 can't draw it 3D, but that would not have an  
10 substantial impact on the fourth floor of the  
11 building to the south, because again, the primary  
12 effect, the primary impact area is whether or not  
13 there is an impedance to sunlight, and we have gone  
14 through this the last few years now. It's usually  
15 whether or not the addition will block the sun and  
16 how the sun comes around the building.

17 As I said earlier, this five-story  
18 building basically does that already. We are on the  
19 north side of that impact area, which in which case  
20 the sun has no effect.

21 COMMISSIONER BRANCIFORTE: It is not  
22 only light. It is also air.

23 THE WITNESS: I would say if we were  
24 going up an additional story, you might have an  
25 issue. With the circulation of air in the nine foot

1 box, I don't --

2 COMMISSIONER BRANCIFORTE: You are  
3 cutting off any sort of breeze for the nine feet  
4 extension for those two windows on the top, aren't  
5 you?

6 THE WITNESS: Well, in order to  
7 determine that, you would have to look where the  
8 wind comes from, and how it blows through the site,  
9 and I am not prepared to do that. But I think it is  
10 a stretch to say that this addition blocks the flow  
11 of air. I think it is a stretch to say that.

12 COMMISSIONER BRANCIFORTE: I don't  
13 think it's a stretch at all. If it was coming from  
14 the north, and that person has their windows open  
15 right now, the wind is going blow into the window.

16 If you put a nine foot extension that  
17 you proposed, that is a wall that is going to be  
18 blocking the breeze from the north to that window.  
19 I mean, that's how I see it. I am not a planner or  
20 an engineer, so -- and I'm not a wind expert  
21 either --

22 THE WITNESS: But my experience has  
23 been the wind blows from the north in the winter,  
24 when you don't want your windows open, so --

25 (Laughter)

1                   COMMISSIONER BRANCIFORTE: This could  
2 go on all night with you and me, so I am going to  
3 drop it.

4                   THE WITNESS: Me, too.

5                   MR. GALVIN: We thank you.

6                   CHAIRMAN AIBEL: I am going to say  
7 this, not to debate it, because I think that we  
8 understand the issue now, but from what I understood  
9 from Ms. Banyra is that contrary to what you said,  
10 that it was a permitted extension on a nonconforming  
11 lot, our view today is that that required a  
12 variance. So I am having a little bit of difficulty  
13 judging this overall application without seeing the  
14 extension that is already built and in effect  
15 reaching a conclusion that under the criteria for  
16 granting a C variance, that that would --

17                   VICE CHAIR GREENE: It's a D --

18                   CHAIRMAN AIBEL: -- well, it's a C for  
19 the first three floors, I believe -- an expansion of  
20 a nonconforming use, that that is something that I  
21 could endorse.

22                   Then I guess my concern also is the  
23 three-story development on the carriage house, which  
24 is in effect in my view squeezing every last  
25 development opportunity out of this particular

1 property benefits the homeowners and the land -- you  
2 know, the owners of the property, but I am still  
3 struggling to see that it has either a positive  
4 impact on the neighborhood or does it have a  
5 negative impact.

6 I don't know if there are other  
7 questions, and then we can move on and do the rest  
8 of the testimony.

9 MS. BANYRA: Mr. Chair, can I just  
10 make -- you used the word a nonconforming use,  
11 and I think you meant a nonconforming structure.  
12 There is a very big distinction.

13 CHAIRMAN AIBEL: Yes, thank you.

14 Any other questions for Mr. Ochab?

15 Seeing none, members of the public, any  
16 questions for Mr. Ochab, the planner?

17 Seeing none, can I have a motion?

18 VICE CHAIR GREENE: Move to close the  
19 public portion.

20 COMMISSIONER BRANCIFORTE: Second

21 CHAIRMAN AIBEL: All in favor?

22 (All Board members answered in the  
23 affirmative.)

24 CHAIRMAN AIBEL: Mr. Murphy?

25 I'm sorry. Open it up for public

1 comment. Anybody in the public have comments, pro  
2 or con?

3 MR. GALVIN: Seeing none.

4 CHAIRMAN AIBEL: Seeing none.

5 VICE CHAIR GREENE: Seeing none, I move  
6 to close the public portion.

7 MR. GALVIN: Counsel, do you have a  
8 closing argument?

9 MR. MURPHY: Well, I would just like to  
10 add that, you know, my clients, they owned the  
11 property, you know, and are very interested in  
12 improving the building that existed from the time  
13 they acquired it. You know, they are residents of  
14 Hoboken, and they would like to -- main residents of  
15 Hoboken who bought this property and moved there  
16 with their family to allow them to have more room  
17 for their children,

18 As to the carriage house, we are  
19 asking, you know, the Board to approve an additional  
20 story on top of the two stories, which are  
21 permitted.

22 But as you have seen from the pictures,  
23 the existing state of the carriage house is not in  
24 good condition, and what they are doing will  
25 certainly be an improvement over, you know, the

1 existing appearance and esthetic value of the  
2 carriage house by allowing them to add a second  
3 story, I think that really allows for more  
4 reasonable livable space for somebody who wanted to  
5 come and, you know, make the carriage house their  
6 home, and instead of having 280 some odd square  
7 feet, it gives them a little more space.

8 In addition to that, I would also point  
9 out that, you know, they are staying within the  
10 permitted height, which is 30 feet.

11 The only relief we are seeking is for  
12 the extra story, so potentially my clients wanted to  
13 try to build a 270 square foot, you know, one-story  
14 apartment that was just -- you know, had very high  
15 ceilings, you know, that would be a possibility, but  
16 they are really not interested in that. They would  
17 like to have something that actually would provide a  
18 potential resident of Hoboken with a little more  
19 living space, you know, a place they could really  
20 call home.

21 MR. GALVIN: Thank you.

22 Board?

23 CHAIRMAN AIBEL: Mr. Greene?

24 VICE CHAIR GREENE: I actually have  
25 some questions for the architect, Mr. Vasil.

1 J E N S E N C. V A S I L, having been previously  
2 sworn, testified further as follows:

3 VICE CHAIR GREENE: So if I can get  
4 past the extra story and creating the apartment in  
5 the carriage house, I can't quite get past the fact  
6 that I can't see what you are intending it to look  
7 like. My sense is that if it is going to be a  
8 carriage house, it should look like a carriage  
9 house.

10 We should understand what the doors are  
11 going to look like. We should understand what the  
12 exterior is going to look like, not a pill box  
13 structure that is stuccoed and has plain windows.

14 If it is going to -- I believe Mr.  
15 Ochab said the future of what Court Street should  
16 look like, then this structure should have some curb  
17 appeal, if you will, some positive presence, not  
18 just a structure that has 560 square feet of livable  
19 space that you can park a garage under.

20 So what are your intentions or your  
21 clients' intentions?

22 THE WITNESS: Well, I do think keeping  
23 the brick at that lowest floor is a great idea.

24 I think at the upper floor there is so  
25 much change in this, because the garage door is

1       happening in about the same area, and there's a new  
2       door that's happening next to it. Keeping that  
3       brick at the bottom floor and stripping it off and  
4       making it -- bringing it back to its original shape  
5       is quite a nice idea.

6                 Up top, filling it in and making more  
7       windows across the top, you are going to see so much  
8       patchwork, it is almost better to do a water table  
9       and then do the stucco above that.

10                You know, I don't -- I think stucco  
11       gets a sort of a bad name, but if you go anywhere in  
12       Europe, stucco is actually a great material, and it  
13       doesn't have to look like something else.

14                It is a very small facade. You can  
15       break it up. It's got two different materials, so  
16       it's got some other, you know, playing going on, so,  
17       you know, instead of just saying it is brick or one  
18       solid material, but one solid thing of concrete  
19       stucco.

20                Then having that water table does break  
21       it up and gives it a sense of scale and bring the  
22       scale down because of the change of material --

23                MR. GALVIN: Can I stop you for a  
24       second?

25                THE WITNESS: Sure.

1                   MR. GALVIN: I mean, this is the kind  
2 of thing where you either, if you are generally  
3 liking the idea that they are putting forth, you  
4 could approve this subject to looking at it, or you  
5 could wait and let them bring in a drawing of what  
6 it is going to look like, so you know what you are  
7 buying. And then if that is a determinative for  
8 you, then you decide at the next meeting.

9                   VICE CHAIR GREENE: Thank you.

10                  CHAIRMAN AIBEL: Why don't we hear what  
11 everybody else says?

12                  MR. GALVIN: Yeah, sure.

13                  VICE CHAIR GREENE: I would be  
14 interested in what the doors are going to look like.

15                  THE WITNESS: Oh, sure.

16                  VICE CHAIR GREENE: Is there going to  
17 be a cornice along the perimeter of the roof?

18                  THE WITNESS: A cornice at the front,  
19 but not on the sides because it would be an  
20 obstruction to the next door neighbor.

21                  And as far as the doors, it would be  
22 black doors with a kind of a painted carriage house  
23 looking door for the garage doors, and the windows  
24 would be black apartment windows --

25                  MR. GALVIN: Let me just say this from

1 a sales standpoint. One of the reasons that Mr.  
2 Ochab needs for us to approve this is we have to  
3 have to some special reason that it benefits the  
4 community.

5 THE WITNESS: Sure.

6 MR. GALVIN: If you are going to do  
7 something that is spectacular and attractive, we  
8 need to see that because then that would give us a  
9 reason to vote for it. But when we don't see it,  
10 how can we make that call?

11 THE WITNESS: Sure.

12 MS. BANYRA: Mr. Vasil, you have a  
13 rendering there, so if you want to show that  
14 rendering and then indicate, rather than looking at  
15 an old picture that's not representative, maybe you  
16 could also talk about -- I think you are being  
17 questioned in terms of the garage doors and making  
18 them look more carriage. They still could roll up,  
19 but they could look very different other than like  
20 an aluminum seam roll-down door, so I think maybe  
21 you could talk to that and show on your big plans or  
22 something, so that the Board can see a better  
23 representation.

24 THE WITNESS: Sure.

25 In this case we could do a rendered

1 elevation because we don't have one prepared as far  
2 as that piece, but we can do a rendered elevation  
3 with the proper carriage house doors better --  
4 inside that first floor and showing the coloration  
5 of the stucco --

6 COMMISSIONER FISHER: Are there other  
7 structures on Court Street that are of stucco --

8 THE WITNESS: Yes. There is at least  
9 one towards --

10 COMMISSIONER FISHER: -- because I  
11 don't remember his name, but when the planner was  
12 talking, he pointed to all of the lovely brick in  
13 the development, and it seemed to be some sort of a  
14 red brick, the newly developed one --

15 THE WITNESS: There is a mix. This is  
16 a newer stucco structure that's here. But there are  
17 quite a few that are stucco over the brick, and it  
18 all depends on the quality of the brick that's  
19 underneath them. If the brick is no good, but it  
20 can pack in, it is going to look brand new versus  
21 reclaimed brick.

22 So here you have an opportunity because  
23 you are keeping that opening and punching a new  
24 opening in, and you have a good chance of making  
25 that look right.

1                   I think once you -- if you start  
2           patching all of this in, it is going to look  
3           piecemeal, so you are better off changing it over to  
4           a material that you can control or doing something  
5           like a veneer stone, something like that to make  
6           sure that the new material is -- this is all new  
7           brick, and that is a very nice structure with a  
8           cornice, so I would be open to doing new brick, but  
9           there is something nice I think about the character  
10          of the old brick changing over.

11                   MR. MURPHY:  If I might suggest, you  
12          know, Mr. Vasil has done a good job of explaining  
13          how he would propose that this structure would look  
14          and how would it benefit the neighborhood.

15                   There seems to be a lot of questions.  
16          It might make sense, if the Board agrees, to have us  
17          come back at a subsequent meeting with more detailed  
18          drawings and renderings, so I think that would  
19          probably be a lot easier to give you a better idea  
20          to see it visually rather than giving you an  
21          explanation --

22                   VICE CHAIR GREENE:  I actually agree  
23          because frankly, I am not hearing what I want to  
24          hear, so it would be better if I could see it --

25                   MR. MURPHY:  Sometimes it's hard to

1 explain, and a picture is worth a thousand words as  
2 they say.

3 VICE CHAIR GREENE: -- but do take good  
4 care in understanding that we are talking about it  
5 looking like a carriage house and not a structure  
6 that has been slapped together to accommodate 560  
7 square feet of interior living space.

8 CHAIRMAN AIBEL: Mr. Cohen?

9 COMMISSIONER COHEN: You know, I feel  
10 comfortable actually voting on it tonight. I don't  
11 know what the other Commissioners feel like.

12 I feel like based on the presentation  
13 that this is, you know, a reasonable use, that we  
14 are really talking about a height variance that is a  
15 technical variance, that we are talking about  
16 improving the property, and that we really shouldn't  
17 be designing the carriage house on the fly here.  
18 But that if we gave some general guidance as to it  
19 being a brick carriage house similar to the others,  
20 one that the planner described as being attractive,  
21 which the architect seems to be willing to build, I  
22 think given our backlog and the amount of time we  
23 spent on this application, if we gave general  
24 guidance subject to a final review, maybe, you know,  
25 we could vote on this tonight.

1                   VICE CHAIR GREENE: I don't see the  
2 difference between general guidance and designing on  
3 the fly. I would like to see what it looks like.

4                   COMMISSIONER COHEN: The difference is  
5 that we got the testimony about what a brick  
6 carriage would look like, and that would be the  
7 general guidance.

8                   VICE CHAIR GREENE: I am having  
9 difficulty envisioning it.

10                  COMMISSIONER COHEN: I'm not.

11                  CHAIRMAN AIBEL: Let me ask the other  
12 Board members, do you have comments that you would  
13 like to make in view of how you would like to go  
14 forward?

15                  COMMISSIONER GRANA: I am stuck in a  
16 similar place just with the carriage house, and it  
17 has to do with the question earlier, are we  
18 renovating the structure or are we raising the  
19 structure.

20                  I read the language, and I see the  
21 schematics, and the schematics look like an addition  
22 on a renovated structure, and what I am hearing now  
23 is that it could be something a bit different, so I  
24 am unclear what this final -- what this final  
25 structure is going to look like.

1                   CHAIRMAN AIBEL:  Anybody else?

2                   You know, we heard Mr. Cohen suggest  
3                   that we could take a vote and then have a vote  
4                   subject to a review of the plans.  That is one way  
5                   to approach it, or we can do what Mr. Murphy said,  
6                   which is get the full rendering and come in and make  
7                   a decision next time.

8                   COMMISSIONER BRANCIFORTE:  I would  
9                   rather see a full rendering.

10                  Are we done with the architect?

11                  MR. GALVIN:  The case is done.

12                  (All Board members talking at once.)

13                  CHAIRMAN AIBEL:  We are deliberating.

14                  MR. GALVIN:  Because we wanted to get  
15                  input --

16                  COMMISSIONER BRANCIFORTE:  I would  
17                  rather see it come back.

18                  You know, now my comments on the  
19                  application, though, if I am allowed, I mean, you  
20                  know, you said in the beginning, and it kind of  
21                  caught me by surprise, that you wanted to make a  
22                  bigger unit and make it more rentable, make it  
23                  bigger.  It's understandable I suppose, and you also  
24                  said, well, in Europe they use stucco all of the  
25                  time.  And my first thought was, yeah, in Europe

1 people live in 300 square foot apartments, too, so,  
2 you know, it is perfect for a student from Stevens  
3 to live in a 280 square foot apartment, you know,  
4 not everything has to be 500 square feet to be  
5 comfortable, and in general, I think you are asking  
6 for a lot. I think you really are.

7 You have a nice sized addition going  
8 on. The main structure right now, I am really  
9 against that fourth story extension. I think that  
10 is crazy, and that is all I have to say.

11 CHAIRMAN AIBEL: Make a motion to  
12 continue it until whenever the next meeting is --

13 (Board members all talking at once.)

14 COMMISSIONER FISHER: Do I have the  
15 opportunity to address the two different structures  
16 separately, or is it still combined?

17 A VOICE: Bifurcate it?

18 MR. GALVIN: I would rather we -- I  
19 think in that instance, I would rather we wait and  
20 do the whole thing together rather than break it  
21 apart.

22 There are times when we can break the  
23 case apart, maybe if you have a deck, and you don't  
24 like the deck, but the rest of the building you are  
25 okay with, sometimes we can break it apart. But it

1 is a bad habit to break these apart. It is just  
2 going to really bog down the process, so -- and then  
3 improving part of it now and leaving it to next  
4 week, I think that is not such a good idea.

5 CHAIRMAN AIBEL: Well, I guess I'm  
6 going to sum up what I am hearing.

7 I am not hearing that everybody is  
8 prepared to vote tonight. I will ask whether  
9 somebody wants to make a motion to carry it and give  
10 an opportunity to have the architect develop some  
11 additional renderings for us, and we will hear it  
12 first out of the box the next meeting.

13 Does somebody want to make a motion?

14 (Everyone talking at once.)

15 THE REPORTER: Can you just talk  
16 louder?

17 COMMISSIONER FISHER: Sorry.

18 MR. GALVIN: But I want you to wait for  
19 a second because the attorney is not in the game.

20 COMMISSIONER FISHER: I'm sorry.

21 MR. GALVIN: That's all right. I just  
22 want to make sure everybody is on the same page.

23 Are you good? Are you with us?

24 MR. MURPHY: Yes.

25 MR. GALVIN: Okay, and speak up.

1                   COMMISSIONER FISHER: So what I was  
2 going to say was we have not talked about the other  
3 buildings, so if we had come to some conclusion on  
4 the other buildings, then the only thing that was  
5 outstanding was the front of this, then arguably  
6 maybe there is a way to follow what Phil mentioned,  
7 which is subject to just approving the plan. But if  
8 there are a lot of things that just causes to -- you  
9 know, then it makes more sense --

10                   MR. GALVIN: We have done it both ways  
11 in the past. Sometimes when we know we have it  
12 locked, and we just want to see what the shutters  
13 are going to look like, or the color is going to  
14 look like, sometimes you can do that. But if it's  
15 getting to the point where some people don't know if  
16 they want to vote for or against based on how it's  
17 going to look, I can understand why some people have  
18 their minds made up and other people don't, and I  
19 understand that.

20                   MS. BANYRA: Mr. Chairman, I think if  
21 the Board has any additional comments, if this is  
22 going to be carried, it wouldn't be bad suggesting  
23 making your comments known rather than coming to the  
24 next meeting and having new comments that maybe the  
25 applicant maybe never heard before.

1           So if you have anything that you want  
2           to share that has not been spoken about, you know,  
3           either building or anything, it is probably, you  
4           know, it would be well served to do that now. I  
5           think it affords the applicant the best opportunity,  
6           and it affords the Board the best opportunity to get  
7           back possibly what they would be more inclined to  
8           approve.

9           CHAIRMAN AIBEL: Anything else?

10          I am prepared to entertain a motion to  
11          continue it until the next meeting.

12          MR. GALVIN: Okay. That is what we are  
13          going to do.

14          You understand that we are trying to  
15          find our way. We have a new team.

16          MR. MURPHY: Oh, absolutely.

17          MR. GALVIN: All right.

18          So we need a motion to carry.

19          The Board's determination is we want to  
20          see this revision before we make our decision, so  
21          hopefully you got guidance from the Board. I was  
22          hearing -- I know you were saying stucco, but I am  
23          hearing brick, so --

24          MR. MURPHY: Sure.

25          (Laughter)

1                   COMMISSIONER FISHER: Are you coming in  
2 with nice renderings with acceptable alternatives --

3                   MR. MURPHY: Okay.

4                   COMMISSIONER FISHER: -- as opposed  
5 to --

6                   MR. GALVIN: Can you -- what I wanted  
7 to get to is: Can you get that done by next week --

8                   MS. BANYRA: It's the 11th. Is that  
9 next week?

10                  MR. MARSDEN: Can I suggest that they  
11 have the detail --

12                  (Everyone talking at once.)

13                  THE REPORTER: I'm sorry. What did you  
14 say?

15                  MR. MARSDEN: -- I was going to say to  
16 make sure that they understand, if they can bring  
17 that as part of their revised plan --

18                  MR. GALVIN: Well, I had: The plan is  
19 to be amended to show the garage apron would be  
20 rebuilt --

21                  MR. MARSDEN: Okay.

22                  MR. GALVIN: -- so --

23                  COMMISSIONER BRANCIFORTE: Is it your  
24 suggestion that they show up with three or four  
25 different plans now?

1                   COMMISSIONER FISHER: But no, they  
2 had -- they mentioned stucco, and the Board has  
3 mentioned brick, so if they come with one stucco and  
4 one brick as opposed to coming just with stucco, if  
5 the Board hates stucco --

6                   MR. GALVIN: No. It is not going to  
7 work like that. They are getting one more bite of  
8 the apple, and if they don't do what we like, then  
9 they might not get a result that they like, so  
10 that's the way it works.

11                   COMMISSIONER BRANCIFORTE: Not only  
12 that, but then we are going to get into an hour  
13 discussion as to stucco versus brick.

14                   MR. GALVIN: Right. Well, no -- that's  
15 their choice.

16                   You can come in with two plans, if you  
17 want to. We are not telling you to do that.

18                   They have to listen to what we are  
19 saying and try to figure it out. They have to break  
20 the code.

21                   VICE CHAIR GREENE: I move that the  
22 application be carried to the February 11th  
23 meeting --

24                   MR. GALVIN: Without notice.

25                   VICE CHAIR GREENE: -- without notice.

1 CHAIRMAN AIBEL: Is there a second?

2 COMMISSIONER GRANA: Second.

3 CHAIRMAN AIBEL: Pat?

4 MS. CARCONE: Commissioner Cohen?

5 COMMISSIONER COHEN: No.

6 MS. CARCONE: Commissioner Grana?

7 COMMISSIONER GRANA: Yes.

8 MS. CARCONE: Commissioner Greene?

9 VICE CHAIR GREENE: Yes.

10 MS. CARCONE: Commissioner Murphy?

11 COMMISSIONER MURPHY: Yes.

12 MS. CARCONE: Commissioner Branciforte?

13 COMMISSIONER BRANCIFORTE: No.

14 MS. CARCONE: Commissioner Fisher?

15 COMMISSIONER FISHER: Yes.

16 MS. CARCONE: Commissioner Aibel?

17 CHAIRMAN AIBEL: Yes.

18 MR. GALVIN: Mr. Murphy, do you waive

19 the time in which the Board has to act --

20 MR. MURPHY: Yes, I do.

21 MR. GALVIN: -- until the 11th?

22 Okay. Can we have a brief recess?

23 CHAIRMAN AIBEL: We will take a

24 ten-minute recess.

25 The next matter is 88 Garden.

1 (The matter concluded at 8:45 p.m.)

2 (Recess taken.)

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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, CSR, CRR

- - - - -

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 1/30/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

- - - - - X  
 RE: 88 GARDEN STREET :  
 Block 176, Lot 3 : January 28, 2014  
 Applicant: Garden 88, LLC : Tuesday 8:50 p.m.  
 C Variances :  
 (Carried from 12/17/13) :  
 - - - - - X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel  
 Vice Chair Elliot H. Greene  
 Commissioner Phil Cohen  
 Commissioner Antonio Grana  
 Commissioner Fitzmyer Murphy  
 Commissioner John Branciforte  
 Commissioner Tiffanie Fisher

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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8                   89 Hudson Street  
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10                  Attorney for the Applicant.

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I N D E X

WITNESS	PAGE
JAMES MC NEIGHT	116

E X H I B I T S

EXHIBIT NO.	PAGE
A-1	116

1                   CHAIRMAN AIBEL: Okay. We are back on  
2 the record. It is ten of nine. We are back on the  
3 record.

4                   Thank you, everybody.

5                   Mr. Matule?

6                   What do you think, Mr. Matule, it is  
7 unlikely that we are going to get to 118?

8                   MR. MATULE: Because with all due  
9 respect, I think with 401, we are going to start  
10 from the beginning, so I think it would be safe to  
11 say that.

12                  CHAIRMAN AIBEL: Do you think it's safe  
13 to --

14                  MR. MATULE: I think it's safe to say.

15                  CHAIRMAN AIBEL: They can go home, and  
16 we'll carry it to February 11th --

17                  MR. MATULE: Carry that to February  
18 11th.

19                  CHAIRMAN AIBEL: -- without notice.

20                  MR. GALVIN: Do we have a motion to  
21 carry it to the 11th without notice?

22                  118-120 Madison.

23                  COMMISSIONER COHEN: Motion.

24                  MR. GALVIN: There is a motion. Do we  
25 have a second?

1 COMMISSIONER BRANCIFORTE: Second.

2 CHAIRMAN AIBEL: All in favor?

3 (All Board members answered in the  
4 affirmative.)

5 CHAIRMAN AIBEL: Thank you.

6 MR. MATULE: For the record, if we are  
7 running up against any time constraints, the  
8 applicant consents to the time in which the Board  
9 can act through February 11th.

10 MR. GALVIN: Very good. Okay.

11 CHAIRMAN AIBEL: Thank you, Mr. Matule.

12 88 Garden?

13 MR. MATULE: 88 Garden.

14 Good evening, Mr. Chairman, and Board  
15 Members.

16 Robert Matule, appearing on behalf of  
17 the applicant.

18 I just would like to give some  
19 background to this application. It has gotten a  
20 little complicated. This application is for a deck  
21 above the second floor extension at the rear of the  
22 property, as well as a small deck in the front.

23 The applicant received a first  
24 certificate of zoning compliance and building  
25 permits and has substantially completed the building

1 with the exception of constructing the deck on the  
2 roof.

3 In the course of reviewing the matter  
4 with the Board professionals and with the changing  
5 flood regulations, where the first floor now has to  
6 be at an elevation of 13, we have a situation where  
7 we have a big dead space under the building.

8 With other applications that have been  
9 before the Board with this similar situation, where  
10 you have an eight or a nine foot high space from  
11 grade that can't be used for anything, it is not  
12 habitable. It can't be used for commercial space.  
13 Under our ordinance, if it were a basement, quote,  
14 unquote, it would not count as a story.

15 Because this is 100 percent above  
16 grade, the Board professionals don't believe that  
17 that really meets the spirit of the definition of a  
18 basement, so for the record, they have asked that we  
19 amend our application to ask for a height variance  
20 in number of stories or floors.

21 I would say "stories," because "floor"  
22 implies that you are using it for something, because  
23 what we have is we have a three-story building that  
24 is set at elevation 13, and it has this dead space  
25 underneath. The zoning officer does not consider it

1 a story. Presumably that is why she issued the  
2 permits to build the building.

3 I agreed to make the application  
4 because I think it is a technical variance, but I do  
5 want to go on record that we are making it without  
6 prejudice to the fact that we were given a building  
7 permit, and we substantially changed our position  
8 and reliance on that permit. We constructed the  
9 building, and it is substantially complete.

10 So on that note, I am requesting that  
11 we be permitted to amend our application to ask for  
12 the height variance in stories, if the Board  
13 professionals are taking the position that we have a  
14 four-story building, notwithstanding the fact that  
15 we can't do anything with that.

16 MR. GALVIN: Ms. Banyra, what is your  
17 opinion?

18 MS. BANYRA: Well, I agree with what  
19 Mr. Matule indicated.

20 I did call out that the -- what is  
21 indicated as a basement is about eight and a half  
22 feet above grade, and there is actually no -- none  
23 to maybe a little below grade area, so I think, you  
24 know, the language -- the definition of basement  
25 loosely construed, very loosely construed, may

1 represent or may provide some latitude to call this  
2 a basement I think, but by any stretch of the  
3 imagination, this isn't a basement when it is eight  
4 and a half feet above grade, and I don't believe it  
5 is even one foot below grade, I think if you look at  
6 the picture represented, so I call it a story.

7 I think that is a fair and accurate  
8 language, you know, reading the ordinance and  
9 looking at the building, so I have asked them to  
10 request a variance because, again, this is a  
11 nonconforming lot. As Mr. Matule indicated, they  
12 relied upon the permits they received, but I think  
13 technically they need variances for the things that  
14 they relied upon, so the basement, the fourth  
15 floor -- the fourth story as well as the coverage,  
16 and as well as the other variances I believe I  
17 called out in my report, so...

18 MR. GALVIN: Okay. Good.

19 So the Board is taking the position,  
20 unless the Board objects, that you are amending your  
21 application to seek the fourth story, and what else  
22 do you have to present?

23 MR. MATULE: Well, I have Mr. McNeight  
24 here, our architect. He is going to present some  
25 photographs and then testify about the decks, and I

1 will also have him just give fact testimony about  
2 the physical parameters of the building.

3 MR. GALVIN: Because it is constructed,  
4 so we have pictures of what exactly exists, right?

5 So just go ahead.

6 Mr. McNeight, raise your right hand.

7 Do you swear to tell the truth, the  
8 whole truth, and nothing but the truth, so help you  
9 God?

10 MR. MC NEIGHT: I do.

11 J A M E S M C N E I G H T, having been duly  
12 sworn, testified as follows:

13 MR. GALVIN: State your full name for  
14 the record and spell your last name.

15 THE WITNESS: James McNeight,  
16 M-c-N-e-i-g-h-t.

17 MR. GALVIN: Do you we recognize Mr.  
18 McNeight's credentials as an architect?

19 CHAIRMAN AIBEL: We do.

20 MR. GALVIN: Okay. If you can just  
21 speedily go through there and tell us.

22 MR. MATULE: All right.

23 Mr. McNeight, you have a photo board  
24 here. I am going to mark it as Exhibit A-1.

25 (Exhibit A-1 marked)

1 MR. MATULE: You took these  
2 photographs?

3 THE WITNESS: I did.

4 MR. MATULE: Approximately when?

5 THE WITNESS: Six weeks ago.

6 MR. MATULE: All right. Could you go  
7 through the photographs and explain to the Board  
8 members what they depict?

9 THE WITNESS: Yes.

10 This is the back end of 88 Garden  
11 Street. This is 90. This is 92. This is 94.

12 The two middle ones are occupied. This  
13 obviously is under construction. This is still  
14 under construction.

15 This photograph is looking at what we  
16 are asking for a rear deck for here, so this is  
17 90 -- I mean 88, 90, and so on up the block.

18 This is around the corner on the corner  
19 building. This facade is the upper story of the  
20 subject building at 88. That is set back five feet  
21 from the original facade of the building.

22 Next door they have a similar deck.  
23 They were built last year when the base flood  
24 elevation was three foot lower, so that is why this  
25 building is dropped compared to where this building

1 is at.

2 So I will run you through the drawings  
3 here. So we are the second building in off the  
4 intersection of Newark and Garden Street on the west  
5 side of Garden Street.

6 It is, as we stated, a nonconforming  
7 lot. It is 21 and a half feet wide and 59 feet by  
8 87 feet deep.

9 This is the facade on the Garden Street  
10 side. We had to pick the floor up eight feet off of  
11 grade to make it conform to 13 feet above sea level,  
12 so this is the story with no use to it.

13 Then the first floor, second floor, and  
14 this basically was the shape of the existing  
15 building. We put this third story addition on the  
16 top. The zoning officer requested us to push it  
17 back five feet to make it conform with the five foot  
18 front yard ordinance.

19 In this section, there is a roof deck  
20 back here that we would like to have, and there is a  
21 roof deck in the front that we would like to have.  
22 The rear roof deck is ten feet -- I'm sorry -- 15  
23 feet deep, and the front one is five feet deep.

24 The layout of the building when you  
25 come up the stoop in the front is a dining room,

1 living, and kitchen on the first floor. There's two  
2 bedrooms on the second floor with a bathroom and a  
3 closet in the center, a family room on the top floor  
4 and another bedroom and bath on the top floor.  
5 So it is a single-family house, three usable  
6 stories, and it is a four-story building when you  
7 look from the front.

8 So basically to utilize these two  
9 surfaces on the third floor for decks, they are  
10 already demarcated by a parapet wall, so basically  
11 it is just basically putting down teak prefabricated  
12 two foot by two foot modules to make the deck  
13 walkable, so you don't put a hole through the roof.  
14 It is protection for the roof.

15 COMMISSIONER BRANCIFORTE: You are  
16 going to have a privacy wall also?

17 THE WITNESS: Yes.

18 Let's look at the axiometrics. This is  
19 a bird's-eye view looking at the back of the  
20 building. This is number 86, 86 Garden Street,  
21 that's on the corner of Newark and Garden. This  
22 being Garden, and this being Newark in this view, so  
23 here is the top view of our subject building here.

24 So we have, as you see from the photos,  
25 we are a little bit higher than this building. Just

1 as a privacy, we would pick up this wall six feet  
2 high, so that if you are standing on this deck, you  
3 are not looking down on the people standing on this  
4 deck.

5 COMMISSIONER BRANCIFORTE: To the south  
6 of there -- I'm sorry -- did you have more? I  
7 didn't want to start asking questions --

8 THE WITNESS: No, that's fine.

9 COMMISSIONER BRANCIFORTE: Here there  
10 are only two windows on this building and not a  
11 third window here?

12 THE WITNESS: Hum --

13 COMMISSIONER BRANCIFORTE: It is a  
14 four-story building --

15 THE WITNESS: Yes.

16 No, there is a window there. I am  
17 sorry. I didn't draw the other window in.

18 COMMISSIONER BRANCIFORTE: So is there  
19 going to be a privacy issue?

20 THE WITNESS: Hum, here is the  
21 condition in the photograph.

22 I mean, you are up here. That didn't  
23 seem to be too much -- you know, it is an oblique.  
24 You are not looking directly into the window, but  
25 you're looking past it basically.

1                   COMMISSIONER BRANCIFORTE: I would be  
2 obviously more comfortable if there was a privacy  
3 wall on both sides.

4                   THE WITNESS: Okay.

5                   MR. MATULE: Is that doable, Mr.  
6 McNeight?

7                   THE WITNESS: That is doable, sure.

8                   COMMISSIONER BRANCIFORTE: Talk to us  
9 about the front deck.

10                  I mean, why is it really necessary to  
11 have a deck out front?

12                  THE WITNESS: It is not necessary. It  
13 is just a nice thing to have a small deck out front.  
14 The building next door has a deck out front with the  
15 same five foot, and they have a deck in the back.  
16 It is just nice to be able to go out front, you  
17 know, and watch the people go by on the street.

18                  There is not much to see as far as  
19 civic life from the rear deck. You know, you get a  
20 lot of sunlight from the sky, but it is nice for  
21 that front bedroom to be able to go out to the five  
22 foot deck and sit.

23                  COMMISSIONER BRANCIFORTE: Would they  
24 have needed a variance for that next door, number  
25 90, did they need variance there for that deck?

1                   MS. BANYRA: I don't know the heights  
2                   or anything, if that's three stories or two stories  
3                   or I don't know what the setback is or anything, so  
4                   I can't really answer you.

5                   Mr. McNeight, can I just ask, your  
6                   original zoning permit indicated two units, and I  
7                   think my report references two units, and since that  
8                   time, there was a revised zoning certificate, and I  
9                   think the testimony was that -- and your floor plan  
10                  now shows one unit, correct?

11                  THE WITNESS: Correct.

12                  MS. BANYRA: Okay.

13                  And then the first floor of that now  
14                  dead space at one point was a commercial space, was  
15                  it not?

16                  THE WITNESS: Well, the building as  
17                  original when my client bought it was a commercial  
18                  space on the bottom floor, and then it had a  
19                  mezzanine, so it was very tall, and then there was  
20                  one apartment upstairs, so that is where the two  
21                  units came from. It used to be two units and we  
22                  converted it --

23                  MS. BANYRA: So it was a mixed use  
24                  before, and now it is going to be converted to a  
25                  single-family home with a basement, the ground floor

1 being not habitable?

2 THE WITNESS: Correct.

3 MS. BANYRA: Thank you.

4 So my report should have just said, if  
5 you are reading my report, dated December 13th, the  
6 certificate I had relied on originally, and I have  
7 since received a revised certificate of zoning, had  
8 indicated it was two units, two single-family units,  
9 so just make note of that in my report if you are  
10 reading my report.

11 MR. MATULE: If I might, just for the  
12 record, I had supplied a copy of the revised first  
13 certificate of zoning compliance, which was issued  
14 last March to both the Board Secretary and to Ms.  
15 Banyra. One of the conditions in that first  
16 certificate of zoning compliance was that the,  
17 quote, basement slash crawl space will not be made  
18 habitable.

19 So when the zoning officer issued this,  
20 she made it clear that that space on the ground  
21 floor can't be used for any habitable purposes, and  
22 the building was constructed accordingly.

23 MR. GALVIN: And that is why she felt  
24 that it wasn't a story, and that is why she felt she  
25 had the authority to do what she's doing.

1                   So what I have done is I will add that  
2                   as a condition also.

3                   MR. MATULE:    Fine.

4                   And privacy screens on both sides of  
5                   the rear?

6                   MR. GALVIN:    Right.  The applicant is  
7                   to add privacy screens on both sides of the rear  
8                   deck.

9                   VICE CHAIR GREENE:  Can you explain why  
10                  the decks require variances?

11                  MS. BANYRA:  Would you like me to do  
12                  that, or would you like the applicant to testify  
13                  because it is their application --

14                  VICE CHAIR GREENE:  Okay.  They can  
15                  testify.

16                  MS. BANYRA:  -- and then I will confirm  
17                  or deny it.  How's that?

18                  VICE CHAIR GREENE:  Okay.

19                  MR. MATULE:  Well, I can say for two  
20                  reasons that I am aware of, one is that there is  
21                  really nothing in our zoning ordinance that  
22                  affirmatively speaks to decks, roof decks.

23                  You could have -- I guess you could  
24                  have a deck out in your backyard at grade, something  
25                  like a patio, and it probably wouldn't count as lot

1 coverage because it is not a structure with walls  
2 and a roof. But there is really nothing in our  
3 ordinance, and it has, in my experience, evolved  
4 over time. We originally started having them called  
5 out as roof coverage variances, because we were  
6 exceeding ten percent of the roof coverage.

7 The prior planner would take the roof  
8 areas of all of the flat surfaces on the building  
9 and add them up, and if you exceeded ten percent of  
10 that, you had to get a roof coverage variance, and  
11 that sort of morphed over time into just requesting  
12 a variance for a deck.

13 MS. BANYRA: Okay. So then maybe I  
14 will amplify that then.

15 MR. MATULE: Okay.

16 MS. BANYRA: So in this particular case  
17 also, this building covers 90 percent of the lot, so  
18 the top -- using that space, in my opinion,  
19 infringes on the setbacks.

20 So you are using a rooftop that is  
21 covering 90 -- so you are within ten percent setback  
22 of an adjacent property, so you are using a space  
23 that wouldn't typically be occupied or utilized, I  
24 am going to say, so that is the other reason why I  
25 think that they need a setback.

1                   I think I called out in my report that  
2                   they need a setback variance because the building  
3                   is -- your deck is within a certain distance to your  
4                   property line.

5                   MR. MATULE: Well, as I understand the  
6                   third floor or now fourth floor, if you will, on  
7                   this building, meets both the front and rear  
8                   setbacks, but because we want to use that setback  
9                   space as effectively a yard, three floors up in the  
10                  air --

11                  MS. BANYRA: Are you not using the 90  
12                  percent coverage roof?

13                  MR. MATULE: Right. We are using the  
14                  roof that is above the third floor.

15                  MS. BANYRA: Right. So that covers 90  
16                  percent of the lot --

17                  MR. MATULE: What I'm saying is --

18                  MS. BANYRA: -- so then that comes  
19                  within 4.87 feet of the rear property line, so --  
20                  right? So you are utilizing space. I think the  
21                  construction of the building was 60 percent lot  
22                  coverage, so the cap on top meets the percent  
23                  coverage --

24                  MR. MATULE: Correct.

25                  MS. BANYRA: -- but the utilization of

1 the space now is within four feet of the rear  
2 property line.

3 COMMISSIONER BRANCIFORTE: Well, that  
4 brings up the next question.

5 MR. MATULE: Well, yes, it is, but I  
6 guess what I am saying is in effect if we had  
7 conforming -- we have the equivalent of a conforming  
8 rear yard, you know, in three dimensions on the  
9 fourth story, and that is what we are using it as  
10 outdoor space. That is the only point I was trying  
11 to make.

12 MS. BANYRA: I think you need a setback  
13 variance. I think that is what I called out in my  
14 report, because you are within four feet. That deck  
15 area is being utilized now, where it wasn't before,  
16 because now you have another story, now it becomes  
17 usable space, so --

18 MR. MATULE: If we are going to treat  
19 it as a building or as a structure, the deck, then I  
20 agree. I guess we need a rear yard setback  
21 variance --

22 MS. BANYRA: Yeah.

23 MR. MATULE: -- to this point, we  
24 haven't treated them as structures that way --

25 MS. BANYRA: Well, it is typically not

1 five feet from the property line, though, either.  
2 I think most of the time we are dealing with a 60  
3 percent coverage, and many of the decks are on a 60  
4 percent coverage or a 70 percent coverage, so this  
5 one happens to be very close to the property line  
6 anyway, so that's --

7 MR. MATULE: I have no objections to  
8 asking for the variance.

9 MS. BANYRA: I am okay doing the  
10 dialogue.

11 MR. MATULE: I hope we answered your  
12 question.

13 VICE CHAIR GREENE: Does the zoning  
14 table have to be changed?

15 MS. BANYRA: I -- I provided a zoning  
16 table on my report.

17 VICE CHAIR GREENE: I was referring to  
18 the one on the plan.

19 MS. BANYRA: I'm sorry. Let's see.

20 He has it down as an existing  
21 nonconforming unchanged condition, and I called that  
22 a variance.

23 He has it starred as a variance, but --  
24 yes, I am sorry. Yes, Mr. Greene. It would  
25 require -- yes, I think it should be changed to say

1       yes, as opposed to "Star No."

2                   MR. MATULE: Under rear yard?

3                   MS. BANYRA: Yes.

4                   MR. MATULE: We will amend the plans,  
5       assuming the Board grants the variance, we will  
6       submit our resolution and amend the plans  
7       accordingly.

8                   MS. BANYRA: Okay.

9                   COMMISSIONER BRANCIFORTE: What I am  
10       kind of curious about now, though, is you are only  
11       three feet away from the property line with this  
12       rear deck --

13                   THE WITNESS: 4.87.

14                   COMMISSIONER BRANCIFORTE: Well, one of  
15       them, somewhere on that plan it says three feet.

16                   Here it says three feet for the roof  
17       deck.

18                   THE WITNESS: The dimension is pointing  
19       to another area --

20                   COMMISSIONER BRANCIFORTE: Oh, I see.

21                   THE WITNESS: -- but this is the  
22       setback dimension, 4.87 from the existing building.

23                   COMMISSIONER BRANCIFORTE: Now, I am  
24       curious about the other building behind here built  
25       right to the property line.

1 THE WITNESS: Yes, it is.

2 COMMISSIONER BRANCIFORTE: So if people  
3 walk out on their deck, they are only five foot away  
4 from the windows?

5 THE WITNESS: Well, the first story is  
6 zero on the property line, and then it steps back  
7 about 30 inches and comes up on the second story.

8 COMMISSIONER BRANCIFORTE: So, I'm  
9 sorry, you said three feet there at the bottom  
10 setback?

11 THE WITNESS: In between?

12 COMMISSIONER BRANCIFORTE: Well, no --

13 THE WITNESS: Here it is. Here it is  
14 on the plan. This is the 4.87 feet here.

15 COMMISSIONER BRANCIFORTE: Right.

16 THE WITNESS: It used to be a fire  
17 escape on the back of the building that doesn't  
18 exist any more. It went into that lot of a yard,  
19 but then this frame building is right smack on the  
20 property line that extends past our northern  
21 property line. Then as it rises, because as this  
22 rises, it stops and steps back.

23 COMMISSIONER BRANCIFORTE: So this is a  
24 residence? This building here is a residence?

25 THE WITNESS: It is a residence, I

1 believe, on the upper story, and a garage on the  
2 first story.

3 COMMISSIONER BRANCIFORTE: So it is  
4 five feet from this line to this line and then --

5 THE WITNESS: Do it on the plan. It is  
6 easier to understand.

7 COMMISSIONER BRANCIFORTE: Well, no, I  
8 am not looking at that.

9 THE WITNESS: The surface of this  
10 building to the surface of our building --

11 COMMISSIONER BRANCEIFORTE: Yes.

12 THE WITNESS: -- is approximately seven  
13 feet away, something like that.

14 COMMISSIONER FISHER: The back building  
15 is only two stories?

16 THE WITNESS: That's correct. This  
17 building that you are talking about.

18 COMMISSIONER BRANCIFORTE: Thank you  
19 for that.

20 THE WITNESS: Now, let's go back to the  
21 plan.

22 COMMISSIONER BRANCIFORTE: If you say  
23 it is only two stories --

24 THE WITNESS: Here is the roof anyway  
25 in the photo.

1                   So what we were just discussing, the  
2 point is this: When the sun is hitting this corner  
3 to the surface of the building is about --

4                   COMMISSIONER BRANCIFORTE: We're really  
5 jamming --

6                   THE REPORTER: I can't hear you.

7                   COMMISSIONER BRANCIFORTE: -- we are  
8 really jamming this stuff in the back building,  
9 where the buildings are seven feet apart --

10                   (Board members talking at once.)

11                   THE WITNESS: Well, this existed, and  
12 this is the new part. This part existed, just the  
13 top --

14                   MR. GALVIN: All right.

15                   CHAIRMAN AIBEL: Okay.

16                   Is Mr. McNeight's testimony over?

17                   MR. MATULE: That is really it.

18                   CHAIRMAN AIBEL: Okay. Let me open it  
19 up. I guess I will go to the Board members.

20                   Any other questions for Mr. McNeight?

21                   (No response)

22                   CHAIRMAN AIBEL: I have a couple.

23                   Mr. McNeight, can you describe what the  
24 front balconies overlook on Garden Street?

25                   THE WITNESS: What they look like?

1                   CHAIRMAN AIBEL: What do they overlook?

2                   What is across the street?

3                   THE WITNESS: Oh, what it overlooks?

4                   CHAIRMAN AIBEL: Yes.

5                   What is directly across the street?

6                   THE WITNESS: Hum, this brown is the  
7                   surface of the building we are talking about, so  
8                   this is the five foot that has got the snow on it,  
9                   where the proposed deck goes.

10                  Looking across the street, there is a  
11                  series of four or five-story buildings on that side  
12                  of the block. The liquor store is on the corner on  
13                  the first floor, and the rest of the block is  
14                  residential.

15                  CHAIRMAN AIBEL: As far as you know,  
16                  the existing roof deck on 90 is a fully functioning  
17                  roof deck?

18                  THE WITNESS: Yes. They had their  
19                  furniture and stuff out there when I was there.  
20                  They have both front and back decks on these two  
21                  buildings.

22                  This building doesn't have a front  
23                  deck, but it has got a back deck, but those two  
24                  decks are functioning. And this building has a  
25                  front deck, which is right there by the orange

1 color.

2 CHAIRMAN AIBEL: Let me turn to the  
3 rear deck again. I'm looking at your plans, where  
4 you say: The six foot high privacy wall shall be  
5 constructed with basically sheet rock and a  
6 synthetic stucco finish.

7 THE WITNESS: Yes, to match the rest of  
8 the surface back there.

9 CHAIRMAN AIBEL: I guess one of the  
10 comments you heard is that one Board member at least  
11 would like to see a privacy fence on the opposite  
12 side as well, and my concern is you are putting up a  
13 six foot blank wall surrounding these three windows.

14 THE WITNESS: Well, it doesn't  
15 necessarily have to be made out of something  
16 solid --

17 CHAIRMAN AIBEL: Well, I'm thinking of  
18 something more esthetic --

19 THE WITNESS: -- plant material or  
20 something along those lines --

21 CHAIRMAN AIBEL: -- or more organic.  
22 Well, that would be something that I would like you  
23 to consider unless the Board feels differently.

24 Anybody else have questions of the  
25 architect?

1 Professionals?

2 Nothing?

3 MR. MARSDEN: Just as a point, my  
4 October 22nd letter, revised 12/12/13, has a couple  
5 of outstanding issues that have been addressed, so  
6 everything in that letter has been addressed by the  
7 architect.

8 CHAIRMAN AIBEL: Thank you.

9 Public, any questions of the architect?

10 Seeing none, we need a motion to close  
11 the public portion.

12 COMMISSIONER COHEN: Motion to close  
13 the public portion.

14 COMMISSIONER GRANA: Second.

15 CHAIRMAN AIBEL: All in favor?

16 (All Board members answered in the  
17 affirmative.)

18 CHAIRMAN AIBEL: Good.

19 MR. MATULE: Just for the record, I  
20 conferred with the applicant, and we are fine in  
21 putting lattice or louvers or whatever. We could  
22 have Mr. McNeight prepare something and submit it  
23 with a resolution, assuming the variances are  
24 approved.

25 CHAIRMAN AIBEL: Anything that you wish

1 to add?

2 MR. MATULE: Pardon?

3 CHAIRMAN AIBEL: I think we opened it  
4 up for public comment. I don't know if you want to  
5 say something before the Board votes.

6 Anything else, Mr. Matule?

7 MR. GALVIN: You're good, right?

8 MR. MATULE: No. I have no further  
9 witnesses and no further testimony.

10 I think it pretty much speaks for  
11 itself. I think these are kind of technical  
12 variances that we are asking for, but nevertheless  
13 they are variances.

14 MR. GALVIN: I have three conditions:

15 The applicant is to add a privacy  
16 screen on both sides of the rear deck.

17 The basement crawl space is not to be  
18 habitable.

19 The screen is to be submitted to the  
20 Board for its review and approval at the time of its  
21 memorialization.

22 MS. BANYRA: Dennis, one more: That  
23 the zoning table should be amended as per my report,  
24 which indicates the fourth story and the rear yard  
25 setback.

1                   MR. MATULE: And we are amending our  
2 application to ask for that addition.

3                   MR. GALVIN: We are accepting that.  
4 That is already understood.

5                   MR. MATULE: If the Board prefers, I  
6 could have Mr. McNeight submit a sketch of the  
7 privacy screen to Ms. Banyra. I mean, I will defer  
8 to whatever the Board's choice is.

9                   CHAIRMAN AIBEL: I think that is fine.

10                  MS. BANYRA: Can I just ask Mr.  
11 McNeight one question?

12                  Is there a weight loading issue on the  
13 rear deck?

14                  THE WITNESS: No.

15                  MS. BANYRA: So hypothetically, if you  
16 needed a privacy screen, and I asked you to do some  
17 kind of landscaping or a potted plant or something  
18 on that order up against that, there wouldn't be an  
19 issue in terms of weight loading?

20                  THE WITNESS: No. It would be able to  
21 handle that.

22                  MS. BANYRA: Thank you.

23                  CHAIRMAN AIBEL: Board members, would  
24 you like to deliberate or make any comments?

25                  Anybody wish to kick it off?

1 Mr. Cohen?

2 COMMISSIONER COHEN: I mean, this is  
3 obviously an unusual application in that it has  
4 already been built, but I do think it kind of echoes  
5 what is built next door, and it is consistent with  
6 what is built next door, and I think that -- and I  
7 agree with, for what it is worth, our planner's  
8 interpretation of the eight foot basement requiring  
9 an extra variance, so I think that this is a  
10 reasonable application.

11 It benefits and it is consistent with  
12 what is in the neighborhood, and outweighs the  
13 detriments. I think by adding the screens, it  
14 addresses whatever privacy concerns there are,  
15 although I am not even sure there was a privacy  
16 concern on the back side. I appreciate the  
17 applicant's willingness to address it.

18 My view of the one deck didn't really  
19 reflect that there was any sight line between the  
20 window and the deck. But the fact that they are  
21 willing to do it, I appreciate that, and I support  
22 this application.

23 CHAIRMAN AIBEL: Thank you.

24 Anybody else?

25 VICE CHAIR GREENE: I have nothing to

1 add.

2 MR. GALVIN: This is not the kind of  
3 case that you have to go and dig deep into.

4 VICE CHAIR GREENE: I would move for  
5 approval subject to the conditions.

6 MR. GALVIN: Is there a second?

7 COMMISSIONER COHEN: Second.

8 MS. CARCONE: Commissioner Cohen?

9 COMMISSIONER COHEN: Yes.

10 MS. CARCONE: Commissioner Grana?

11 COMMISSIONER GRANA: Yes.

12 MS. CARCONE: Commissioner Greene?

13 VICE CHAIR GREENE: Yes.

14 MS. CARCONE: Commissioner Murphy?

15 COMMISSIONER MURPHY: Yes.

16 MS. CARCONE: Commissioner Branciforte?

17 COMMISSIONER BRANCIFORTE: No.

18 MS. CARCONE: Commissioner Fisher?

19 COMMISSIONER FISHER: Yes.

20 MS. CARCONE: And Commissioner

21 Chairman?

22 CHAIRMAN AIBEL: Yes.

23 MS. CARCONE: Commissioner Aibel, I'm

24 sorry.

25 CHAIRMAN AIBEL: Yes.

1 Thank you.

2 VICE CHAIR GREENE: Commissioner

3 Chairman.

4 (Laughter)

5 MR. MATULE: Thank you.

6 CHAIRMAN AIBEL: Thank you, Mr. Matule.

7 (The matter concluded.)

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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 testimony 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, CSR, CRR

- - - - -

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 1/30/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

- - - - - X  
 RE: 401-403 JEFFERSON STREET :  
 Block 60, Lot 1 : January 28, 2014  
 Applicant: Jefferson 401 Realty, LLC :  
 Minor Site Plan, C & D Variances : 9:30 p.m.  
 (Carried from 12/17/13) :  
 - - - - - X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel  
 Vice Chair Elliot H. Greene  
 Commissioner Phil Cohen  
 Commissioner Antonio Grana  
 Commissioner Fitzmyer Murphy  
 Commissioner John Branciforte  
 Commissioner Tiffanie Fisher

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

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

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1                   CHAIRMAN AIBEL: Mr. Matule, 401-403

2                   Jefferson.

3                   MR. MATULE: Good evening, Mr.

4                   Chairman.

5                   Robert Matule appearing on behalf of

6                   the applicant.

7                   This is an application for refurbishing

8                   a building at 401-403 Jefferson Street.

9                   Just by way of background, we were here

10                  in October to start this matter. At that time, in

11                  fact, Mr. Minervini pretty much finished his

12                  testimony.

13                  During the course of that hearing, we

14                  got quite a bit of feedback from the Board, and I

15                  think substantial revisions were made to the plan,

16                  so what we would like to do in light of both the

17                  passage of time and the fact that we have pretty

18                  much a reconstituted Board is I would like to have

19                  Mr. Minervini start back at the beginning of the

20                  plans as now amended and just take the Board through

21                  the project as if we were just starting out fresh.

22                  MR. GALVIN: We are going to do a

23                  do-over. We are going to start fresh. All right?

24                  MR. MATULE: All right.

25                  So I guess the first thing we have to

1 do is to swear and requalify Mr. Minervini.

2 MR. GALVIN: Yes, we are going to do  
3 everything.

4 Raise your right hand.

5 Do you swear to tell the truth, the  
6 whole truth, and nothing but the truth, so help you  
7 God?

8 MR. MINERVINI: I do.

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

11 MR. GALVIN: State your full name for  
12 the record and spell your last name.

13 THE WITNESS: Frank Minervini,  
14 M-i-n-e-r-n-i-n-i.

15 MR. GALVIN: Mr. Minervini has appeared  
16 before the Board many times.

17 CHAIRMAN AIBEL: Has he?

18 (Laughter)

19 THE WITNESS: Yes, indeed.

20 CHAIRMAN AIBEL: We don't want to hear  
21 his qualifications?

22 MR. GALVIN: Maybe the new Board  
23 members do.

24 CHAIRMAN AIBEL: We will accept Mr.  
25 Minervini's qualifications.

1 THE WITNESS: Thank you.

2 MR. MATULE: All right.

3 Mr. Minervini, would you please  
4 describe for the Board members the existing site,  
5 the existing building that is there, and then if you  
6 want to continue on and go right to the proposed  
7 renovations.

8 As always, if you are going to refer to  
9 exhibits, we need to mark them for the record.

10 THE WITNESS: Yes.

11 Our application is with the property at  
12 401-403 Jefferson. There is an existing four-story  
13 structure of mixed use at the site.

14 The site is 50 feet wide, which is  
15 along Jefferson Street, 100 feet in depth. The  
16 existing building at its first three floors covers  
17 80 -- excuse me -- 100 percent of the lot. The  
18 fourth floor covers 40 percent of the lot. I have  
19 some photographs that will make this much more  
20 clear.

21 So it is a 50-by-100 parcel. It's on  
22 the northeast corner of the Fourth and Jefferson  
23 Street intersection within the R-2 zone. The  
24 existing structure contains at the ground floor  
25 three commercial spaces, and the three top floors

1 contain three residential spaces. We are proposing  
2 to reuse as much of the building as we can. We are  
3 going to reskin it, meaning new facades. We are  
4 proposing a fourth floor addition, as well as a  
5 fifth floor addition, so for context --

6 MR. MATULE: All right. So we are  
7 going to mark this as A-1.

8 THE WITNESS: Yes. This is a photo  
9 board.

10 (Exhibit A-1 marked.)

11 MR. MATULE: These are photographs that  
12 were taken by you?

13 THE WITNESS: The photographs taken by  
14 me, the bottom three, were taken probably about two  
15 months ago, and the top three photographs were taken  
16 off an internet site.

17 So this is what the property looks like  
18 along Jefferson. It is 50 feet wide by 33 feet in  
19 height. Although it shows two rows of windows here,  
20 it is actually three stories tall.

21 The commercial space right behind here  
22 is a double height space. I know this one well  
23 because it had been Minervini Vandermark's office  
24 for eight years prior to us moving to our current  
25 location, so I am very familiar with the building.

1                   This is now looking along Fourth  
2 Street, so we have 100 feet in depth, and here you  
3 can clearly see the first three stories with a  
4 portion of the fourth story shown. The fourth story  
5 as exists is more easily seen on these bird's-eye  
6 views. So here is the building in its rectangular  
7 form with an addition on the northwest -- I'm  
8 sorry -- on the northeast corner, so there is that  
9 fourth floor. Here is the fourth floor, and here is  
10 the fourth floor.

11                   In terms of context, we are directly  
12 adjacent to a five-story building on our north side.  
13 Actually I have a better drawing for that, and I  
14 could pass this around, if anybody wants to look at  
15 it now.

16                   MR. MATULE: Okay. We are going to  
17 mark this A-2.

18                   (Exhibit A-2 marked.)

19                   Could you tell us for the record what  
20 it is?

21                   THE WITNESS: Yes. We took an image  
22 from Google Earth and pointed out all of the  
23 buildings within that area that are four and a half  
24 stories, five stories or six stories, and this  
25 drawing came directly as a result of the previous --

1 my previous testimony and a couple comments from the  
2 Commissioners.

3 So we are here at the corner of Fourth  
4 Street and Jefferson, relatively the center of the  
5 photograph. The buildings in orange, which is here  
6 directly across the street from us on the corner,  
7 directly adjacent to us on the north, directly on  
8 the corner of Fourth and Adams, Fourth and Adams  
9 again.

10 Everything orange is four stories.  
11 Everything red is six stories or more, and then  
12 yellow is four and half stories. The purpose of  
13 this --

14 MR. MATULE: Mr. Minervini, could I  
15 just interrupt your testimony?

16 THE WITNESS: Yes.

17 MR. MATULE: You said everything in  
18 orange is four stories --

19 THE WITNESS: I'm sorry, my apologies.

20 Everything in orange is five stories.  
21 Yellow is four and a half stories, and red is six or  
22 more.

23 The purpose of this drawing is again as  
24 a result of some comments that the Commissioners  
25 had, but also to show that in context our fourth

1 floor and fifth floor additions are not out of  
2 place, and also it could very well demonstrate how  
3 many corners -- most corners in Hoboken are where  
4 the taller buildings are located.

5 So here is our north planning corner.  
6 That's our corner. Here is a corner to the south, a  
7 corner to the southwest, so generally speaking in  
8 Hoboken, the taller buildings are at corners, and we  
9 have kept that in mind.

10 So if I could pass this around to  
11 anyone. I know it is large, but if anybody wants to  
12 look at it.

13 What we have done, and I will go  
14 through all of the plans specifically, but right now  
15 I will talk about just the massing.

16 What we have done, and our Z-1 sheet  
17 shows this on the smaller elevations, we have kept  
18 the mass of the existing building, and I will talk  
19 about the architecture and the facade design,  
20 proposed a two-story addition that backs up to the  
21 blank wall of our adjacent building on -- along  
22 Jefferson Street, which is five stories.

23 This Board has seen -- most of the  
24 members of this Board have seen many additions like  
25 four and five stories probably like this, but

1 generally speaking it is towards the front. In this  
2 particular case, we thought it was less impact to  
3 the neighborhood and the surrounding buildings to  
4 move the addition off of Fourth Street and off of  
5 Jefferson Street.

6 So what we have done is we set it back  
7 towards the north -- and where is it -- if I may  
8 have it, this photo board -- thank you.

9 What we have done is I think we have  
10 limited the impact that this fifth story would have  
11 by in essence placing it right here. There is a  
12 blank wall there, and there is already an addition  
13 at the fourth floor at this location.

14 So that fourth floor, I should mention,  
15 goes to the property line on the north, and it goes  
16 all the way to the rear property line. We are  
17 proposing a ten-foot setback both along Fourth  
18 Street, both along Jefferson Street and towards the  
19 rear of the building.

20 Now, I will go through the plans. As I  
21 said, the existing ground floor right now contains  
22 three commercial businesses, so we are proposing to  
23 no longer use this building for a mixed use. There  
24 will be no longer a commercial portion of the  
25 building, but instead turn it into six residential

1 units.

2 So on the site as it exists are six  
3 units in total, three commercial, three residential.  
4 We are proposing six residential units all of a very  
5 large size, and I will explain that when we get to  
6 it.

7 So I already described the setbacks  
8 that the addition we are proposing will have along  
9 Jefferson Street. You see that it is set back here,  
10 and the same applies to the way the addition sits on  
11 the main portion of the building. You have a rear  
12 section of ten feet.

13 We think the street elevation shows how  
14 contextually in terms of mass the building is not  
15 out of size, so the Board should know that we are  
16 permitted a four-story building here, so we are  
17 really asking for the fifth floor, and I will go  
18 through the variances that we will require as will  
19 our planner.

20 So here is the property survey showing  
21 existing now what it looks like on the site. Here  
22 is Fourth Street. Here's Jefferson Street. 50 feet  
23 wide and 100 in depth, and as it exists it covers  
24 the -- the three-story section of the building  
25 covers 100 percent of the lot with the fourth story

1 covering about 40 percent.

2 Our proposal is to keep the lower three  
3 stories as they are in terms of mass, and then the  
4 fourth floor as it exists will be razed or removed.

5 A new fourth floor, as well as a fifth  
6 floor, will be built right here, so we are proposing  
7 a setback along the three property lines.

8 On the property line to the north, this  
9 building is already five stories, so from this point  
10 back we are looking at a blank wall, and then it is  
11 100 percent coverage on that lot, as well for one  
12 story. In essence, the garage on this property  
13 extends all the way to the rear.

14 So I am going to start at the garage  
15 plan just to give you a quick idea of what we are  
16 proposing within the building.

17 Here is our first floor. We are  
18 proposing our residential entry lobby to be at the  
19 northern corner along Jefferson Street, directly  
20 adjacent to the vehicular entry.

21 So you enter the garage, and there are  
22 ten proposed parking spaces. This is where refuse  
23 and trash and recyclables are, a nice generous  
24 lobby, and then general tenant, although that's  
25 spelled wrong --

1                   VICE CHAIR GREENE: Is that where you  
2 keep your ideas?

3                   THE WITNESS: What's that?

4                   VICE CHAIR GREENE: Is that where you  
5 keep your ideas?

6                   (Laughter)

7                   THE WITNESS: Yes, in the incorrectly  
8 spelled room.

9                   So we are proposing also a bicycle  
10 storage room, as well as in front of each parking  
11 space a bicycle rack. There is a detail on the  
12 drawings, if anybody is interested. That is the  
13 ground floor.

14                   The second floor, which is within the  
15 existing mass of the building, contains two units,  
16 one four-bedroom two-bath, one a three-bedroom, a  
17 bath within.

18                   The rear apartment is 2,186 square  
19 feet. The front apartment is 2,135 square feet.

20                   Also proposed are two small setback  
21 balcony spaces, and we are calling it terraces  
22 because it's within the building, and we're not  
23 going to get past -- of three feet, the thinking  
24 there is it is just enough room to go stand, but  
25 it's not enough room to put chairs out there and be

1 of any nuisance to the adjacent property owners.

2 Also on Z-5, and I will get to this in  
3 more detail, we are showing the detail of the  
4 proposed flood and remediation, and I will get to  
5 that when I get to my conclusion, so that's the  
6 second floor.

7 The third floor, a similar floor plan,  
8 unit to the front, unit to the rear, and three  
9 bedrooms and a den, four bedrooms, and the rear is  
10 2,222 square feet, and the front is 2,190.

11 I'm speaking fast, I'm sorry.

12 All of the apartments are generously  
13 sized. The zoning ordinance permits seven  
14 apartments on this site. We are proposing only six.  
15 With the additional space, we are asking for  
16 allowing for larger apartments, and that is the  
17 purpose.

18 So now we go to the fourth floor plan,  
19 which is the lower of the two duplex floors, so the  
20 fourth and fifth floors contain two apartments, each  
21 duplex. The eastern one toward the rear in total is  
22 2,590 square feet. Toward the front we are calling  
23 it the western penthouse is 2,850 square feet.

24 As I mentioned before, the addition,  
25 which is this section on both the fourth and fifth

1 floors is set back off the rear property line ten  
2 feet, off of Fourth Street and Jefferson Street  
3 properties ten feet. Again, the thinking there is  
4 to limit the amount of impact, especially the visual  
5 impact. I have a drawing towards the rear that  
6 describes how little of this building can be seen or  
7 I should say how much could be seen.

8 Sheet Z-7 shows the upper floor plans  
9 of the duplex as well as our roof plan. We are  
10 proposing no use for this roof. We are proposing  
11 however an extensive -- two separate areas of an  
12 extensive green roof. An extensive green roof is a  
13 non-walkable green roof, less intrusive on the  
14 building, but it still accomplishes most of the  
15 goals and most of the things that a green roof will.  
16 The reason I point that out is because it is not  
17 meant to be used for any of the occupants.

18 Z-8 are the building elevations. This  
19 is the front elevation.

20 What we have done, and I have got a  
21 computer generated rendering of what the building  
22 will look like that I think better describes our  
23 design intent --

24 MR. MATULE: We will mark this A-3.

25 (Exhibit A-3 marked.)

1                   THE WITNESS:  So this is a view from  
2                   the corner of Fourth and Jefferson.

3                   What we have attempted to do was  
4                   replicate by removing the existing facade, replicate  
5                   a very -- I won't use the word "common" -- but an  
6                   identifiable industrial building, so we got the bays  
7                   that are very uniform.  They extend from the top of  
8                   the existing structure, which is about 34 feet.  So  
9                   what we have done, the thinking here is to make the  
10                  majority of the building look like an industrial  
11                  building that was here for many years.

12                  Within that context, we have been  
13                  playful with the window locations as well as bay  
14                  projections, and in those cases we used a modern  
15                  form with a non modern material.  This is all  
16                  supposed to be a pre patina copper.  So we've done  
17                  something that although modern, has materials that  
18                  are very common of a brick and a patina copper.

19                  The fourth and fifth floors, which are  
20                  not shown much here because the perspective doesn't  
21                  allow, of all modern materials.  Panels, as well as  
22                  that pre patina copper, and the thinking then that  
23                  is that something new should reflect what we think a  
24                  new esthetic would be.

25                  I will pass this around, if anybody

1 would like to see it.

2 So Sheet Z-9 shows a longer elevation.  
3 I think that does a very good job also of explaining  
4 what our thought process was in terms of the design  
5 of the identifiable industrial look with modern  
6 appendages as well as a modern addition above.

7 The two drawings to the bottom are  
8 sight line diagrams, and these have been added to  
9 the drawings based on a comment from one of the  
10 Commissioners at a previous meeting.

11 So from Jefferson Street -- I'm  
12 sorry -- from the Fourth Street -- Jefferson Street  
13 side you can see, here is Fourth Street. I'm  
14 probably wrong -- this is Jefferson Street. So if  
15 you are standing along across Jefferson Street  
16 towards the west, this is what you would see. You  
17 would see this section here.

18 If you were directly adjacent to the  
19 building, you won't see the addition. And the same  
20 applies, although Fourth Street is more narrow, you  
21 will see a bit less of the addition.

22 Again, the reason for these drawings is  
23 to show that although there is an additional floor  
24 we are asking for, because of where we located it,  
25 it is visually much less intrusive than it could be.

1                   I should point out again that the  
2                   reason for that additional fifth floor is to only  
3                   make the apartments larger. We have not proposed  
4                   any more apartments. We actually proposed less  
5                   apartments than is permitted by the zoning code, so  
6                   that is the drawings.

7                   I want to talk about what we are doing  
8                   to the building. So the building has had -- this is  
9                   not what it looked like originally. This brick was  
10                  added by the previous owner probably in the late  
11                  1970s or early 1980's, and architecturally it looks  
12                  like that. So we are proposing something certainly  
13                  more up to date, certainly something more modern,  
14                  while still having some reference to the traditional  
15                  non residential use building, which is what this  
16                  originally was.

17                  This part of Hoboken, as did many,  
18                  received about two feet of water during Sandy, so  
19                  one of the steps we are taking, and our drawing Z-5  
20                  shows the detail, and I briefly mentioned it before,  
21                  is we are proposing a flood panel system along both  
22                  facades, both along the Fourth Street facade as well  
23                  as the Jefferson Street facade.

24                  These panels will take us up to the  
25                  base flood elevation advisory of 13 feet, and in

1 case of another flood coming, will not allow any  
2 water to enter the building.

3 The second phase I will call it of our  
4 flood prevention is a rooftop located generator,  
5 so -- pardon me -- if we go to the roof plan, which  
6 is Sheet Z-7, as I mentioned, these two areas are  
7 the extensive green roof, AC condensers required.

8 There is an elevator bulkhead, which  
9 rises four feet above the roof, different than many  
10 of the elevated bulkheads that this Board has  
11 previously seen that are in some cases seven and in  
12 some cases 13.

13 This particular elevator allows us to  
14 only rise four feet, but with that we are required  
15 to have one of our means of egress access the roof,  
16 and that is for fire department use.

17 We proposed a small storage space next  
18 to it for the generator, and it will have a  
19 generator located within the space, and it will, of  
20 course, be exhausted and take intake from the  
21 exterior, but by doing this we can provide in case  
22 of an emergency, we can provide all of the common  
23 areas electricity as well as -- it hasn't been  
24 engineered yet, but our goal is at least two  
25 circuits per apartment.

1                   The thinking here is that in case Sandy  
2 happens or something similar to Sandy happens again,  
3 the building will be protected from floods with the  
4 battery system and the occupants will have some --  
5 there will certainly be a safety factor because all  
6 of the emergency systems will be working as well as  
7 two circuits per apartment.

8                   The reason I brought that up is because  
9 that is the purpose of this storage room that I  
10 forgot to mention when I got to the roof line.

11                   For the unit mix again --

12                   MR. GALVIN: Is the backup generator  
13 going to be gas --

14                   THE WITNESS: It will be gas, natural  
15 gas.

16                   MR. GALVIN: Natural gas.

17                   COMMISSIONER FISHER: Are you going to  
18 talk more about how the barrier system works and how  
19 it works for a building only putting it on two  
20 sides --

21                   THE WITNESS: Oh, of course. Pardon  
22 me.

23                   The two buildings that are not on the  
24 street are masonry. They will be protected by the  
25 fact that they are masonry, and we can protect --

1 have them waterproofed on the inside during  
2 construction, so no flood waters can enter from  
3 here.

4           You're right. There's a building that  
5 covers 70 feet in depth of the north facade and  
6 about 25 feet depth of our eastern facade. So the  
7 parts that are not protected by an adjacent building  
8 will be masonry and be waterproofed on the inside.

9           The barrier systems are actually very  
10 simple systems. During construction, there is a  
11 small post foundation about every four feet. There  
12 is a location in the ground, and you will see it in  
13 the sidewalk, but it will be right up against the  
14 building, so it won't be a safety hazard, and it's  
15 designed to have a cap that is walkable.

16           In case that a flood is projected, the  
17 building management, which this will be set up  
18 beforehand, will drop in posts that are part of this  
19 system, so the posts get dropped in every four or  
20 five feet. It will then drop in a panel, which has  
21 a rubber gasket on either side, not allowing water  
22 through, and there's several different kinds.

23           The one we showed here is a one piece  
24 panel, and because of the height, there will be a  
25 series of smaller panels being raised, and that will

1 protect the building on the hundred foot depth along  
2 Fourth, as well as the section along Jefferson.

3 It is a very simple system, not very  
4 inexpensive, but the owners of the building having  
5 lived through Sandy and being local developers  
6 thought this was a really, really good amendment to  
7 propose to provide for the building.

8 VICE CHAIR GREENE: How does it protect  
9 the garage door and entry door?

10 THE WITNESS: The entry doors are both  
11 closed. There's no access because the thinking is  
12 if the water is there, you couldn't leave anyway.

13 In this case the doors will swing in,  
14 so if somebody did want to leave, they could very  
15 easily climb this and enter into the water, if they  
16 wanted. But otherwise, if there was no water, this  
17 panel could be easily removed, so if someone really  
18 had an emergency, they could remove the panel and  
19 walk out, so it is not a danger in that sense.

20 This was a discussion that I had to  
21 have with the local building inspector, who didn't  
22 understand -- understand that -- I should say that  
23 his thought was that it would impede egress in case  
24 of an emergency, but it doesn't really, and it has  
25 been accepted all throughout the country.

1                   So we are also proposing street  
2 trees --

3                   MR. MARSDEN: If I may, Frank --

4                   THE WITNESS: Yes.

5                   MR. MARDEN: -- did you ever talk to  
6 DEP, and is that an acceptable system to DEP --

7                   THE WITNESS: This exact system --

8                   MR. MARSDEN: -- and FEMA?

9                   THE WITNESS: -- that's right.

10                  This exact system has been approved on  
11 several other projects that the DEP -- NJDEP has  
12 approved for our firm, so this exact system was  
13 approved --

14                  MR. MARSDEN: And you will be receiving  
15 an individual permit for this project?

16                  THE WITNESS: And we have, and we have.  
17 I can happily pass that to you --

18                  MR. MARSDEN: All right.

19                  THE WITNESS: -- for the privacy of my  
20 thoughts for that issue.

21                  (Laughter)

22                  THE WITNESS: So with this  
23 construction, we are proposing all new sidewalks  
24 along both facades, as I said. It is a large amount  
25 of sidewalk, as well as six new street trees, which

1 will be specified as per the Shade Tree Commission's  
2 recommended list.

3           And I think to conclude, that we are  
4 proposing to not necessarily repurpose the building,  
5 because it does have a residential component  
6 already, but we are going to make an existing  
7 building contextually more like the adjacent  
8 property. So we're removing the commercial  
9 component, making it all residential. The existing,  
10 we think rather unattractive, facades will be  
11 removed, and something as I described it, as we  
12 think something is certainly more attractive and of  
13 this day constructed.

14           We are proposing within this addition  
15 and the volume of the existing building, six  
16 residential apartments, all of a large size, and I  
17 will give you that breakdown one more time because I  
18 think it is very important.

19           So we are proposing two three-bedroom  
20 units with a den. They range from 2,186 square feet  
21 to 2,222 square feet.

22           We are proposing three four-bedroom  
23 units. They range from 2,135 square feet to 2,590  
24 square feet, and we're proposing a single  
25 four-bedroom unit with a den at 2,850 square feet.

1                   It leads me back to we are asking for  
2                   an additional floor, but not to increase the number  
3                   of units. We are asking for an additional floor to  
4                   make these apartments larger, and again, one less  
5                   apartment then we are permitted to have on the site.

6                   MR. MATULE: If I could, Frank, you may  
7                   have hit on it in your testimony, and I just missed  
8                   it, but you are going to prewire in the garage for  
9                   car charging stations?

10                  THE WITNESS: Oh, thank you, Bob. I  
11                  did forget to do that.

12                  Our drawings do reflect that,  
13                  particularly on Z-3. Sheet Z-3 shows dedicated  
14                  outlets for electric charging stations between each  
15                  parking space, so every space will be wired for the  
16                  eventuality of an electric charging station.

17                  MR. MATULE: And you have received Mr.  
18                  Marsden's letter of May 2nd, which was revised  
19                  November 4th?

20                  THE WITNESS: Yes.

21                  MR. MATULE: I know you addressed most  
22                  of the things in there, but anything that has not  
23                  been addressed, you can address?

24                  THE WITNESS: Yes, we can.

25                  MR. MATULE: Okay. I have no further

1 questions for Mr. Minervini at this time.

2 CHAIRMAN AIBEL: Thank you.

3 Board members?

4 VICE CHAIR GREENE: I have a question.

5 You indicated that you are doing a  
6 green roof, and you have a number of elements  
7 consistent with a LEED certification.

8 Are you going for --

9 THE WITNESS: It is not part of this  
10 proposal. If this Board requires it, we could  
11 probably get -- agree to a lower tier LEED.

12 So the Board is aware, my opinion as  
13 well as many architects and people who deal with  
14 this often, is that LEED has become this kind of  
15 catch-all phrase. Really what it is is a very  
16 expensive method of getting a little gold flag. The  
17 most -- that is in my opinion.

18 Many, many of the components that are  
19 required to meet a LEED certification are within  
20 this building anyway. The green roof goes a long  
21 way. The fact that we are in an urban environment,  
22 the electric charging stations, and I would be happy  
23 to make a list, if the Board wanted of all of those  
24 elements.

25 VICE CHAIR GREENE: I was just curious.

1 I view it as a marketing tool.

2 THE WITNESS: And some developers do  
3 choose to do that, yes.

4 VICE CHAIR GREENE: But I don't think I  
5 would make it a requirement.

6 COMMISSIONER MURPHY: I think you said  
7 the green roof was a non walking --

8 THE WITNESS: Correct.

9 COMMISSIONER MURPHY: So how do you  
10 maintain it?

11 THE WITNESS: It is very easily  
12 maintained. It is called an extensive green roof,  
13 and I will refer you to the detail.

14 Actually if we use it this way.

15 Sheet Z-6 on the top right describes  
16 what an extensive green roof is.

17 The conceptual thinking of an extensive  
18 green roof is to provide green on a roof as it is  
19 certainly called without having to propose a roof  
20 barrier and a medium of soil that is very heavy and  
21 otherwise expensive, very expensive, and sometimes  
22 structurally not possible to supply.

23 The extensive green roof is really a  
24 series of trays of plantings. You have the small,  
25 medium that are then just put over a waterproof

1 membrane. It achieves all of the things that a  
2 green roof will do. It will absorb sunlight, solar  
3 radiation, absorbs water to slow down the runoff  
4 into the system without having to go that full  
5 length and make something that is as you would see  
6 in a park and walk, which is why I mentioned many  
7 times that it is not walkable.

8 In terms of maintenance yearly, it is  
9 really once a year that it has to be fertilized and  
10 any dead plants changed, and that could be put, if  
11 this Board wanted, within any condominium master  
12 deed, if needed.

13 COMMISSIONER FISHER: The additional  
14 question is: If it is not walkable, but is it, you  
15 know, will the residents of the building have access  
16 to it and be able to walk on it?

17 THE WITNESS: No. There is always  
18 access to a roof, but they are not permitted as with  
19 any roof that doesn't have this Board's approval for  
20 a deck, you're not permitted to use it. You  
21 couldn't stand on it anyway. You would actually  
22 walk through it. Your foot would just about walk  
23 through it, although it can support a snow load.

24 COMMISSIONER MURPHY: If you can't walk  
25 through it, how does someone -- how does it get

1 fertilized? It is a pretty big space.

2 THE WITNESS: Each of these modules  
3 move, and if you need to get to the other one, you  
4 can slide them over, which is the purpose of the  
5 roof drawing that I provided that shows all of the  
6 models --

7 COMMISSIONER MURPHY: I noticed that.  
8 Okay.

9 THE WITNESS: -- smarter people than I  
10 am have figured this out.

11 COMMISSIONER MURPHY: Okay.

12 MR. MARSDEN: Are you providing  
13 detention?

14 THE WITNESS: Yes, and I do show that,  
15 and I should have mentioned that -- thank you, Mr.  
16 Marsden.

17 As part of this application, a storm  
18 water detention system is proposed, although it  
19 looks like I neglected to show it the plan, but I  
20 can certainly do that. But we will be proposing,  
21 and the North Hudson Sewerage requires that any new  
22 structure of this type have a water detention system  
23 below ground.

24 So beneath this garage slab here would  
25 be a series of a very large pipe as well as a

1 holding tank, that all of the rainwater will be  
2 collected and brought into that will delay the  
3 amount of rainwater that exits the building and  
4 enters the sanitary sewer system.

5 That is a requirement that North Hudson  
6 Sewerage Authority has, and this Board also requires  
7 it, and we need to obtain building permits.

8 COMMISSIONER MURPHY: I have another  
9 question regarding the -- what you do you call it --  
10 the flood panels.

11 So part of making them work, I mean  
12 somebody physically has to go put these things in?

13 THE WITNESS: Yes.

14 COMMISSIONER MURPHY: You know, so I  
15 guess part of my concern would be, you know, once  
16 they go in, because we are having a big storm and  
17 that area could potentially flood, that, you know,  
18 and having them come out, it's just going to end up  
19 being a big wall because it is easier for someone  
20 not to move them?

21 THE WITNESS: This is all relatively  
22 new to we in Hoboken.

23 The thinking is that all of these  
24 buildings of this size will have a building  
25 management company associated with it. Part of

1 their responsibility, just as if they were doing  
2 snow removal, would be to construct as well as  
3 remove. If for whatever reason they didn't remove,  
4 any resident could easily remove these panels.

5 So if your concern is for an emergency,  
6 that really shouldn't be a concern, because anybody  
7 could remove these panels.

8 COMMISSIONER MURPHY: Well, also for  
9 looks --

10 THE WITNESS: Of course.

11 COMMISSIONER MURPHY: -- if that's what  
12 you are trying to get at is this interesting look on  
13 top of it being functional, it will totally look  
14 different --

15 THE WITNESS: If they were kept there,  
16 for sure.

17 There is no real esthetic pleasing way  
18 to prevent water from coming in at this point, so  
19 this is what we are left with, and as long as the  
20 building management does their job as they should,  
21 that will not be an issue.

22 MS. BANYRA: Did you want him to put  
23 fish on the panel?

24 (Laughter)

25 COMMISSIONER MURPHY: No. I guess my

1 concern would be that at some point, they just stay.

2 It is easier than moving them, and you know --

3 THE WITNESS: If I may, if I am living  
4 in this building, I would not allow those to stay.  
5 That is -- there has to be some responsibility, of  
6 course, for the building occupants and by the  
7 building occupants, and I think that is one area  
8 that won't be an issue.

9 COMMISSIONER MURPHY: Okay.

10 MR. MARSDEN: If the panels weren't set  
11 properly, and water could get in, it would only  
12 impact the garage, correct?

13 THE WITNESS: Yes. Because our first  
14 residential floor, which is the second floor, is  
15 above the advisory base flood elevation, and we  
16 cannot foresee water rising to that height, and  
17 certainly previous -- or Sandy wouldn't have gotten  
18 in here.

19 So, yes, if water did get through, it  
20 would impact the vehicles, but not our electrical  
21 systems because they were moved to the second floor,  
22 and not our elevator because those systems have been  
23 moved to the roof.

24 COMMISSIONER BRANCIFORTE: The  
25 generator is just for the common areas, right?

1                   THE WITNESS: And it has been  
2                   engineered, but the intent is to provide one  
3                   circuit, hopefully two, for each apartment.

4                   MS. BANYRA: The exercising of the  
5                   generator would be done as maintenance once a  
6                   week --

7                   THE WITNESS: Monthly generally.

8                   MS. BANYRA: So is there a concern on  
9                   the adjacent buildings -- I forget what your  
10                  testimony was. I think there was a solid wall to  
11                  the south, so that there shouldn't be an issue in  
12                  terms of noise to adjacent properties?

13                  If it was, could you do it at a time  
14                  and date that would be midday, not affect anybody on  
15                  the weekends and set that up as part of the program  
16                  of maintenance?

17                  THE WITNESS: Yes. We can determine  
18                  when it is cycled, so we can keep that in mind.  
19                  We located with those concerns in mind, because we  
20                  already determined that we have to have an egress  
21                  stair compartment going to the roof, and we put it  
22                  on the southern side and with an enclosure.

23                  So will there be some sound?

24                  You will hear some exhaust sound coming  
25                  from the top of it, but you won't hear the actual

1 generator itself.

2 MS. BANYRA: Depending on the time of  
3 day, you might not hear it at all because its  
4 ambient sound may be --

5 THE WITNESS: Ambient sound --

6 MR. GALVIN: So we can test it during  
7 the week between the hours of noon and three, or  
8 something like that.

9 THE WITNESS: Yes. It is within a  
10 structure. All you will hear is some sound because  
11 there's an exhaust -- of course, an exhaust that  
12 goes through here, you will hear some sound from  
13 that, but the majority of the mechanics working will  
14 be within that room, and any of the sound that does  
15 emanate will not go towards -- it will go up and  
16 towards the south where we have a very far setback  
17 because there is a stair structure right behind it.

18 COMMISSIONER BRANCIFORTE: I'm curious  
19 about what kind of a vibration does it throw off.

20 THE WITNESS: They do throw off some  
21 vibration, but the structure of the building has  
22 been designed for that. It's in isolator pads.  
23 There will still be some vibration, but the  
24 structure has been --

25 COMMISSIONER BRANCIFORTE: I am more

1 concerned about the people in the building next door  
2 feeling vibration when it is being testing.

3 THE WITNESS: Where this is, the  
4 building has already stopped next door.

5 COMMISSIONER BRANCIFORTE: So there is  
6 space in between?

7 THE WITNESS: Yes.

8 CHAIRMAN AIBEL: I have a couple of  
9 questions.

10 Would the fire department access stairs  
11 be visible from any perspective?

12 It is showing an eight foot access  
13 stair above the top of the roof?

14 THE WITNESS: Commissioner, are you  
15 referring to the roof?

16 CHAIRMAN AIBEL: Yes, on the roof.

17 THE WITNESS: Okay.

18 CHAIRMAN AIBEL: Fire department access  
19 stairs on Z-9.

20 THE WITNESS: Yes. Okay. I understand  
21 your question.

22 So if you go to Sheet Z-9, it is shown  
23 outlined, and I must point out that this facade is  
24 at zero lot Line. This facade is ten foot off of  
25 that zero lot line, and this is another 25 feet

1 removed from that. But that is unfortunately not  
2 anything that we as architects can control. That is  
3 a requirement by the -- of the construction code.  
4 Every multi-family building must have at least one  
5 means of egress access to the roof --

6 MR. MATULE: Is that here?

7 THE WITNESS: Yes, and it's also shown  
8 on Sheet Z-7.

9 CHAIRMAN AIBEL: It's shown on Z-8?

10 THE WITNESS: It is shown on Z-7,  
11 Z-9 --

12 CHAIRMAN AIBEL: If I were looking at  
13 the building from Adams Street, I would see the  
14 large bulkhead, is that correct, on Z-8?

15 THE WITNESS: From Adaams Street, I  
16 don't think you will see anything.

17 CHAIRMAN AIBEL: From the one story --  
18 no, you are showing the one story that is, I guess,  
19 east on Fourth, so am I looking at the --

20 THE WITNESS: I'm sorry, here?

21 CHAIRMAN AIBEL: Yes.

22 THE WITNESS: Yes.

23 That is, if I may point out, the  
24 kitchen of the adjacent bar/restaurant, but it is  
25 not as intrusive as even this existing addition may

1 lead you to believe, because this addition goes  
2 right to the zero lot line. We are proposing a  
3 ten-foot setback off of that.

4 But our two elevations outline its  
5 location, which is on both sheets, Z-8 and Z-9.

6 (Counsel confer)

7 THE WITNESS: Yes, ten feet there.

8 Mr. Matule pointed something out that I  
9 may not have described properly.

10 If you go to Sheet Z-7, and I will use  
11 the larger plan, although the roof plan makes it  
12 appear as if this is at the rear property line, it  
13 is really not.

14 This is the rear property line here, so  
15 here in that section, so it is not actually on the  
16 rear property line. It is set off of that by ten  
17 feet. That is the existing ten feet, right, so they  
18 are lined up. So it is ten feet off of that rear  
19 property line, where as the roof plain doesn't point  
20 out through the lower section of the building there.

21 CHAIRMAN AIBEL: There is no way to  
22 reorient that, move it towards the middle of the  
23 building away from --

24 THE WITNESS: In my opinion, and this  
25 all happened -- we made these decisions during the

1 design process, that it would have much more impact  
2 on the center of the building, certainly more  
3 visible, rather than have it next to -- adjacent to  
4 a stair bulkhead that has to be there. The  
5 stairwell has to be in that location.

6 I'm sorry. You are asking particularly  
7 about the stairwell bulkhead.

8 Because of the dimension of our  
9 building, which is an existing condition, the two  
10 stairs have to be a certain dimension apart.

11 There is a drawing there that reflects  
12 a diagrammatic line between the two corners. We are  
13 required to have the two stairs at least one-third  
14 of that distance. We just meet that requirement  
15 here. So for safety reasons and to conform with the  
16 code, those two stairs are spread apart.

17 CHAIRMAN AIBEL: Thank you.

18 Any other questions?

19 Because I -- let me just ask the next  
20 one and then you can go, John.

21 You are showing quite a bit of outdoor  
22 roof deck and open space. Could you describe what,  
23 you know, that is going to do to neighbors, will  
24 they be private spaces or --

25 THE WITNESS: Yes, I understand.

1                   CHAIRMAN AIBEL: -- will they be open  
2 and notorious to the street?

3                   THE WITNESS: The first of those  
4 outdoor spaces are the smaller ones I described when  
5 I described the floor plans, which are three foot  
6 recesses slightly less than 20 feet in length on two  
7 apartments -- I'm sorry -- two floors, and they move  
8 locations, but it is two of these on floors two and  
9 floors three.

10                   As I mentioned, the thinking there is  
11 very little impact would be observed by any adjacent  
12 properties because you really can't spend much time  
13 out there. It is just enough room to stand out  
14 there and get some air, which is where that  
15 three-foot dimension came from. You could possibly  
16 squeeze a chair in, but no room for a table or for a  
17 party, so I think the impact would be negligible  
18 there.

19                   The largest outdoor spaces are in  
20 essence the roof of the existing building, of the  
21 existing mass of buildings.

22                   The thinking here is that with a proper  
23 landscaped screen, which we got, and the elevations  
24 reflect that, and we have also shown here, the  
25 impacts on the adjacent properties would be really

1 nothing here as well.

2 We have left a few little view  
3 corridors to see through, but the majority of this  
4 outdoor space, which is just using the roof, will be  
5 there anyway, and a portion to these apartments that  
6 are on that floor will be screened by landscaping.  
7 You have a roof plan detail, which gives you an idea  
8 of how tall that planting will be minimally.

9 CHAIRMAN AIBEL: So will there be  
10 parapets?

11 THE WITNESS: There's a parapet as well  
12 as a planter.

13 Again, that same sheet, that planter  
14 diagram that I described, which is -- I just had it  
15 on the roof plan -- on Sheet Z-6, so the top of the  
16 actual planter, which in some locations acts as a  
17 parapet, is 42 inches, same as a rail height.

18 Then we got minimally two feet of  
19 planting above, so minimally we got five feet six of  
20 screening along the deck.

21 It is obvious why we are asking  
22 permission for this deck. We are proposing large,  
23 and I know this Board has heard this term many  
24 times, family-sized and family-style apartments, and  
25 I don't want to overuse it, it's the first time I

1 used it tonight, but with people who want to live in  
2 a larger apartment, have a need for a larger  
3 apartment, there is a need for outdoor space. We've  
4 got the opportunity here without really any  
5 intrusion on the adjacent properties.

6 CHAIRMAN AIBEL: Okay, John.

7 COMMISSIONER BRANCIFORTE: Oh, yeah.

8 We discussed this before about the  
9 garage openings, how to make them safer. I think  
10 our engineer has his own design that he wanted to  
11 use to make a hand come out at people.

12 (Laughter)

13 MR. MARSDEN: The Board didn't like it.

14 COMMISSIONER BRANCIFORTE: I loved it.

15 I think we all liked it.

16 (Laughter)

17 Have you are researched anything?

18 THE WITNESS: We are proposing, and it  
19 is actually Z-4, a pedestrian warning light above  
20 the garage door.

21 COMMISSIONER BRANCIFORTE: Yeah.

22 Anything above and beyond that --

23 THE WITNESS: You can't have an audible  
24 warning because that would really be intrusive to  
25 the adjacent properties, so its lights -- the lights

1 because they are strobes are very, very effective.

2 COMMISSIONER BRANCIFORTE: Yeah. I  
3 think anybody that's ever pulled out of a garage  
4 knows that is just not true.

5 THE WITNESS: I disagree.

6 COMMISSIONER BRANCIFORTE: You know, I  
7 am going to videotape my garage one morning and show  
8 you all of the moms that walk by with carriages when  
9 cars are pulling out, and it is like a game of  
10 chicken --

11 THE WITNESS: I get that.

12 COMMISSIONER BRANCIFORTE: -- with moms  
13 with carriages and babies and cars --

14 THE WITNESS: There is a certain amount  
15 of personal responsibility for any of these things.

16 We have proposed, as required by the  
17 construction code, a visible warning light.

18 I don't know what else could be done,  
19 and if you think of something together, I would be  
20 happy to do it.

21 COMMISSIONER BRANCIFORTE: That is why  
22 I asked if you researched anything, because the last  
23 time we had the discussions --

24 MS. BANYRA: Something grumbling --

25 (Everyone talking at once.)

1                   COMMISSIONER BRANCIFORTE:  No --  
2           even -- when we discussed even having a different  
3           color exit, but the city won't go for it.  I  
4           personally think you should go to the city and ask  
5           if it's okay to have some kind of a different  
6           colored apron, so, you know, it just gives them a  
7           visual thing that something is going on, look out,  
8           something is happening in approaching the garage.  
9           But, you know, I'm not saying it has to light up or  
10          anything --

11                   THE WITNESS:  I don't think that I as  
12          an architect or the applicant would have any problem  
13          designating that space, if the city would allow it,  
14          and I think the city would allow it.

15                   Jeff, you would know better than I  
16          would.

17                   Would the city allow it?

18                   MR. MARSDEN:  That's a good question.  
19          I am not sure how they would address that right now.  
20          In the past, they didn't pay much attention to those  
21          types of things as to -- I mean, what you are  
22          talking about is something like a warning surface in  
23          that --

24                   THE WITNESS:  Yes.

25                   MR. MARSDEN:  -- it needs to be

1 visually different. Everybody says it has to be  
2 red. No. It has to be significantly visually  
3 different than the surrounding pavements, so that  
4 that sight clear person will see the difference, if  
5 they are partially sighted, and that's --

6 THE WITNESS: I'm sorry --

7 MR. MARSDEN: -- I could see it working  
8 in a driveway-type situation, but you would have to  
9 clear it with the city.

10 THE WITNESS: I think if this helps, we  
11 would agree to having a darker colored gray area at  
12 the egress and at the entry with the assumption that  
13 the city allows it.

14 If the city doesn't allow it, then we  
15 won't do it. But if the city allows it, we'll  
16 happily change the colors of that sidewalk section  
17 you are referring to.

18 MS. BANYRA: I think the problem in the  
19 past, you know, my perception is that there has been  
20 a lot of textures and colors or patterns added that  
21 there has been no rhyme or reason to. So  
22 unfortunately, unless there is a consistent  
23 schematic pattern or rumble strips, you know, type  
24 of thing, that it becomes lost then because now we  
25 are not sure what we are interpreting here.

1           Is it a color, is it supposed to be  
2     playful, is it supposed to be decorative, is it  
3     supposed to be a warning, and I think that's  
4     unfortunately the situation that is occurring when  
5     there has been no standardization of that.

6           MR. MARSDEN: There are a number of  
7     different methods that you could handle something  
8     like that, but they are fairly expensive. I have  
9     done some what they call context sensitivity design  
10    crosswalks when I was doing DOT consulting, and they  
11    actually have LEDs that go into a sidewalk, and when  
12    you push the button, they light up in areas of high  
13    danger, and they kind of reflect towards the  
14    crosswalks, and they're actually embedded in the  
15    pavements, but they are expensive, and it would be  
16    an electrical system in the city's right-of-way,  
17    which I think they could probably be reluctant to,  
18    so I mean, you could look at that type of thing,  
19    but --

20           THE WITNESS: And many of the city's --  
21    excuse me -- the streets in Hoboken are governed by  
22    the county anyway, so even the City of Hoboken  
23    wouldn't have that set, so --

24           COMMISSIONER BRANCIFORTE: Well, in the  
25    end, the discussion should be about finding new ways

1 to make them safer for everybody.

2 COMMISSIONER MURPHY: What about  
3 mirrors?

4 COMMISSIONER BRANCIFORTE: So, you  
5 know, if we do something now, it would be great. If  
6 you guys at the next ARC meeting brainstorm with  
7 something, that would be fine, too.

8 THE WITNESS: I mean, we would also  
9 agree to -- the drawing now shows one visible strobe  
10 light, and we could add a second, and it does make a  
11 difference.

12 And what I would also like to say is,  
13 well, that there are only six apartments in this  
14 building, it not such as where you live where cars  
15 are constantly coming in and out because of the  
16 number of apartments there.

17 COMMISSIONER BRANCIFORTE: It doesn't  
18 matter how many cars come out, because according to  
19 you, this visible system works --

20 THE WITNESS: I think it does.

21 COMMISSIONER BRANCIFORTE: -- so it  
22 doesn't matter how many cars come out --

23 THE WITNESS: I try to please you.

24 COMMISSIONER BRANCIFORTE: -- or if one  
25 car comes out --

1 (Laughter)

2 (Everyone talking at once.)

3 COMMISSIONER BRANCIFORTE: So, Jim, I  
4 don't have anything else.

5 CHAIRMAN AIBEL: Can you give us a  
6 couple of minutes on how the architecture and design  
7 is going to fit in the context of the area?

8 THE WITNESS: Yes.

9 Well, I wouldn't even suggest that it  
10 is going to fit in with the context that is there  
11 because there is no real context.

12 There is a newer building directly to  
13 our north, an empty parking lot, a three-story  
14 building that is in very poor condition.

15 This building to the south here is  
16 not -- this particular neighborhood is kind of  
17 random in its architecture. It's not the same as  
18 Garden Street, where there is more uniformity. It's  
19 not the same as perhaps even Bloomfield.

20 So with that concern in mind, as I  
21 mentioned, and I was showing the rendering -- thank  
22 you -- the two-dimension drawing will describe  
23 better what I am trying to say.

24 The thinking is, and I will make no  
25 apology, that the idea of this building is not meant

1 to look like something that has been here for a  
2 hundred years. It's certainly the thinking of my  
3 firm, and this Board has seen many of our buildings,  
4 that a new building shouldn't reflect it should be a  
5 new building at all, but it should be an old  
6 building.

7 But with that in mind, the majority of  
8 the facade that is visible from the street, it's  
9 this lower 30-foot section, the majority of that  
10 facade is brick in a very random uniform sections of  
11 columns and horizontal beams, with the intent of  
12 having what was there look like an industrial  
13 building that probably could have been there. It  
14 was an industrial building. It didn't look like  
15 this, something more of what an industrial building  
16 should like look, so we gave the background of the  
17 building that concept.

18 Our bay projections are the modern  
19 appendages.

20 The addition, which is all new, is a  
21 modern building.

22 Also, we think answering your concern  
23 is that those appendages in modern locations are  
24 sheathed and covered with a very traditional Hoboken  
25 material, a pre patina copper, so it is a cooper

1 that is going to look green. It is going to have a  
2 very nice match with the reddish brick, as the  
3 rendering shows, and not very different from other  
4 buildings in Hoboken save for the modern aspect of  
5 it. So we made a modern building, opened it, paid  
6 attention to what could have been there in the past.

7 CHAIRMAN AIBEL: Thanks.

8 Anybody else?

9 COMMISSIONER FISHER: Can I have a  
10 follow-up question?

11 CHAIRMAN AIBEL: Sure.

12 COMMISSIONER FISHER: Really I am  
13 asking without having experience being on the Board,  
14 but it's a very big building, and it's a very modern  
15 looking building, that notwithstanding it is made  
16 out of materials that doesn't match anything  
17 anywhere in Hoboken, so how does this -- how does  
18 that get factored into the discussions?

19 Do we just get comfortable with an  
20 ultra modern building, or do you say that is nice,  
21 but make the edges a little rounder and more  
22 consistent with the general --

23 MR. GALVIN: I don't have a great  
24 answer for that.

25 I will go back a step, and I apologize

1 because of the lateness. But if we were at the  
2 Planning Board, and somebody comes in with a  
3 completely complying application, we really don't  
4 get into what it looks like architecturally. It is  
5 nice that we like it, but if it doesn't need any  
6 variances, we have to approve it because it  
7 complies.

8           When somebody needs a variance, now you  
9 have to give us a reason, and the reasons we find  
10 them in the purposes of zoning, and there is A  
11 through O reasons. One could be for the public  
12 health, safety and welfare. We're going to elevate  
13 a building, so that it complies with FEMA, and we're  
14 going to make it flood compliant, that is a special  
15 reason that justifies granting some of the relief  
16 that you're being asked for.

17           If we use esthetics, that is often, I  
18 mean that's like a catchall for me. Just if it is  
19 going to improve the building, it is going to be  
20 esthetics, but esthetics are in the eye of the  
21 beholder.

22           You may look at one, like we had  
23 earlier with the garage, where, yeah, they are  
24 telling you it is going to be stucco, and you think  
25 it is going to look like something warmed over, and

1       you prefer if it looks like some of those other  
2       buildings with the brick. You know, that's your --  
3       it is kind of a call that you are making as to  
4       whether or not you think the community has benefited  
5       by the property.

6                So there are instances and locations in  
7       town, where you have a more traditional look, and  
8       maybe it is important to guard that traditional  
9       look. Say if you are in the middle where all of the  
10      brownstones are, and all of a sudden, you're going  
11      to put something glass, it would be out of character  
12      with the neighborhood.

13               What Mr. Minervini is arguing in this  
14      instance is that there is no general architectural  
15      character in this area, so that this would be an  
16      attractive, albeit different than the traditional  
17      architectural look.

18               COMMISSIONER FISHER: The planning --  
19      the center part that they provided references some I  
20      think descriptions in the master plan about what  
21      they are supposed to take --

22               COMMISSIONER MURPHY: Hoboken look.

23               COMMISSIONER FISHER: -- Hoboken look,  
24      a contemporary interpretation of it, contemporary  
25      versus modern, that is always if, you know somebody

1 is redeveloping or redesigning that purpose,  
2 contemporary and modern are two different things.

3 So I am just curious, you know, this  
4 doesn't seem to be in the spirit of contemporary.  
5 It seems to be a little bit more modern. Right or  
6 wrong, it's just an observation --

7 CHAIRMAN AIBEL: Okay. We will get to  
8 hear from Mr. Kolling.

9 MR. GALVIN: Their planner hasn't  
10 testified --

11 THE WITNESS: May I --

12 COMMISSIONER FISHER: My apologies --

13 MR. GALVIN: Also, there is a height  
14 variance also, and the heights are subtly  
15 different proof --

16 COMMISSIONER FISHER: Yes.

17 MR. GALVIN: -- they have to show that  
18 the building can accommodate the height, so that is  
19 like we are trying to show how the surrounding  
20 buildings have similar height or how it's not going  
21 to be adversely affected by it.

22 COMMISSIONER FISHER: I think that  
23 argument I got was that --

24 (Everyone talking at once.)

25 MR. GALVIN: Awesome.

1                   THE WITNESS: I did want to point out  
2 that if you're talking about --

3                   (Everyone talking at once.)

4                   THE WITNESS: -- I'm sorry -- context,  
5 I said the reason why they were uniform in context,  
6 the building which is about seven or eight years  
7 old, I can't remember the architect's name. He's no  
8 longer working in town. That's directly to our --

9                   COMMISSIONER FISHER: Because of the  
10 building?

11                   (Everyone talking at once.)

12                   MR. GALVIN: One voice at a time.

13                   THE WITNESS: Anyway there is a very  
14 modern building of a similar size of this directly  
15 to -- diagonally across the corner to our west and  
16 south, so modern buildings are not unheard of here.

17                   There has already been one established,  
18 and I think that the rendering may make this look a  
19 bit more modern than really it is, because I think  
20 what you're really going to see for the most part is  
21 this kind of traditional rhythmic brick building  
22 behind it.

23                   So we have thought of that, and I  
24 think, as you pointed out, there were  
25 architectural -- there are certain parts of Hoboken

1       that aren't even within the historic district that  
2       should have a certain look. I don't think this is  
3       it, and I think this is an opportunity to look for  
4       it, whether we all like it or not.

5               MR. GALVIN: One of the things -- one  
6       of the rules is you get to have an opinion. They  
7       don't have to agree with you, so you could wait  
8       until you get to deliberations and discuss how you  
9       feel about it.

10              When you are trying to engage the  
11       architect or any professional, you are trying to get  
12       them sometimes to make a change. But if that is  
13       their plan, you have to rule on that plan. If you  
14       don't think it benefits the neighborhood, that is  
15       part of the weighing process.

16              COMMISSIONER COHEN: Just one comment.

17              We certainly approve what I would  
18       describe as modern designs on this Board, and I  
19       think we have been happy with the results of those  
20       cases, too. So I mean, I don't know that you want  
21       to read the zoning laws as requiring contemporary  
22       and prohibiting modern. I think that each  
23       application that you look at on its merit and decide  
24       whether it's appropriate for the neighborhood that  
25       it's built in.

1 CHAIRMAN AIBEL: I think we are  
2 finished with Mr. Minervini.

3 MR. MATULE: Yes.

4 MR. MINERVINI: Thank you.

5 VICE CHAIR GREENE: Open it up to the  
6 public.

7 CHAIRMAN AIBEL: I am going to ask the  
8 public, any questions of the architect?

9 Seeing none, motion to close?

10 COMMISSIONER COHEN: Motion to close  
11 public comment.

12 CHAIRMAN AIBEL: Thank you.

13 Second?

14 VICE CHAIR GREENE: Second.

15 CHAIRMAN AIBEL: Thank you.

16 All in favor?

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

19 CHAIRMAN AIBEL: Thanks.

20 MR. GALVIN: Raise your right hand.

21 Do you swear to tell the truth, the  
22 whole truth, and nothing but the truth, so help you  
23 God?

24 MR. KOLLING: Yes, I do.

25

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

3                   MR. GALVIN:   State your full name for  
4       the record and spell your last name.

5                   THE WITNESS:   Edward Kolling,  
6       K-o-l-l-i-n-g.

7                   MR. GALVIN:   Mr. Chairman, do we accept  
8       Mr. Kolling's credentials as a licensed planner?

9                   CHAIRMAN AIBEL:   Yes, we do.

10                  MR. GALVIN:   All right.   You're on.

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

12                  Mr. Kolling, you are familiar with the  
13       zoning ordinance and the master plan of the City of  
14       Hoboken?

15                  THE WITNESS:   Absolutely.

16                  MR. MATULE:   And you are familiar with  
17       the proposed project as most recently amended?

18                  THE WITNESS:   Yes.

19                  MR. MATULE:   And you prepared a  
20       planner's report, dated December 28th, to support  
21       the requested variance relief?

22                  THE WITNESS:   Yes.

23                  MR. MATULE:   We didn't go into it in  
24       the architect's testimony because I thought it might  
25       be more appropriate for your testimony, but I would

1       like you to go through your report, but also call  
2       out the specific variances that we are requesting  
3       from the Board for this project.

4               THE WITNESS: Certainly. Okay.

5               I am just going to go briefly through  
6       some of the points because I think Mr. Minervini  
7       covered a lot, the character of the neighborhood,  
8       the varying heights of the buildings, and the  
9       Keuffel & Esser building is a little bit to the  
10      south, and there's others.

11              THE REPORTER: What is the name of the  
12      building?

13              THE WITNESS: Keuffel & Esser,  
14      K-e-u-f-f-e-l,

15              MR. GALVIN: K&E.

16              THE WITNESS: Yes, K&E.

17              So that, you know, that's a given. The  
18      surrounding area, the larger size of the units  
19      geared towards such families, especially the zoning  
20      is R-2, and one of the purposes of the district is  
21      to facilitate the conversion of nonresidential to  
22      residential space, and to otherwise reinforce the  
23      residential characteristics of this district by  
24      restricting uses and structures not compatible with  
25      district objectives.

1                   I think that is important to keep in  
2                   mind because this building was constructed more as  
3                   an industrial, commercial style building. There  
4                   were some residential units, I guess, incorporated  
5                   later on, so taking out an industrial or a  
6                   commercial kind of structure and putting in a solely  
7                   residential building really is in keeping with the  
8                   intent and purpose of the zoned plan.

9                   The variances that we are asking for is  
10                  height, as Mr. Minervini went through, and I think  
11                  that the site is well suited to accommodate this  
12                  height. Immediately next door, there is a  
13                  five-story building with a significant blank wall  
14                  that is visible from the street.

15                 Our building kind of nestles into that,  
16                 and we have taken the upper two floors and set them  
17                 back, so we maintain that sort of that three-story  
18                 character that the neighborhood has already known  
19                 for some time, but added the other two stories,  
20                 which sort of cover that blank wall a bit and add  
21                 something that's of interest up there.

22                 The site is also a little bit larger  
23                 than the traditional or typical 25 by a hundred lot.  
24                 It is 50 by a hundred, so I think it could  
25                 accommodate the additional height.



1 are permitted to have zero anyway.

2 And the -- that goes hand and hand with  
3 the distance from the front to the rear being 70  
4 feet or going beyond that for the same reasons.

5 In terms of the facade materials,  
6 because it is a contemporary design, and I will get  
7 into that a little bit more, I think Mr. Minervini  
8 explained it a lot, and we have the roof coverage  
9 that has to do with the decks and things. Again,  
10 that is to provide outdoor space for the  
11 family-oriented units. Some outdoor space is  
12 appropriate for that.

13 The master plan actually calls for  
14 family-sized units, where possible, and I will go  
15 into that a little bit more to discuss what the  
16 master plan actually suggests.

17 The master plan was written or accepted  
18 in 2004. There was a reexamination report in 2011.  
19 That 2011 report had made no real substantive  
20 recommendations different from the master plan,  
21 other than to say that simple reference was not to  
22 really merge the R-2s and R-3s.

23 Some of the purposes of the -- or the  
24 recommendations of the master plan that I think this  
25 project supports is to promote the compatibility and

1 scale density design and orientation between new and  
2 existing developments.

3 As we were discussing, a five-story  
4 building is really comparable in scale to many  
5 buildings in the area. We are still maintaining  
6 that three-story character along the street, so I  
7 think that keeps it in scale with this site.

8 The density is actually less than what  
9 is permitted, so I think we maintained that density  
10 as well, so we promote that recommendation.

11 The building is obviously oriented to  
12 the street in terms of its architecture and in terms  
13 of its entry ways, so we also support that  
14 recommendation.

15 There is a recommendation to hide  
16 parking on the ground level of buildings, and we  
17 have done that, because this building covers a  
18 hundred percent, and we have incorporated the  
19 parking inside the building. We did that.

20 We provide additional street trees,  
21 which is a recommendation of the master plan.

22 And in terms of the housing styles of  
23 units, the master plan has recommended providing  
24 diversity in housing types, and specifically  
25 including a provision for different types of units

1 for families, and we accomplished this by having  
2 these six larger residential units, three-bedroom  
3 units, and four-bedroom units.

4 There is another one that talks about  
5 creating a quality housing quality model. This  
6 recommendation talks about assigning points for the  
7 revision of larger units, including three-bedrooms  
8 and more, which we are doing.

9 There is also a suggestion that maybe  
10 the zoning ordinance have a minimum average unit  
11 size, which would then create the need for larger  
12 units to increase average size to balance out some  
13 smaller units, and we have the larger units here.

14 So that -- those are the variances that  
15 we are asking for, and the master plan's  
16 recommendations and how I think we support them.

17 In terms of the height variance, I  
18 think I already talked about how the site is  
19 suitable, and how we promote the compatibility in  
20 scale and density and design.

21 We also promote the purpose of the zone  
22 plan to facilitate the conversion of non residential  
23 space to residential space.

24 The rear yard, we have already gone  
25 through and discussed.

1                   Next, what I wanted to do was I wanted  
2                   to go into a little bit more into the facade  
3                   materials, because I think that was also addressed  
4                   in the zoning ordinance.

5                   The zoning ordinance has that  
6                   requirement for the traditional Hoboken style, and  
7                   in that section of the ordinance, it says:

8                   "The purpose of this section is to  
9                   encourage development of residential  
10                  buildings, which are sympathetic to and  
11                  compatible with the dominant 'Hoboken look' in  
12                  housing, which has been identified as a mix of  
13                  brick and brownstone characteristic of  
14                  townhouses and small apartment buildings built  
15                  in the late 19th and early 20th century. Such  
16                  buildings often have stoops with fences, bay  
17                  windows, projecting cornices and a high ratio  
18                  of glass to masonry on the street facade" --  
19                  masonry on the street facade.

20                  Well, this building is not that at all.  
21                  This building was constructed not as a row house or  
22                  a small apartment building, tenement style. It was  
23                  created as a commercial industrial building. It  
24                  doesn't have a stoop. It doesn't have that large  
25                  ratio of glass to masonry, so to replicate those

1 features in a building like this would be  
2 ridiculous. It doesn't fit. It is inappropriate.

3 As Mr. Minervini mentioned, too, it is  
4 a common principle that buildings should be a  
5 product of your time, so you don't want to try to do  
6 a Disneyland-type of approach, and the building  
7 should have its own character consistent with  
8 contemporary architecture.

9 Actually, the Hoboken master plan even  
10 discusses this issue. Although it is discussing a  
11 more industrial type neighborhood, I think it was  
12 referencing more the northwest section or older  
13 industrial sections.

14 What it says is that: "The design  
15 standards in this area (meaning the industrial  
16 areas) should not be the same as in other more  
17 historically residential areas of the city."

18 So I think it's already kind of  
19 contemplated, that when you have an industrial  
20 structure, you don't try to imitate that residential  
21 structure, so I think that the approach here is  
22 really appropriate in terms of even what the master  
23 plan has envisioned for zoning for industrial areas.

24 So in conclusion, I think that the  
25 application for most of the purposes of the zone

1 plan and with the zoning ordinance of this  
2 particular district, I think that it promotes many  
3 of the recommendations of the master plan. The  
4 development and the granting of this variance will  
5 guide the appropriate use and development of the  
6 site in a manner that I think promotes the general  
7 welfare, which is consistent with subparagraph 2(a)  
8 of the Municipal Land Use Law.

9 It is a residential property now in a  
10 residential neighborhood. It would include  
11 family-friendly and ADA accessible units. You will  
12 have a density that is suitable to the zoning  
13 district, which is consistent with subparagraph  
14 2(e).

15 The project, being a larger lot, 5,000  
16 square feet, does provide sufficient space in an  
17 appropriate location for this type of use, which is  
18 consistent with subparagraph 2(g).

19 I think the project does promote a  
20 desirable visual environment through creative  
21 development techniques and good civic design and  
22 arrangement, and I think really consistent to what  
23 the master plan revisions were vis-a-vis use of  
24 industrial structures, which is consistent with  
25 subparagraph 2(i).

1                   I see no detriment in terms of the  
2                   general welfare, in terms of granting variances for  
3                   height because of the way it has been arranged with  
4                   the setbacks and such, and nor is it inconsistent or  
5                   result in a substantial detriment to the zone plan.

6                   The deviation for the rear yard  
7                   setback, rearranging it, so we have setbacks on the  
8                   other two sides, I think is a better approach to  
9                   development, where the benefits would outweigh the  
10                  detriments, as would be the variances for the facade  
11                  materials and the roof coverage because of being  
12                  able to provide usable outdoor space on the roof and  
13                  the creative design of the facade.

14                  So I think that the variances can be  
15                  granted, and the positive and the negative criteria  
16                  has been met.

17                  MR. MATULE: Thank you.

18                  CHAIRMAN AIBEL: Thank you, Mr.  
19                  Kolling.

20                  Board members?

21                  COMMISSIONER BRANCIFORTE: I am having  
22                  more and more problems these days with setbacks or  
23                  not. As we approve them, and then I see them built,  
24                  they are not quite what I expected them to be.

25                  So I can deal with the fourth floor,

1 but the fifth floor, I think is going to be a little  
2 bit much for me.

3 Why do you need the fifth floor?

4 Why can't you just have one big  
5 penthouse unit or just two smaller units on top, and  
6 leave the fifth floor off?

7 THE WITNESS: Well, I think that the  
8 program here was to have larger units, so if we took  
9 the fifth floor off, we would only have two smaller  
10 units up there --

11 COMMISSIONER BRANCIFORTE: Four --

12 THE WITNESS: -- and then to have just  
13 one up there, the program is for the six units. It  
14 is already one under what you would be permitted  
15 anyway, so I just think that it doesn't fit the  
16 development program.

17 COMMISSIONER BRANCIFORTE: What do you  
18 mean by "development program"?

19 THE WITNESS: Well, that is what has  
20 been designed and what the property owner is trying  
21 to accomplish.

22 It is -- you know, lesser units are not  
23 being proposed, so the project would probably not  
24 proceed.

25 COMMISSIONER BRANCIFORTE: But you



1 five-story buildings, the south side I guess that is  
2 of Fourth Street on our same side of Jefferson, so  
3 this is the proposed building. So moving to the  
4 south, right on the opposite side of the street, is  
5 a five-story building, and then a four, and then  
6 Keuffel & Esser, which is rather tall six-story.

7 We have a five-story on this side, a  
8 five-story directly across the street here, and five  
9 stories here diagonally across the street to the  
10 southwest as well, so it is -- both sides of the  
11 street would be five stories, and we are pushing  
12 this, both the fourth and fifth story, back to ten  
13 feet.

14 CHAIRMAN AIBEL: I appreciate that.

15 What I am struggling with is your  
16 property is a 50 by a hundred property, on three  
17 floors. It looks, you know, just from here, massive  
18 in relation to, you know, the Adams Street side. It  
19 still looks large to me as I am comparing it to the  
20 buildings south of Fourth, so I am raising it as,  
21 you know, sort of a comment.

22 THE WITNESS: Okay.

23 CHAIRMAN AIBEL: You know, if it were  
24 four stories, I think it, to my eye, it would fit  
25 more in context with the street scape, but that is

1 your development, so...

2 THE WITNESS: Notice, again, that  
3 diagonally across the street, I believe this takes  
4 up about 125 feet of frontage, this building, the  
5 Keuffel & Esser building takes up the major portion  
6 of this frontage. This is at least 50 feet across.

7 MR. GALVIN: But the K&E building,  
8 though, is a hundred years old, right?

9 THE WITNESS: Yes.

10 COMMISSIONER BRANCIFORTE: That  
11 building over here is Clock Tower. Clock Tower,  
12 right?

13 THE WITNESS: Yes. I referred to it as  
14 K&E.

15 COMMISSIONER BRANCIFORTE: No, I agree.  
16 I mean, I have to say it is a hundred years old,  
17 and, you know, again, there's a question of height  
18 creep, where you have to say, well, the building  
19 next door is five stories, you know, so we should be  
20 able to go five stories.

21 You know, what the Zoning Board may  
22 have been thinking years ago when they approved that  
23 five-story building next door, I don't know, but --

24 THE WITNESS: The building next door I  
25 think was a turn of the century building. That's

1 probably a --

2 COMMISSIONER BRANCIFORTE: I am looking  
3 at this picture, and I am pretty sure we heard it in  
4 an application --

5 A VOICE: Seven or eight years ago --

6 (Everyone talking at once.)

7 COMMISSIONER BRANCIFORTE: Newer  
8 building --

9 (Everybody talking at once)

10 COMMISSIONER BRANCIFORTE: I am pretty  
11 sure I remember that application, so --

12 MR. MATULE: That is a relatively new  
13 building.

14 CHAIRMAN AIBEL: Okay. That's it.

15 Any others questions for Mr. Kolling?

16 I'll open it up to the public.

17 Seeing no questions from the public.

18 COMMISSIONER COHEN: Motion to close  
19 the public portion.

20 CHAIRMAN AIBEL: Second?

21 VICE CHAIR GREENE: I'll second.

22 CHAIRMAN AIBEL: Thank you.

23 All in favor?

24 (All Boad members answered in the  
25 affirmative.)

1                   CHAIRMAN AIBEL: Mr. Matule?

2                   MR. MATULE: I have no further  
3 testimony, just a couple of comments.

4                   It is a very I think ambitious adaptive  
5 reuse of an existing building. Obviously, there are  
6 differing opinions about the height, but I believe  
7 it is in keeping with the neighborhood, and I think  
8 that I would ask the Board to keep in context what  
9 is there now.

10                  Although this technically is a fourth  
11 floor, it has a gable roof. It is quite high, and  
12 you have the five-story building right next door. I  
13 think this is a better alternative than what is  
14 there in that it has pulled everything back from all  
15 three sides of the building.

16                  It is also, you know, the architecture  
17 you either like it or you don't, but there are a lot  
18 of green features to the building. It has the  
19 extensive green roof, the street trees, you know,  
20 storm water retention, the flood panel system, which  
21 is very new. There is a lot of -- it's not  
22 necessarily a LEED certified building, but it is  
23 going to have many of those same advantages, and  
24 contextually I think the building fits in the  
25 neighborhood.

1                   That is really it. Obviously, that is  
2 a matter of opinion.

3                   CHAIRMAN AIBEL: Commissioners, let me  
4 open it up for discussion.

5                   COMMISSIONER BRANCIFORTE: You can skip  
6 me.

7                   VICE CHAIR GREENE: I have to tell you,  
8 I think that I like the design. I do believe that  
9 it blends the existing industrial look with the  
10 contemporary flair, the fact that it is on that  
11 corner. I think it is helpful that if it was mid  
12 block perhaps, I wouldn't look quite so favorably on  
13 it.

14                   The fifth floor in this case does not  
15 bother me because of the setbacks. I think it  
16 benefits the livable use of the apartments. It is  
17 an elevator building, so it falls in the context of  
18 family-friendly that we often discussed. I assume  
19 that is an ADA elevator, and it's wide enough and  
20 big enough.

21                   I think it is a perfect place for this  
22 particular building. I like the flood mitigation,  
23 is that an appropriate -- the concept of the panels  
24 to ward off flood waters, we'll see if it works.  
25 But overall, I think it is a very nice project, very

1 interesting and could at some point in time be  
2 considered an iconic building.

3 CHAIRMAN AIBEL: Has anybody ever said  
4 that about your work?

5 MR. MINERVINI: It is still alive now.

6 (Everyone talking at once)

7 (Laughter)

8 COMMISSIONER BRANCIFORTE: I know, I'm  
9 going to say something about the planner's  
10 testimony, and I am going to be frank -- you're  
11 Frank, but I'm going to be frank this time.

12 I have to throw out the planner's  
13 testimony. I don't think it is credible at all,  
14 only based on the fact that he didn't realize that  
15 the building next door is only eight years old, so  
16 it shows me he really didn't study the neighborhood  
17 and the adjoining buildings, so right there I am  
18 thinking his discussions about buildings across the  
19 street and whatnot, he didn't realize that the  
20 building next door is only eight or ten years old.  
21 For me, that comment just makes his testimony null  
22 and void.

23 I don't like the fifth story. Like I  
24 said, I am starting to walk around town and see  
25 these buildings that we approved over the years with

1 the setbacks, and it is not what I expected them to  
2 be. They still look big. They are still visible  
3 from the street. Many of them don't fit in the  
4 neighborhood, so I wish there wasn't a fifth story,  
5 and that is all I have to say.

6 COMMISSIONER COHEN: First, I share a  
7 lot of Commissioner's Greene's views about this  
8 building. I think this is a beautiful design. I  
9 think it is appropriate in an industrial area.

10 The fifth floor, because it is set  
11 back, I appreciate the additional Z-9 drawing, which  
12 shows the site lines that reflect that the fifth  
13 floor is really not going to be that obvious from  
14 the street scape,

15 I think having 2,000 plus square foot  
16 units is an excellent use of the plan, and the space  
17 having less density than is permitted to allow for  
18 three and four-bedrooms units, family-friendly  
19 units, this is what we want our applicants to be  
20 presenting.

21 I think it is an excellent concept for  
22 that purpose, and I think that it is -- and, you  
23 know, I agree with Commissioner Greene. I think to  
24 call it an iconic project, I think is appropriate.  
25 I think it will be an excellent addition to the

1 neighborhood. In the end, it matches the height of  
2 the next door property, which was built in the last  
3 ten years.

4 So, again, I think it fits with the  
5 neighborhood. It's appropriate for the height for  
6 the corner -- for the block across the street is a  
7 half a story taller than it. It seems to fit.

8 Finally, I think it is unfair to  
9 disregard the professional's testimony because of a  
10 mistake in a professional's testimony. I just think  
11 that is patently unfair.

12 Thank you.

13 CHAIRMAN AIBEL: Anybody else wish to  
14 comment?

15 COMMISSIONER FISHER: I will.

16 So I agree a lot with what Commissioner  
17 Cohen --

18 THE REPORTER: Please keep your voice  
19 up.

20 COMMISSIONER FISHER: -- I'm sorry.

21 I agree with most of what you said --

22 MR. GALVIN: If you look at her, that  
23 will help.

24 COMMISSIONER FISHER: I'm sorry, yes.

25 In terms of the size of the building,

1 in particular the units, I think more family, it  
2 addresses the plan to have larger, you know,  
3 footprint units.

4 I don't have a problem with the setback  
5 because I think the architect did a great job of  
6 indicating the sight lines standing on the street  
7 and not really seeing the setbacks, and it is  
8 consistent with the height.

9 I do have an issue with the facade,  
10 notwithstanding it's somehow called an industrial,  
11 and it's a repurposeness of an industrial, the  
12 planner said it is a residential building in a  
13 residential neighborhood, and to have the Hoboken  
14 look, it doesn't seem to have the Hoboken look to  
15 me.

16 I don't think it would be a major  
17 change, but having a bright green copper facade is  
18 the only thing that stood out, and a very, you know,  
19 straight lined building, and I just think that's too  
20 modern for Hoboken. But everything else, it's like  
21 if that were just scaled down a little, I think  
22 everything else about it is a great building for the  
23 neighborhood.

24 COMMISSIONER GRANA: I could add to  
25 what the other Commissioners have said, but they

1 mostly said it.

2 I came in with my own concerns, having  
3 seen both the project and the attempt to satisfy all  
4 of the conditions, particularly the family-friendly  
5 nature of it is a great addition to the  
6 neighborhood. Having seen the renderings, I think  
7 it is -- I think it is bold, but if you look at what  
8 else is necessarily in that area, it actually is  
9 probably a significant enhancement to the other  
10 things that are in the area, and that is a matter of  
11 opinion, so I think it is a good project.

12 CHAIRMAN AIBEL: You're not --

13 COMMISSIONER MURPHY: Do I have to  
14 say --

15 CHAIRMAN AIBEL: No. You're not  
16 compelled to say a thing.

17 COMMISSIONER MURPHY: No. I -- I -- I  
18 agree with a lot of what was said. I am still kind  
19 of struggling a little bit with the facade as well.

20 I tend to really like industrial looks,  
21 and -- but I think the extra patina green and then a  
22 very non industrial topic -- I mean, like putting  
23 the two together, maybe the color is really the only  
24 thing that is kind of pulling them together.

25 I am not sure what I think about that,

1 especially having read the idea that, you know, it  
2 is now a residential building and in an area that is  
3 supposed to be keeping that look, you know, and I  
4 guess in a way I would think that the patina is  
5 trying to act like it's the bay windows and, you  
6 know, projecting cornices maybe -- but yeah. I am  
7 not sure what I think about that.

8 But otherwise, I love the idea in terms  
9 of the bigger apartments. I don't have anything bad  
10 to say about that, and many other things I like  
11 about it a lot.

12 CHAIRMAN AIBEL: I guess I have to  
13 make -- put my two cents in, and I guess my major  
14 concern is, you know, in an effort to create the  
15 larger family-friendly apartments, we are being  
16 pushed to increase the available development space  
17 adding fifth floors, where they are not entitled or  
18 not permitted by our code.

19 I do share some of the concerns from  
20 the other Commissioners about something that is so  
21 startling and new in an area, that I am not sure it  
22 is different materially from other areas in Hoboken,  
23 but I am prepared to, you know, accept that. I  
24 don't think it is right to say that because it is a  
25 better alternative than what we have right now is a

1 reason to be granting substantial variances, and I  
2 don't think any of us here is voting, you know, will  
3 vote on that basis.

4 I am conflicted. I am concerned that  
5 we are going to set a development pattern on the  
6 Fourth Street block for other five-story  
7 developments, and the next applicant that comes down  
8 the pike on Jefferson or, you know, in this area is  
9 going to certainly look at this and say, "Oh, my  
10 goodness, you, Board, granted substantial variances  
11 for a large building on Fourth and Jefferson, why  
12 not us?"

13 So I do have that concern.

14 And on the other side of it, there was,  
15 you know, a great deal of attention given to some of  
16 the elements that we all do like, including bigger  
17 apartments, but I am prepared to put that aside for  
18 a moment. Some of the green features did strike me.  
19 I think the discrete outdoor space was nicely done.

20 I am still a little concerned about the  
21 impact on the neighbors on the Adams Street side,  
22 but it did seem to be a decent use of the space.  
23 Again, if this were a four-story development, I  
24 would probably be vocally in support. I am on the  
25 fence.

1                   So with that long wind-up, does anybody  
2                   want to make a motion?

3                   COMMISSIONER COHEN: I will make a  
4                   motion, a motion to approve with the conditions that  
5                   are articulated by counsel.

6                   VICE CHAIR GREENE: Which are?

7                   MR. GALVIN: All right.

8                   The applicant is to plant six new  
9                   street trees.

10                  The applicant is to replace all of the  
11                  sidewalks along the building frontage.

12                  The applicant is to make a  
13                  contribution, whatever is in Jeff's letter.

14                  The generator is to be tested during  
15                  the week between the hours of noon and three p.m.

16                  And the applicant is to make an inquiry  
17                  to city council to change the sidewalk color to  
18                  identify the driveway entrance.

19                  Is that --

20                  VICE CHAIR GREENE: I will second the  
21                  motion.

22                  MR. GALVIN: All right.

23                  What is important to understand is  
24                  because there is a D variance attached to this  
25                  application, it requires five affirmative votes. So

1 if we have a vote of four in favor and three  
2 against, it will be denied, just so the Board  
3 understands that as new members of the Board.

4 COMMISSIONER FISHER: No pressure.

5 COMMISSIONER COHEN: That is the way it  
6 is.

7 COMMISSIONER BRANCIFORTE: One question  
8 on that.

9 You said it should be tested during the  
10 week or during the day?

11 COMMISSIONER COHEN: During the week.

12 MR. GALVIN: During the week. I meant  
13 Monday through Friday, you know --

14 COMMISSIONER COHEN: During the  
15 business week?

16 MR. GALVIN: During the business week,  
17 sure.

18 COMMISSIONER FISHER: A new member --

19 MR. GALVIN: Just speak up a little  
20 bit.

21 COMMISSIONER FISHER: -- I'm sorry -- a  
22 new member question.

23 THE REPORTER: I can't hear you either.

24 COMMISSIONER FISHER: Eileen, in your  
25 report you say the projection is on both Jefferson

1 and Fourth and requires city council --

2 THE REPORTER: I still can't hear you.

3 COMMISSIONER FISHER: -- I'm sorry --  
4 I'm saying in Eileen's report it's says this is  
5 going to require city council approval.

6 MS. BANYRA: Anything that goes beyond  
7 the property line requires city council approval. I  
8 am not sure what you are referring to --

9 COMMISSIONER FISHER: Well --

10 MS. BANYRA: -- but anything over the  
11 property line also requires city council approval.  
12 If there is a sign hanging over, it requires -- it's  
13 within the public right-of-way.

14 MR. GALVIN: If the applicant --

15 COMMISSIONER FISHER: Like I said, it  
16 was a new person question.

17 MR. GALVIN: -- that's okay.

18 I am also going to add: The applicant  
19 is going to comply with the reports of our  
20 professionals. Is that okay?

21 MR. MARSDEN: And you are going to add  
22 the retention to the plans?

23 MR. GALVIN: If that was in your  
24 report.

25 MR. MARSDEN: Yes.

1 MR. GALVIN: Is that okay?

2 The Board's professional reports will  
3 be complied with --

4 (Board members confer and all talking  
5 at once.)

6 CHAIRMAN AIBEL: Go ahead.

7 Do you have something else?

8 (Board members confer.)

9 CHAIRMAN AIBEL: Okay. I guess we are  
10 ready, Pat.

11 MS. CARCONE: Commissioner Cohen?

12 COMMISSIONER COHEN: Yes.

13 MS. CARCONE: Commissioner Grana?

14 COMMISSIONER GRANA: Yes.

15 MS. CARCONE: Commissioner Greene?

16 VICE CHAIR GREENE: Yes.

17 MS. CARCONE: Commissioner Murphy?

18 COMMISSIONER MURPHY: Yes.

19 MS. CARCONE: Commissioner Branciforte?

20 COMMISSIONER BRANCIFORTE: No.

21 MS. CARCONE: Commissioner Fisher?

22 COMMISSIONER FISHER: I am going to say  
23 no.

24 MS. CARCONE: Commissioner Aibel?

25 CHAIRMAN AIBEL: I thought Tiffanie was

1 going to decide it. Yes.

2 MS. CARCONE: It was approved.

3 MR. GALVIN: Let me just tell you guys,  
4 if you had decided no, you know, it wouldn't be like  
5 a death knell. I mean, they could have come back  
6 with a revised plan and taken the fifth floor off  
7 and come back with a fourth floor. They could have  
8 changed the facade and come back with a new facade.

9 So the mistake that we make is if we  
10 approve something that we don't like, then it is  
11 approved, and it is gone. But if you deny it, it  
12 doesn't necessarily mean that all development is  
13 stopped. They will just come up with a new avenue,  
14 a new approach.

15 CHAIRMAN AIBEL: Thank you.

16 MR. GALVIN: Yes, that is what happens.  
17 That's what happens. If they had turned you down,  
18 you could come back with a different facade and you  
19 would do something different.

20 Good luck.

21 CHAIRMAN AIBEL: Make a nice  
22 building --

23 MR. MATULE: I appreciate that.

24 CHAIRMAN AIBEL: -- and you don't have  
25 to put my name on it.

1 (Laughter)

2 MR. MATULE: Thank you very much.

3 CHAIRMAN AIBEL: Let's have a --

4 COMMISISONER COHEN: Motion to adjourn.

5 CHAIRMAN AIBEL: Do we have any other

6 business?

7 We have a meeting on the 11th.

8 MS. CARCONE: On the 11th.

9 CHAIRMAN AIBEL: So that's our next  
10 meeting.

11 MS. CARCONE: Yes.

12 COMMISSIONER COHEN: I'll make a motion  
13 to close.

14 COMMISSIONER FISHER: Second.

15 CHAIRMAN AIBEL: Seconded by Tiffanie.

16 (The meeting concluded at 11 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 testimony 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.

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: January 31, 2014

This transcript was prepared in accordance with NJ ADC 13:43-5.9.