

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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RE: Hoboken Zoning Board of :
Adjustment of the City of Hoboken :July 21, 2015
(Regular Meeting) :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 Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Tiffanie Fisher
- Commissioner Frank DeGrim

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

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

PHYLLIS T. LEWIS
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PAGE

Board Business

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HEARINGS:

502-504 Monroe Street

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100-108 Paterson (Carried to 9/15)

125

1714 Willow Avenue

130

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 city website.
8 Copies were provided in The Star-Ledger, The Record,
9 and also placed on the bulletin board in the lobby
10 of City Hall.

11 Please join me in saluting the flag.

12 (Pledge of Allegiance recited)

13 CHAIRMAN AIBEL: So it is Tuesday
14 night, which means that it is a Zoning Board of
15 Adjustment night for some of us.

16 (Laughter)

17 We are going to do a couple of
18 administrative matters after Pat gives us a roll
19 call.

20 MS. CARCONE: Commissioner Aibel?

21 CHAIRMAN AIBEL: Yes.

22 MS. CARCONE: Commissioner Greene?

23 VICE CHAIR GREENE: Here.

24 MS. CARCONE: Commissioner Cohen is
25 absent.

1 Commissioner DeFusco?

2 COMMISSIONER DE FUSCO: Here.

3 MS. CARCONE: Commissioner Grana?

4 COMMISSIONER GRANA: Here.

5 MS. CARCONE: Commissioner Marsh?

6 COMMISSIONER MARSH: Here.

7 MS. CARCONE: Commissioner Murphy is

8 absent.

9 Commissioner Branciforte is absent.

10 Commissioner Fisher?

11 COMMISSIONER FISHER: Here.

12 MS. CARCONE: Commissioner McAnuff is

13 absent.

14 Commissioner DeGrim?

15 COMMISSIONER DE GRIM: Here.

16 CHAIRMAN AIBEL: Okay. A couple of

17 administrative matters. We have the withdrawal of

18 213 Adams Street.

19 I don't know if we need anything more

20 than --

21 MR. GALVIN: Is that the only one we

22 have?

23 CHAIRMAN AIBEL: We have two. 213

24 Adams, and 241 Garden Street.

25 MR. GALVIN: And they're being mostly

1 dismissed because now they can be done compliantly,
2 or are they going to the Planning Board?

3 MS. CARCONE: 213 is as of right
4 construction, and 241 Garden looks like it is going
5 to the Planning Board.

6 MR. GALVIN: Good. So just
7 administratively accept them. So we need a motion
8 and a second.

9 VICE CHAIR GREENE: I will move.

10 CHAIRMAN AIBEL: Can I have a second?

11 COMMISSIONER GRANA: Second.

12 CHAIRMAN AIBEL: All in favor?

13 (All Board members voted in the
14 affirmative.)

15 CHAIRMAN AIBEL: Okay.

16 Ready to go, Mr. Matule?

17 MR. GALVIN: I got one thing.

18 CHAIRMAN AIBEL: Oh, excuse me, one
19 second.

20 MR. GALVIN: No, no. It will be really
21 quick.

22 604 Hudson Street was appealed to the
23 governing body, and I have agreed on behalf of the
24 Board, I consented that it would be dismissed. The
25 appellant decided they want to go to court, instead

1 of going before the Council, so I just wanted to let
2 you know that that is happening.

3 COMMISSIONER GRANA: I'm sorry. What
4 location was that?

5 MR. GALVIN: 604 Hudson. It was the
6 garage that had the apartment over it, so it will
7 probably go on to the Law Division.

8 COMMISSIONER GRANA: Thank you.

9 CHAIRMAN AIBEL: Good.

10 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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 RE: 502-504 Monroe Street :
 Block 66, Lots 31 & 32 :July 21, 2015
 Applicant: 502 Monroe, LLC :Tuesday 7:10 p.m.
 Minor Site Plan Review & C & D :
 Variances :
 ----- X

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Hoboken, New Jersey

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I N D E X

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WITNESS

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RUSSELL BODNAR

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KENNETH OCHAB

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E X H I B I T S

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EXHIBIT NO.

DESCRIPTION

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Rendering

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Photo Board

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Photo Board

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1 CHAIRMAN AIBEL: Mr. Matule, 502-504
2 Monroe Street.

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

5 Robert Matule appearing on behalf of
6 the applicant.

7 This is a matter that was carried.
8 Originally we were scheduled for April 21, and then
9 we were carried to 5-19. We had some scheduling
10 issues, and we were carried until tonight.

11 It is an application for minor site
12 plan approval and variances to construct a
13 five-story, four over one, seven residential
14 building with six parking spaces.

15 I have two witnesses, our architect,
16 Russell Bodnar, and our planner, Mr. Ochab.

17 So with no further adieu, I will call
18 Mr. Bodnar.

19 MR. GALVIN: Raise your right hand.

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

23 MR. BODNAR: Yes, I do.

24 R U S S E L L B O D N A R, having been duly sworn,
25 testified as follows:

1 MR. GALVIN: State your full name for
2 the record and spell your last name.

3 THE WITNESS: Russell, and the last
4 name is Bodnar, B-o-d-n-a-r.

5 MR. GALVIN: Mr. Chairman, we had Mr.
6 Bodnar appear previously. Do we accept his
7 credentials?

8 CHAIRMAN AIBEL: We do.

9 MR. GALVIN: You may proceed.

10 MR. MATULE: Okay. Mr. Bodnar, if you
11 are going to refer to anything other than the plans
12 that you submitted, you'll be referring to this --

13 THE WITNESS: Yes. I will be referring
14 to the rendering.

15 MR. MATULE: So we will mark that A-1
16 for identification.

17 (Exhibit A-1 marked)

18 MR. MATULE: Would you just for the
19 record tell us what it is?

20 THE WITNESS: Yes. It's a rendering,
21 the exterior look of the building, a colored
22 rendering of what the building will appear like, a
23 depiction of the building.

24 MR. MATULE: Okay. Could you talk
25 slowly and keep your voice up?

1 THE WITNESS: Okay.

2 MR. MATULE: Please describe for the
3 Board members the existing site and the surrounding
4 area to give them context.

5 THE WITNESS: Yes.

6 The project is located on Monroe Street
7 between Fifth and Sixth. It is on the western side
8 of Monroe Street.

9 The project is an infill project. It's
10 50 by 100. It is almost closest to the corner on
11 Fifth Street, one building in.

12 We are proposing a five-story building,
13 four stories of residential over one story of
14 parking. As Mr. Matule said, we have six parking
15 spaces in the parking garage, and we have seven
16 residential units.

17 As you see on the plans, the
18 residential units will vary. When we look at the
19 plans, I will go through the size of the residential
20 units in a moment.

21 Like Mr. Matule said, we have a couple
22 variances. Our main variances are the building
23 coverage. We are 65 percent coverage as opposed to
24 60, not -- for the reason we are thinking that this
25 will be acceptable is the building to the south of

1 us is about 63 foot deep, and the building to the
2 north of us is 70 feet deep.

3 In the entire lot, number 99, we have
4 the block itself. There are four lots contiguous
5 with one building on it that is 70 feet deep, and
6 there is a smaller building that's only about 40
7 feet deep, but Lots 24 and 25 are also 70 feet deep,
8 but Lots 20 and 21 are a hundred percent lot
9 coverage, and the ones on 18 and 19 are 70 and 75
10 percent lot coverage there as well.

11 The only two vacant lots are 22 and 23,
12 so most of the lots on our block are larger than the
13 60 percent lot coverage and closer to more -- closer
14 to the 70 percent lot coverage than the requested
15 65. The 65 percent lot coverage will give us ample
16 space for our units to be larger. We are driving
17 towards family-sized units --

18 CHAIRMAN AIBEL: Mr. Bodnar, one quick
19 question. What are the vacant lots?

20 THE WITNESS: The vacant lots are 23,
21 and 22 has a small garage in the back, but pretty
22 much vacant.

23 CHAIRMAN AIBEL: You said 21 and 22 --

24 THE WITNESS: Lots 22 and 23, and Lots
25 21 and 20 are 100 percent lot coverage.

1 CHAIRMAN AIBEL: Thank you.

2 THE WITNESS: We are also looking for a
3 height variance. We are allowed 40 feet, three
4 stories over a garage, so we are looking to do an
5 additional story.

6 In our neighborhood all buildings are
7 either five stories or four stories, but the oldest
8 four stories with the raised first floor and the
9 older building is 11 foot floor to floor, so that
10 building matches our height.

11 We can go to just look at the exterior
12 of that. We can look at Sheet ZN-6, which is the
13 elevation page. You will see the front elevation
14 and the rear elevation, and you can see the entire
15 block on the lower left-hand side, Monroe Street
16 elevation.

17 As you can see here, we pretty much
18 line up with the neighboring buildings to be the
19 same height, and at the corners we are about the
20 same height.

21 The neighboring building to the right
22 of us is a little lower, but they have a stepback
23 section on the upper building, which actually makes
24 the building higher than ours.

25 The neighboring building further down,

1 which is a newer building, is four stories over one,
2 parking as well.

3 As you can see down the way, we also
4 have another five-story building that is even larger
5 than ours at the corner, and another four-story with
6 parking below as well on the other corner.

7 We have a couple of low buildings that
8 are probably slated for redevelopment in the middle,
9 and the vacant lot as well. So that is why we are
10 considering and thinking we're in context with our
11 neighboring structures.

12 As you see from the rendering, you see
13 that our building does go a little higher. Our
14 cornice on the building on the corner, and we a
15 little higher on the building to our right, but the
16 building on the right has that additional mezzanine
17 level that you cannot see from the street elevation,
18 but it is about eight feet higher than our building
19 is overall, this building here and the building
20 adjacent to us. That is why we are thinking we are
21 trying to stay within the context of the
22 neighborhood and make it the same height.

23 MR. MATULE: Could you take us through
24 Sheet Z-3 and just describe the site plan and the
25 parking garage?

1 THE WITNESS: Yes.

2 If we can go back and take a look at
3 the parking garage, if we go to ZN-3 --

4 MS. BANYRA: Excuse me, Mr. Bodnar.

5 Would you mind just pulling that plan
6 up?

7 For some reason both myself and the
8 engineer are right at the pole, and if that is still
9 okay for everybody else.

10 THE WITNESS: Yeah, I got you.

11 CHAIRMAN AIBEL: And we don't have a
12 Z-3.

13 MR. MATULE: Pardon?

14 VICE CHAIR GREENE: Z-3 is not part of
15 our plans.

16 THE WITNESS: The ZN-3 sheet, as you
17 can see here, our first floor plan has the six
18 parking spaces including the access aisle for the
19 handicapped space.

20 MS. BANYRA: I'm sorry --

21 MS. CARCONE: Hold on.

22 COMMISSIONER MARSH: We don't have it,
23 and Mr. Matule makes a very bad window.

24 THE WITNESS: Oh, okay.

25 MR. MATULE: I can give you mine.

1 COMMISSIONER MARSH: He can just move,
2 right?

3 I will move this over here, and I will
4 go down here.

5 COMMISSIONER MARSH: Thank you.

6 CHAIRMAN AIBEL: Have you got one?

7 VICE CHAIR GREENE: No.

8 THE WITNESS: As you can see here on
9 ZN-3, the first floor plan here has the six parking
10 spaces, a small lobby, mechanical area and the
11 elevator that will bring us up to the upper level.

12 We also -- depicted on the street, we
13 have some planters and some landscaping and a couple
14 of street trees as well.

15 So we are looking to do -- as you see
16 here from the shaded building on our right-hand
17 side, which is our northern side, that that building
18 goes back an additional five feet from our building,
19 and the neighboring building to the left is about
20 two feet shorter than our building. We figured we
21 would just do a little step between our building and
22 their building to make our building, you know, not
23 quite as big as the 70 foot drop back, but the 30 --
24 a little bit further back than the one on the
25 corner.

1 Also, the corner lot, the entire rear
2 yard of the corner lot building, they are using
3 parking behind the building, so the entire lot is
4 actually being covered by some impervious material
5 in terms of something, and it is on the corner
6 section of that property in the back section of the
7 property, and the property --

8 MS. BANYRA: Mr. Bodnar, can you just
9 indicate with your hand what corner lot?

10 THE WITNESS: The corner lot, this
11 building here is on the corner of Fifth and Monroe,
12 so behind the structure south between here and Lots
13 1 and 2, which is on the adjacent street, that area
14 is right now paved, and there is parking right now
15 in that space to begin with.

16 And as we look to the north, actually
17 this building has parking also in the rear of the
18 property as well, part of the other property. This
19 property as well in the backyard, but we are not
20 proposing any parking in our backyard. We are
21 actually proposing a landscaped area with some
22 privacy decks, as well as a private yard for one of
23 the units above has a stair that goes down from the
24 one unit down to their own private area down below.

25 If you go to the next page, as you see

1 here, ZN-4, we have our floor plans, and the floor
2 plans are as depicted. We have the second, third,
3 fourth and fifth floor plans.

4 We have some apartments on the second
5 floor, which is a three-bedroom, two bath, 1282
6 square foot apartment in the front, and a 1409
7 square foot unit in the rear on that property, on
8 that part. So we are trying to get these units to
9 be family style units.

10 As you can see here, over 65 percent
11 lot coverage on the level.

12 On the upper level, they are about 64
13 percent lot coverage because of the building itself
14 jets in a little bit where we have that little
15 privacy deck that extends out a little bit as well,
16 so that is what we are trying for.

17 That always proceeds to the second
18 floor. The third floor is the exact same, which has
19 two of the same apartments, the third,
20 three-bedroom, two bath, and a three-bedroom two
21 bath on the back as well, same exact square footage.

22 While the fourth floor we get a little
23 different, we went for a little bit of a different
24 mix. In the front of the building, we have a duplex
25 unit that brings us up to about 1800 square feet.

1 In the front unit, we are trying to get a nice
2 three-bedroom and three bathroom in that one with a
3 study.

4 And the top floor unit, which is on the
5 fifth floor, has part of that duplex unit, but we
6 are also going for a 2200 square foot unit in the
7 rear, so we are trying to definitely promote
8 family-style units in this location. That is why we
9 are thinking the 65 percent coverage on the building
10 really does help us out with two things:

11 One, it gets an extra parking space on
12 the lower family.

13 And two: It really makes it so
14 families can stay in Hoboken for larger style units,
15 and people that want to stay, not moving to the
16 suburbs.

17 The remaining pages are just as you can
18 see here, the roof plan is something else we are
19 asking for a variance for. We are over the allotted
20 coverage for the roof, but our allotted coverage is
21 only really for additional green roof treatment.

22 So as you see here, we are at about ten
23 percent coverage for mechanical penthouse and
24 stairs, the elevator, generator, because now it's
25 required. If you have a four-story building, you

1 are required an elevator -- generator, and a four or
2 five, you're required an elevator and generator, and
3 an access stair as well as now we are looking to do
4 a little green roof to add some green elements into
5 our building.

6 MR. MATULE: Russell, with respect to
7 the garage itself, are you going to have bike racks
8 in the garage?

9 THE WITNESS: Yes. We have our bike
10 racks. A lot is over here on the side. We have an
11 area for five bike spaces that would be on the wall
12 mounted rack system.

13 As you can see here, we can also try to
14 tandem them up and try to get ten bike racks, if
15 that doesn't work out, but we are really putting
16 five bike racks there.

17 And we are also providing an electric
18 car charging station on the garage level as well.

19 MR. MATULE: How about pedestrian
20 warning devices?

21 THE WITNESS: Yes.

22 We are required by code to have all
23 pedestrian warning devices in front of the garage
24 doors, and we have an electric light strip that
25 comes on as well when the cars come out around by

1 the doors, so this way it gets even more -- it will
2 only be coming out of the garage, not just the
3 spinner on the upper level.

4 MR. MATULE: Have you received Mr.
5 Marsden's letters of February 3rd and --

6 THE WITNESS: Yes --

7 MR. MATULE: -- and April 14th?

8 THE WITNESS: -- yes. We made those
9 changes to the building. There were some changes to
10 the grading of the property.

11 We had to drop the building slightly a
12 little bit in terms of grade to get the two percent
13 cross slope to work on the project.

14 MR. MATULE: And you have no issues
15 complying with those comments?

16 THE WITNESS: No issues at all. We
17 followed all of the comments so far. I believe
18 anything else, I can address.

19 MR. MATULE: And then, if you would, I
20 know you referred to the rendering, but could you
21 just for the record describe the materials that you
22 are going to have on the facade?

23 THE WITNESS: Yes.

24 As you can see here, the rendering for
25 the project, yes. Primarily we have our brick

1 facade, which is these brick on the outside here.
2 Our windows are going to be metal aluminum clad,
3 wood windows on the inside and aluminum clad on the
4 outside. In between the windows is a cement panel
5 board, that is a cementitious material.

6 On the bays themselves is a -- we are
7 looking for a metal, silver metal metallic bay with
8 the black windows, and as well as we are looking to
9 do a very simple cornice on the top of the building
10 to try to make the building classic, yet simple, yet
11 elegant, and we are looking towards that.

12 MR. MATULE: If the application is
13 approved by the Board, the applicant will have to
14 request an easement ordinance from the City Council
15 for the bay window to overhang the sidewalk, if it
16 is required?

17 THE WITNESS: If it is required from
18 the Board, as long as it is within two feet, I think
19 we'll meet the requirement. I'm going to double
20 check. I think it was the easement -- and we are
21 going to also have all of the flood venting and
22 everything that's a legal requirement of FEMA, and
23 we have brought everything up in terms of FEMA in
24 terms of where we can locate electric and other
25 items because now from a base flood elevation, and

1 we're at Elevation 13 I believe now in Hoboken as
2 opposed to 14 that was on the plans, so we'll change
3 that.

4 MR. MATULE: Okay. I have no further
5 questions.

6 CHAIRMAN AIBEL: Thanks.
7 Board members?

8 VICE CHAIR GREENE: I have a couple.

9 THE WITNESS: 12 to 13 is the base
10 flood elevation now.

11 VICE CHAIR GREENE: Mr. Bodnar, a
12 couple of questions.

13 THE WITNESS: Yes.

14 VICE CHAIR GREENE: First of all, I
15 have to tell you, I can't read your plans. I wasn't
16 able to study them. They are blurred, and they're
17 missing a page, and so it was a little difficult to
18 prepare.

19 THE WITNESS: Okay.

20 VICE CHAIR GREENE: First, you said
21 there was going to be an elevated generator,
22 correct?

23 THE WITNESS: Yes.

24 VICE CHAIR GREENE: And where is that
25 located?

1 THE WITNESS: That's located on the
2 roof.

3 VICE CHAIR GREENE: And it's fueled by?

4 THE WITNESS: It's a natural gas
5 generator.

6 VICE CHAIR GREENE: Now, the rear
7 elevation, what is this material? Is this going to
8 be --

9 THE WITNESS: It is a --

10 VICE CHAIR GREENE: -- vinyl?

11 THE WITNESS: -- it's a Hardie Plank
12 material, which is a cement board. It's a cement
13 board on the side, so it is a simple cement board
14 material with aluminum rails.

15 VICE CHAIR GREENE: Okay. The sides
16 are covered?

17 THE WITNESS: The sides are pretty much
18 all covered. We have a little bit of stucco at the
19 one corner.

20 VICE CHAIR GREENE: And the 65 percent
21 lot coverage, that's for the building or for the
22 building with the stair?

23 THE WITNESS: That is for the building.

24 The stair itself, the rear stair, I
25 didn't put into the building coverage number, so

1 maybe it has to be tweaked a little bit for that.
2 It actually didn't come up in the comment, but there
3 was a comment recently where it said, the stair will
4 encroach into the rear setback because the stair
5 comes back from the unit down to the lower level,
6 down to this lower level and goes beyond the 30
7 foot -- it goes in front of the 30 foot setback, I
8 think it's about 27 to the right, and then you had
9 the older plans, and we had 70 percent lot coverage
10 at first, and under Board direction we actually
11 moved it down.

12 VICE CHAIR GREENE: So this 22-foot
13 rear yard setback that's to the stair or to the
14 building?

15 THE WITNESS: No. That was -- it
16 was -- I mean, I was looking at the earlier plan
17 where it had 70 percent lot coverage still. We
18 now -- we moved that down to 65 percent lot
19 coverage, so that would be another five percent --
20 five feet less would be 27, 27 feet as opposed to
21 the 30.

22 VICE CHAIR GREENE: And that's to the
23 building?

24 THE WITNESS: It's 27 to the back stair
25 itself, and then the building itself is now 35 feet

1 from the rear yard setback. But we are asking for a
2 five percent setback in the front. We are
3 negotiating the five percent setback because all
4 buildings are in alignment at the zero lot line.
5 The zoning code just recently changed also in the
6 zoning code in Hoboken.

7 VICE CHAIR GREENE: Thank you.

8 CHAIRMAN AIBEL: So, Eileen, do the
9 stairs count towards lot coverage?

10 MS. BANYRA: You know, I have to look
11 at that again.

12 I am trying to follow what Russell just
13 said in terms of -- my report said 22 feet in the
14 rear yard, so I have to look at the plans, and I
15 will get back to you in one minute on that.

16 CHAIRMAN AIBEL: Okay.

17 COMMISSIONER FISHER: Can you -- how
18 did you calculate your 65 percent, if it's a
19 hundred -- if it's a hundred foot in length?

20 THE WITNESS: The lot is a hundred feet
21 deep, and the building envelope is 50 by 65, and
22 that is the building envelope.

23 Now above it, the building envelope
24 actually builds in a little bit where the deck is
25 upstairs. I actually cut into the building, so I

1 could have that little privacy deck out there, so
2 that takes away from that.

3 But considering the building from the
4 footprint itself is 65 percent lot coverage on the
5 lowest level, and then the stairs were the only
6 thing that were in question, if they were considered
7 lot coverage or not lot coverage to the rear
8 building -- to the rear --

9 COMMISSIONER FISHER: But it is 50 by
10 60 is the -- 50 by what's the --

11 THE WITNESS: No. The building itself
12 is 65.

13 COMMISSIONER FISHER: -- it's 65. But
14 you have a rear yard setback of 30.

15 THE WITNESS: 35. The building itself
16 is 35 feet deep, but the stair itself protrudes into
17 that space to about 27 feet.

18 So we are at the rear stair coming down
19 off of the one unit into the rear yard. You would
20 like to have that unit be able to have access to the
21 yard itself and have at least one of the owners of
22 the building having a porch in their backyard, while
23 the other people have the community space. And then
24 there is a flat little deck that we put out there as
25 well, so they can each have their own private little

1 deck in the rear yard as well, so if they want to
2 put furniture out there, they have access to that as
3 well.

4 VICE CHAIR GREENE: And the access of
5 the community space is through the garage?

6 THE WITNESS: From the garage.

7 The other ones access is from that one
8 unit.

9 COMMISSIONER DE GRIM: The 35 foot
10 setback, is that to the -- is that to the back of
11 the building or to the -- to the --

12 COMMISSIONER FISHER: Stair.

13 COMMISSIONER DE GRIM: -- balcony or
14 terrace?

15 THE WITNESS: 35 is to the back of the
16 building, and the terrace sticks out I think two
17 feet, so that would be 32 -- 33 feet to the actual
18 terrace, because there is a little piece of the
19 terrace that sticks out.

20 COMMISSIONER DE GRIM: And the building
21 to the north, you said, had parking in the back?

22 THE WITNESS: Yes. It was an older
23 building. They actually have a weird situation.
24 The building has a half level below grade and goes
25 down, and then half a level up, and then they

1 have -- it's really like a five, almost six-story
2 building in some a strange sort of way.

3 It actually has --the building has a
4 part of it that goes underneath, which now you will
5 be having a flood issue, and then it comes out and
6 actually parks a little bit in the back yard, and
7 then it goes up half a level to a landing to a
8 building, to where the residences are, and then it
9 goes up four and a half stories above that, so it is
10 actually like a six-story building to the right --
11 to the north --

12 COMMISSIONER DE GRIM: And the parking,
13 is the parking --

14 THE WITNESS: Yeah. It's a strange
15 thing. I don't know how it got through. It is a
16 project that was done in the mid 2000s.

17 COMMISSIONER DE GRIM: Do they have a
18 hundred percent lot coverage?

19 THE WITNESS: I think they left a
20 little strip back there for planting. That's it.

21 I remember walking back there, thinking
22 that is pretty nice.

23 (Witness laughs)

24 So, and then the one obviously on the
25 corner lot, they park on -- there is no grass or

1 anything. They just park in that space, which
2 happens quite often in the older buildings.

3 MS. BANYRA: Mr. Chairman, just in
4 response to your earlier question.

5 So, Russell, I am not sure that in your
6 testimony at 27 feet, so the back of your stairs
7 looks like it is about 40 inches up, because there
8 is a landing up there, and it looks like it is 20
9 feet.

10 THE WITNESS: 20 feet from the rear
11 yard.

12 MS. BANYRA: Yeah.

13 THE WITNESS: I can look at it again --
14 (Witness and Ms. Banyra talking at the
15 same time)

16 MS. BANYRA: I said 22 is to the patio,
17 so technically it looks like less than 22.

18 THE WITNESS: Let me get it out again.

19 MS. BANYRA: So I think the rear yard
20 setback is probably -- my report is probably
21 generous, and it is probably 20 feet.

22 THE WITNESS: Yeah. I thought it was a
23 little -- yeah, you are probably right.

24 If you look at this, this is ten feet,
25 so that would be 30 -- 75, and that would be 25, so

1 it is about 27. You are right. I thought you took
2 the five extra foot --

3 MS. BANYRA: No. It is actually
4 probably 20, because 22 is to the patio, and then it
5 projects about two feet beyond that.

6 So if you look to the left and you have
7 a measurement -- look to the left -- and also you
8 have a line dimension there that says 22 feet to the
9 patio --

10 THE WITNESS: Oh, okay.

11 MS. BANYRA: -- and now this projects
12 behind that, right?

13 THE WITNESS: No. It's 22 feet to the
14 planter. That's another three feet.

15 MS. BANYRA: Okay.

16 THE WITNESS: That is what I am saying.
17 You had it right before at 22, but I thought you
18 were putting --

19 MS. BANYRA: So the report is right.

20 THE WITNESS: -- your report is right
21 on 22. I thought it was wrong when you hit the
22 70 --

23 COMMISSIONER GRANA: Can I ask what is
24 the actual lot coverage?

25 MS. BANYRA: The lot coverage? We were

1 talking about the setback.

2 The lot coverage I think is 65.

3 THE WITNESS: It was 65 unless we take
4 the stair into the consideration --

5 COMMISSIONER GRANA: I think that was
6 the question.

7 MS. BANYRA: 65.6 percent is what I
8 have down for your --

9 COMMISSIONER GRANA: 65.6?

10 THE WITNESS: Yes.

11 MS. BANYRA: -- is what I have down for
12 your --

13 VICE CHAIR GREENE: That is with or
14 without the stair?

15 MS. BANYRA: That is with the stair.

16 THE WITNESS: I wrote it up as 65
17 downstairs, and 65.6 was with the upstairs deck with
18 an extra balcony --

19 MS. BANYRA: So my report is correct.
20 It's 65.6 with the deck, and which is part of the
21 stairway.

22 THE WITNESS: Yeah.

23 COMMISSIONER GRANA: 65.6.

24 CHAIRMAN AIBEL: So the deck protrudes
25 about a foot and a half beyond the back of the

1 building?

2 MS. BANYRA: Yes.

3 THE WITNESS: Yes. The deck itself is
4 a -- I think it is 14 foot -- let me take a look at
5 it and give you the exact number.

6 It is a 14-9 deck that comes out two
7 feet from the edge, so that would be to the back
8 property line, it would be 33 feet to that, to that
9 deck that sticks out.

10 COMMISSIONER DE FUSCO: Mr. Chair, if I
11 may ask --

12 CHAIRMAN AIBEL: Go ahead.

13 COMMISSIONER DE FUSCO: -- Mr. Bodnar,
14 a question for you.

15 The building to the west of this 62
16 feet is a 62 foot setback?

17 THE WITNESS: The building to the?

18 COMMISSIONER DE FUSCO: West.

19 THE WITNESS: To the west directly
20 behind us?

21 COMMISSIONER DE FUSCO: I'm sorry. It
22 would be, if you're looking --

23 THE WITNESS: To the north.

24 COMMISSIONER DE FUSCO: -- is it to the
25 north?

1 The one to the left, if I'm staring at
2 the building, it's directly to the left.

3 THE WITNESS: Lot 33, which is to the
4 left, which is the southern side, it is 63 feet.

5 COMMISSIONER DE FUSCO: Okay. How many
6 feet -- and this is 65 --

7 THE WITNESS: This is 65, and the
8 building -- the buildings to the north of me are 70.
9 That's why -- we originally came in at 70, and
10 during our ARC meeting we swapped it down to 65,
11 thinking of a better transition.

12 COMMISSIONER DE FUSCO: Sure.

13 Architecturally, you think it is a
14 better transition going between 70 foot and 63 foot
15 to have kind of a tiered deck approach?

16 THE WITNESS: Yeah. We were thinking
17 that, and also, you know, we decided no, we don't
18 want to be piggish on that --

19 (Witness laughs)

20 THE REPORTER: What did you say?

21 THE WITNESS: Decided not to be a
22 little piggish on that, to try to say we'll go to
23 70, we'll go 65.

24 MR. GALVIN: It's p-i-g-g-i-s-h.

25 THE REPORTER: I know how to spell it,

1 but I didn't know what he said.

2 MR. GALVIN: You don't hear that often
3 at Zoning Boards.

4 (Laughter)

5 THE WITNESS: Yes, but that was our
6 consensus among our group.

7 COMMISSIONER DE FUSCO: So your
8 testimony is that it's a stepback approach
9 architecturally speaking that you think is going to
10 aid the end of the block in kind of aiding the green
11 donut?

12 THE WITNESS: Yeah. Also you will have
13 that nice building -- you'll have the building on
14 the corner. Then you will have a little bit of a
15 step, and then you won't be coming out and having a
16 big kind of big ugly looking vinyl wall there that
17 was ten feet.

18 COMMISSIONER DE FUSCO: Understood.
19 What benefit to the donut do you think
20 the foot and a half or two foot protrusion on the
21 deck serves the green donut space?

22 THE WITNESS: I don't think it is
23 really a detriment. I mean, if somebody doesn't
24 like it, we can bring it in a little bit further.
25 But I felt actually when you walked out, you would

1 be able to look beyond the deck. That's what we
2 were thinking. So you can look in both directions a
3 little bit further than just being -- you're just
4 being you're stuck and cut completely in, and then
5 when you step out, you won't have the rail. You
6 will have the ability to look south, and you have a
7 little bit of, you know, some area looking south,
8 because like I said, we are a little beyond the
9 other building if you look south, we can look and
10 have a view out.

11 COMMISSIONER DE FUSCO: No. I think
12 the tiered approach that you testified to is sage.
13 I think that -- I was just wondering if there was a
14 reason that that additional foot and a half, two
15 foot, you know, deck was -- what it was serving. It
16 seems -- it seems -- it seems a little superfluous
17 in the matter --

18 THE WITNESS: That is what I was
19 thinking when I did it.

20 COMMISSIONER DE FUSCO: The other
21 question I have: Is there water retention built
22 into this project?

23 THE WITNESS: Yes.

24 We have -- underneath the building will
25 be a water detention system that will be supplied.

1 You won't be able to amply trap all of the water --

2 COMMISSIONER DE FUSCO: It is a
3 significant flood zone, so I just wanted to be sure
4 that --

5 THE WITNESS: Yeah, exactly, and we
6 also have all of the flood stuff as well.

7 COMMISSIONER DE FUSCO: Pervious
8 pavers, excuse me, in the rear yard?

9 THE WITNESS: Yes. We also added in
10 like -- we didn't do regular grass, but we did
11 artificial grass, but water can seep right through
12 it, and we felt like that was better than just
13 putting all pavers back there because this way it
14 gave it a little more ability to drain.

15 COMMISSIONER DE FUSCO: So they are
16 pervious pavers?

17 THE WITNESS: Yes.

18 COMMISSIONER DE FUSCO: Okay.

19 Then I also noticed the rooftop plan,
20 there is a green roof up there, but I also saw that
21 there is a stairway from the duplex that goes up to
22 the roof --

23 THE WITNESS: No. That is the main
24 staircase. That stairwell is a stairwell from the
25 building itself for maintenance, so we didn't --

1 that is not going from the roof up.

2 COMMISSIONER DE FUSCO: So there's no
3 proposal for a roof deck --

4 THE WITNESS: No. There's no roof
5 deck --

6 COMMISSIONER DE FUSCO: -- private --
7 privatized space on the roof?

8 THE WITNESS: Not at all. We're
9 just -- I also like to put one real staircase above
10 there because maintenance is always an issue --

11 COMMISSIONER DE FUSCO: Sure. HVAC --

12 THE WITNESS: -- and then we have a
13 generator up there, and the generator is very
14 difficult to work on, if you don't have the ability
15 to do that.

16 COMMISSIONER DE FUSCO: And then
17 where -- how many parking spots are currently on
18 the --

19 THE WITNESS: Six.

20 The 65 actually gave us the extra
21 space. We only had -- we would not be able to get
22 that extra spot, if we only had 60 foot. We needed
23 to have five spaces, so we felt like an extra five
24 foot in terms of the getting another car off the
25 street.

1 COMMISSIONER DE FUSCO: Well, yeah,
2 parking is certainly, you know, permitted in the D-3
3 zone. Additional parking would be a benefit.

4 Street life, when you encourage parking
5 on the street, you certainly are, you know, aiding
6 the benefit of the building, which is great.

7 What does your building do to aid
8 active streets and lively streets, which is part of
9 the master plan?

10 THE WITNESS: Well, we have a series of
11 lights on the building, so we didn't put a light out
12 there because we felt between the two trees it would
13 be like crowded. But we have lights on the building
14 itself on the -- let me go to sheet -- I can't seem
15 to find a picture of it. But there is a like
16 glass -- a glass and metal that doesn't really shine
17 up, but it shines outward, and it is a very tempered
18 looking light.

19 And we also did a light diagram, and we
20 also pulled out the cutoffs here, so it won't spill
21 onto other people's properties, but we have ample
22 light along on the whole front over -- I think it
23 goes down the building around one, one and a half on
24 the walking surface. So this way you will have
25 lights, and it won't look like a dark street. That

1 is why I placed them one, two, three, four of them
2 on the facade.

3 COMMISSIONER DE FUSCO: Great.

4 THE WITNESS: We also have some lights
5 in the rear, but I didn't put anything crazy in the
6 back because I didn't want anything shining up even
7 beyond --

8 COMMISSIONER DE FUSCO: Great.

9 Thank you.

10 Give those balconies some thought. You
11 know, I was somewhat agreeing with your tiered back
12 plan, but those protrusions on the balcony don't
13 seem in line with what you're saying.

14 THE WITNESS: No problem. No problem.

15 COMMISSIONER FISHER: Just one quick
16 question.

17 So the building that is on Lot 33, that
18 is set back you said to 63, what -- what is the
19 shape of the building and --

20 THE WITNESS: It has a little bit of an
21 in-cut in the one section.

22 COMMISSIONER FISHER: And are there
23 windows on it?

24 Do you have a picture of the back of
25 the building?

1 I didn't see them in the planner's
2 report and I didn't know if they --

3 THE WITNESS: I think the planner might
4 have a picture of it better than I do. It does have
5 one -- it's that typical Hoboken building. It has
6 that one window --

7 COMMISSIONER FISHER: Right.

8 THE WITNESS: -- this is one corner.
9 Nothing really faces -- our building faces out, you
10 know what I mean? So it is like the typical older
11 style building where they actually had like one
12 larger part and like a sister building to that that
13 had like those little courtyards in there for a
14 little extra light.

15 CHAIRMAN AIBEL: Mr. DeFusco asked what
16 benefit the extra two feet on the balcony would do
17 for the donut, but let me ask it a different way.

18 What is the extra five feet over the 60
19 percent lot coverage going to do for the donut?

20 THE WITNESS: Well, let me -- well, to
21 gain that extra parking space and get it off the
22 street, number one.

23 Number two: We are trying to promote,
24 which, you know, for a while family style units in
25 Hoboken, that extra five feet does great to the

1 square footage of the units themselves, in terms of
2 making this more livable space.

3 If I took the five feet off by the plan
4 I have here, the bedroom would end up becoming an
5 eight foot by eight foot bedroom or eight foot by
6 ten foot bedroom.

7 CHAIRMAN AIBEL: But we are here with
8 an ordinance that says 60 percent lot coverage.

9 THE WITNESS: I know. That's what I'm
10 saying.

11 CHAIRMAN AIBEL: Maybe you would need
12 to appeal to the City Council.

13 THE WITNESS: Yes. We talked about
14 that once before way back.

15 (Laughter)

16 CHAIRMAN AIBEL: I guess my concern is
17 that the extra five feet on the 60 percent principal
18 structure is going to result in a loss of 250 square
19 feet of pervious surface in the rear yard in the
20 flood zone, but that was an observation maybe more
21 than a question.

22 Anybody else?

23 COMMISSIONER GRANA: I have a question.

24 Mr. Bodnar, is there a reason the
25 structure could or could not have been designed with

1 a stoop type facade, and what is the positive or
2 negative reason for not including the stoop?

3 THE WITNESS: The stoop?

4 One thing, I love putting stoops in,
5 but right now one of the issues of putting stoops
6 in, since the base flood elevation if you had done
7 that, we are ten feet off the ground. Ten feet, if
8 you put stairs coming down off ten feet, it would
9 project into the street about 30 feet, because every
10 riser you need, even if I consider a residential
11 building is eight inches, but in a commercial
12 building it's seven inches. So every riser can only
13 be seven by 11 inches out.

14 In the older buildings like in Hoboken
15 where you have brownstones, they only go up -- they
16 go up and the risers are like nine -- nine inches
17 tall by seven inches deep, and I could never build
18 that today. That's one, you know, in terms of
19 today's reality, so that is why they can go at a
20 much deeper climb than I can go up nowadays.

21 Yes?

22 COMMISSIONER FISHER: I think one of
23 the things that we have seen as it relates to the
24 stoop on some other projects is where you don't have
25 to necessarily have, you know, maybe the ten steps

1 outdoors, but maybe it's just a couple that give the
2 appearance of a stoop, where as the internal -- you
3 know, it goes up three steps, and then you go
4 through a hallway, and the rest of the steps are at
5 the end, so it's almost like -- it still gives an
6 appearance of a smaller stoop, but the rest of the
7 stairs to get to that residential floor is internal.

8 THE WITNESS: We could probably have
9 done that. There is another stair on this side
10 here. There is no door over here. You know, bring
11 that up -- I've done that before in the northwestern
12 development zone, where I gone up three or four
13 steps in some of my projects, and that door itself,
14 then you come out of, and then you have a couple
15 steps. You could raise the entire platform, and
16 that is something that could be done.

17 The main area, I cannot produce stoops
18 because anything that I add higher means I need to
19 have a handicapped ramp, and for every inch I go
20 higher, I need to go a foot long for a ramp. So say
21 if I needed two steps at seven inches, that is a 14
22 foot ramp, so that's going into the main building
23 part where the elevator is with the handicapped
24 access.

25 But for the other location, I could

1 easily add a little stoop there and a couple of
2 steps just to give it the illusion that we have a
3 stoop in our building, even though it would just be
4 like going into a hallway that's just for egress
5 only.

6 COMMISSIONER DE FUSCO: Is there a door
7 between the garage and the elevator?

8 THE WITNESS: Yes. If we go back to
9 the plan --

10 COMMISSIONER DE FUSCO: Would that be
11 compliant and provide entry --

12 THE WITNESS: No.

13 COMMISSIONER DE FUSCO: -- that would
14 not be compliant --

15 THE WITNESS: No, because you're not
16 allowed -- I can't consider a handicapped person --
17 I am not allowed to -- handicapped -- less than, so
18 if you can't come into the front entrance, you
19 can't --

20 (Commissioner DeFusco and witness
21 speaking at the same time)

22 COMMISSIONER DE FUSCO: Right, totally
23 understood.

24 So to Tiffanie's point, you would be
25 willing to work in a stoop to the side of the

1 building?

2 THE WITNESS: Yeah. This stair going
3 down here, instead of having a couple of extra
4 steps, I could take a couple of these steps out and
5 add them here, because I am allowed to have three
6 steps when I come out without going into a franchise
7 easement ordinance.

8 Yes?

9 COMMISSIONER FISHER: If you were to do
10 it there, is the bottom of that window --

11 THE WITNESS: This window here, it
12 would be behind this part here.

13 COMMISSIONER FISHER: Right.

14 Is it the bottom part that juts out?

15 THE WITNESS: No. That's actually --
16 that's actually -- that's further to the north of
17 that, so that's actually a wide-open space there, so
18 I could easily add that there.

19 COMMISSIONER FISHER: Because do you
20 know -- when you look at that side of the block, it
21 looks like from the pictures I can see in the
22 planner's report, at least for part of the block,
23 that most of the buildings on that side of the block
24 have some sort of stoop, so would this be the only
25 building without a stoop on that side of the block?

1 The other side of the block --

2 THE WITNESS: Yeah. You see like what
3 happened to the building, like I said, the building
4 to the -- this building does not have a stoop, and
5 this building does not have a stoop. These other
6 buildings you said have stoops on them. This
7 building that has a stoop on it is actually a weird
8 situation, where actually -- I don't know how this
9 was ever really done.

10 But they have -- the parking goes down
11 into the ground, and yours is half a level up, so I
12 really don't know how they would have any
13 handicapped access, but like prior to 2000,
14 handicapped access was a bit shaky in Hoboken.

15 COMMISSIONER GRANA: The reason I
16 raised the question originally is that the master
17 plan calls for the promotion of stoop life, where I
18 see, if I look at ZN-6 we have six other entrances
19 that all have stoops on the same block, and you are
20 now building a new structure that doesn't have
21 them.

22 THE WITNESS: Like I said, I could add
23 that little stoop with the door, not the main one,
24 almost like fool around with handicapped or not --

25 MR. MATULE: If I might be allowed to

1 ask Mr. Bodnar a question, maybe it would shed some
2 light on things.

3 Mr. Ochab has not testified yet, but in
4 his planning report he has pictures of the buildings
5 to the north with the stoops.

6 Can you tell from looking at these
7 pictures, if the first residential floors that the
8 stoops go into are lower than what you are permitted
9 to have today?

10 THE WITNESS: Well, yeah, this is
11 only -- this residential floor is only about four
12 feet above the ground. Now it would have to be
13 eight foot above the ground just to be residential,
14 so these are actually at the residential level.

15 Now, what they did here -- what
16 somebody did here was a -- probably said the
17 handicapped person's access is through the garage.
18 Prior to 2000, maybe you could have gotten away with
19 that, but that's probably what they're doing.

20 As you can see down here in the corner,
21 there is a garage that goes down, and there's a half
22 a level, and there's a half a level up, and then
23 these are all stoops. And these are all
24 individual -- they don't go into the building.
25 These go actually into each individual apartment on

1 that first level. There is one access -- I thought
2 there was one other access point, but somehow one of
3 these is probably into a unit -- I mean one is
4 probably just into the residential space itself, a
5 lobby.

6 MR. MATULE: So I guess my question is:
7 You couldn't build a step that low to access the
8 first residential floor under the current flood
9 regulations?

10 THE WITNESS: No. I couldn't do that.
11 But I could actually -- like you see here, there's a
12 little stair right here and that goes out over here.
13 This is about two or three steps.

14 Our building has another entrance here,
15 so it's really our egress for emergency purposes. I
16 could add a little stoop to that, if you guys like,
17 and that's not a problem, and then it would mimic
18 the one to the south of me. It wouldn't be as long
19 as the ones to the -- obviously to the north, but it
20 would be about two or three steps, which I could
21 easily do, because this is a layout -- this -- the
22 residential -- this used to be a store, so what they
23 did was they closed it in, and they made another
24 floor somewhere in here, up a little higher, and
25 this is a little lobby, and that's what they did

1 with this at one point.

2 That used to be a store. That's why --
3 this is a 12 foot high space, so somebody did some
4 changes in the seventies it looks like, I think.

5 COMMISSIONER GRANA: Thank you.

6 CHAIRMAN AIBEL: Elliot?

7 VICE CHAIR GREENE: In looking at that
8 photo and seeing the wonderful blue trash cans in
9 the front space, where did you provide for trash and
10 recycling?

11 THE WITNESS: Well, trash and recycling
12 is in our garage space. I think you can see it
13 here.

14 See on the back section by the
15 bicycles, you have all of this, and they would only
16 be -- they would have building maintenance, and they
17 will be able to bring them out and then bring them
18 back, so they are not going to be sitting inside in
19 the front obviously, because everything is
20 landscaped on one side, and then the door and then
21 the other door, so there's no really place to leave
22 them out there. You wouldn't be able to do that.

23 CHAIRMAN AIBEL: Could you describe the
24 circulation of the garage? Do people have to back
25 out of the garage or --

1 THE WITNESS: Yeah. Well, everybody --
2 no, nobody backs out of the garage. You come in.
3 You pull into your space, and you back out, and you
4 go forward out of the garage. You're just doing a
5 K-turn. All cars do a K-turn.

6 One time I had tried to get in another
7 space at one point, where the bikes were, and have
8 the bikes hanging, but the -- it was just too tight
9 to try to make extra space there, so that would have
10 been a weird space. But the rest were easy. You
11 come in. You back out, and like I said, I have five
12 bikes here, and I have a couple of extra bikes in
13 between parking spaces four and five as well.

14 CHAIRMAN AIBEL: Okay.

15 COMMISSIONER DE FUSCO: One last
16 question, if I may.

17 Is there any way to continue to make
18 this family-friendly with the amount of bedrooms and
19 spacious bedrooms that a family would like, but kind
20 of bring it in from the donut a bit?

21 You know, the balconies were one --

22 THE WITNESS: Yeah. I could definitely
23 take the balcony in, because if you start like --
24 and that's why I didn't draw the layouts, because if
25 I did draw the layouts, and said okay, how big are

1 this photograph one here --

2 THE WITNESS: Yes.

3 COMMISSIONER DE GRIM: You see here --

4 THE WITNESS: Never mind --

5 COMMISSIONER DE GRIM: -- the hatched
6 line where you can't park at the corner goes back
7 pretty far, and I'm just curious. I know you have a
8 red SUV on your --

9 THE WITNESS: Yes, on my rendering.

10 COMMISSIONER DE GRIM: -- rendering.

11 THE WITNESS: Yes.

12 COMMISSIONER DE GRIM: Is there
13 actually going to be the possibility to park a car
14 between your garage door and the corner?

15 THE WITNESS: I don't know why the city
16 cuts that off so far. That's normally not the case.
17 they don't usually -- actually I won't say they're
18 doing it for some other specific reason, because
19 technically you should be able to get your whole car
20 there before you get the extra section, unless it is
21 specifically handicapped, and that somebody has a
22 sign that says handicapped. I never saw it before.

23 Technically, if you look at it, this is
24 a car. If you put a car here, you still have ample
25 sections --

1 COMMISSIONER DE GRIM: No, I agree.
2 But the way it looks now is that you are going to
3 lose a parking spot on the street. I figured that
4 would be a high --

5 THE WITNESS: Yeah. It's a great --
6 but I don't see a hundred there. I figured that
7 would be catch for a hundred --

8 CHAIRMAN AIBEL: Okay.

9 THE WITNESS: -- I wonder why they did
10 that. Maybe at one time the space was so small
11 between the drive access aisles and where the curb
12 ended, and they attached it.

13 But now I think we have extra space
14 because my drive aisle is further to the north, so
15 now like where this building is, this is coming
16 down --

17 COMMISSIONER DE GRIM: Right.

18 THE WITNESS: -- so my drive aisle is
19 here, so easily you will be able to get two cars in,
20 so they could probably rehatch it the other way. I
21 think you can get two more spaces on the street --
22 you're going to gain space --

23 COMMISSIONER FISHER: Isn't it -- isn't
24 it --

25 COMMISSIONER MARSH: We'd like to help

1 you out.

2 COMMISSIONER FISHER: Yeah.

3 I think that white line around the car
4 means you can't park there. It looks like that car
5 is parked illegally.

6 THE WITNESS: Yeah. That car is parked
7 illegally, because that's actually a driveway.

8 COMMISSIONER FISHER: Right. So --

9 THE WITNESS: You go out -- when we put
10 our new driveway in -- see this white building here?

11 COMMISSIONER FISHER: Yeah, yup.

12 THE WITNESS: That's coming down, so
13 our driveway will be over here --

14 COMMISSIONER FISHER: You're going to
15 move it.

16 THE WITNESS: -- so this will be --
17 this will be a parking space now, and since this was
18 probably too close to the curb to make a space, they
19 probably hatched it off at one time.

20 Well, now they can probably get a
21 second car there, so in reality I think it's
22 actually -- although you will lose one car here, you
23 will gain maybe two cars.

24 COMMISSIONER DE GRIM: Are you saying
25 that at the very least, what is now hatched off for

1 the driveway entrance, where the cars will be
2 parked, that that is going to be -- that that is
3 going to be clear --

4 THE WITNESS: That's going to be clear
5 for a parking space --

6 COMMISSIONER DE GRIM: Okay.

7 THE WITNESS: -- and, you know, like
8 when the other cars park, you will lose that one --

9 COMMISSIONER DE GRIM: You gain that
10 one --

11 THE WITNESS: -- I think you still can
12 gain the next one, too. It definitely looks like
13 there's an extra -- there's enough space, but maybe
14 they thought there wasn't enough space to put
15 something on --

16 COMMISSIONER DE GRIM: Well, maybe it
17 was a driveway there like you said --

18 THE WITNESS: Yeah, probably.

19 CHAIRMAN AIBEL: Okay. Let's go.

20 Professionals, any questions?

21 MS. BANYRA: Yes.

22 So, Russell, you testified to a few
23 things that are not represented on the plans.

24 The pavers, you indicated the pavers,
25 and I have this in my report -- are porous pavers,

1 that that's not --

2 THE WITNESS: Well, I didn't write it
3 on the plans that way, but we can definitely do
4 that.

5 MS. BANYRA: Okay. But your testimony
6 is they are going to be --

7 THE WITNESS: Correct.

8 MS. BANYRA: -- and they need to be on
9 the plans, and it has to be represented that way.

10 THE WITNESS: Yes. We will get you
11 specs on that.

12 MR. MARSDEN: As well as the detail.

13 MS. BANYRA: And the detail has to be
14 shown.

15 THE WITNESS: We will get the specs and
16 email them --

17 MS. BANYRA: You also indicated that
18 the rear wall is going to be Hardie Plank, and the
19 Hardie Plank is only showing up as trim on your
20 plans, so you're testifying that the wall will
21 also --

22 THE WITNESS: Yes. All of the trim and
23 the siding itself is Hardie Plank --

24 MS. BANYRA: Okay.

25 THE WITNESS: -- the cement board is

1 down as Hardie Plank --

2 MS. BANYRA: Okay. The other thing is,
3 do you know what the prevailing fence line is on
4 that street?

5 THE WITNESS: I can check into it. I
6 don't remember or recall what the exact --

7 MS. BANYRA: Because we could
8 possibly -- it appears to be bigger than three feet,
9 so maybe, you know, coincident with the rest of the
10 neighborhood, it looks like you can move your fence
11 line out and get a little bit bigger planter --

12 THE WITNESS: So that's not a problem.
13 I definitely will take a look at it, especially if
14 we were talking about adding that stoop, then I
15 guess it would get a little bit further out, and
16 that would be helpful from the stoop itself.

17 MS. BANYRA: Yeah, yeah. Okay.

18 These are all things that you are going
19 to --

20 MR. GALVIN: You remind me.

21 MS. BANYRA: Okay.

22 And then the other thing is the
23 lighting. Your lighting is all, particularly for
24 the rear yard is not -- there's no cutoffs. You
25 indicated in your testimony that there is cutoffs --

1 THE WITNESS: In the front. I didn't
2 do the rear because the rear doesn't project very
3 far out.

4 MS. BANYRA: But it's not represented
5 on your plan --

6 THE WITNESS: Okay.

7 MS. BANYRA: -- is what I'm saying.

8 So your rear then are, even if they are
9 illuminating, they are illuminating straight back,
10 so to a rear yard, rear-to-rear yard, that could be
11 really irritating to your neighbors, so you should
12 have a cutoff for something that's going to put it
13 down, a downward thing, because straight up light is
14 not going to be -- and the front I think is less
15 impactful, but it still should have some kind of
16 cutoff.

17 THE WITNESS: Okay. Cutoffs, so we
18 will look at that.

19 MR. GALVIN: Shoebox lighting?

20 MS. BANYRA: Well, not necessarily.
21 Just something with cutoffs --

22 THE WITNESS: Not a problem.

23 MS. BANYRA: I think that's all I have,
24 Mr. Chair.

25 CHAIRMAN AIBEL: Mr. Marsden?

1 MR. MARSDEN: You also indicated the
2 generator was on the roof, but yet that's not shown
3 on the plans, and --

4 THE WITNESS: It is actually shown on
5 the roof plan.

6 MR. MARSDEN: Is it? I didn't see it.

7 THE WITNESS: Yeah.

8 MS. BANYRA: What sheet?

9 THE WITNESS: It's on ZN-5. So ZN-5
10 it says right here, "generator." It's right behind
11 the stairs.

12 MR. MARSDEN: Oh, right behind the
13 elevator. Okay.

14 THE WITNESS: Yeah. That's why I put
15 it there because I had a structure to hold it. No
16 problem with that.

17 MR. MARSDEN: Okay. And you indicated
18 you will be going to do LED lighting also at the
19 garage --

20 THE WITNESS: At the garage door,
21 coming down the side --

22 MR. MARSDEN: But they are not called
23 out on the plans, are they?

24 THE WITNESS: What?

25 MR. MARSDEN: You don't have them

1 called out or labeled on the plan.

2 THE WITNESS: No. We were talking
3 about which way they were going -- when we first
4 met, we talked about putting them in the sidewalk,
5 but we couldn't figure out which way that worked.

6 So now we talked about putting them on
7 the side, and I just didn't call them out because we
8 didn't know which direction we were going.

9 I just wanted to mention, we will do
10 whatever is required to do that.

11 MR. MARSDEN: Yeah. At least call them
12 out on the plans.

13 I think that was it.

14 MS. BANYRA: The parking space, Jeff,
15 do you want to address the parking --

16 MR. MARSDEN: Oh, the parking space out
17 front. You can get one parking space 25 feet, but
18 they have a restriction from the return of the curb
19 back, and you are going to need at least 22 or 23
20 feet for a parallel spot, so you probably can't get
21 that second spot.

22 THE WITNESS: You don't think I could
23 do that. Okay. I was just trying to see. When I
24 looked, I thought maybe I could when we move the
25 thing back further.

1 MR. MARSDEN: Yeah. If you go right to
2 the property line or right to the curb line, you
3 can, but you really won't be able to do that.

4 THE WITNESS: Okay. No problem. I
5 didn't know if we could. That's why I'm telling you
6 what happened if I physically checked it --

7 COMMISSIONER DE GRIM: But you could
8 get at least one spot there?

9 THE WITNESS: Yes. So we are really
10 not losing any spaces.

11 MR. MARSDEN: You're just moving that.

12 THE WITNESS: We're just moving that.
13 I thought maybe we could get a second one.

14 CHAIRMAN AIBEL: Okay. Are we okay?

15 MR. MARSDEN: We are okay.

16 CHAIRMAN AIBEL: Good.

17 Let me open it up to the public.

18 COMMISSIONER DE GRIM: I'm sorry. I
19 have one more.

20 On the south side you are going to be
21 sticking beyond that building to the south a few
22 feet?

23 THE WITNESS: About two feet.

24 COMMISSIONER DE GRIM: Okay. And
25 what's going to be on the facade there?

1 THE WITNESS: That I believe I put
2 Hardie Plank on that section there.

3 COMMISSIONER DE GRIM: I didn't see
4 that specified at all.

5 THE WITNESS: No, it's not. I just had
6 a stucco finish there, because it was only a three
7 foot section, I could make it the Hardie Plank and
8 just --

9 MS. BANYRA: Could you just wrap it
10 around and make it Hardie Plank?

11 THE WITNESS: -- yeah. I'll wrap it
12 around the front --

13 COMMISSIONER DE GRIM: Thank you.

14 CHAIRMAN AIBEL: Okay. I'll open it up
15 to the public.

16 Anybody have questions for the
17 architect?

18 Seeing none.

19 COMMISSIONER GRANA: Motion to close
20 public portion.

21 CHAIRMAN AIBEL: Do I have a second?

22 COMMISSIONER FISHER: Second.

23 CHAIRMAN AIBEL: Okay.

24 All in favor?

25 (All Board members voted in the

1 affirmative.)

2 Thanks, Mr. Matule.

3 MR. MATULE: Mr. Ochab.

4 CHAIRMAN AIBEL: Oh, while we are
5 taking a quick change of witnesses here, if anybody
6 is here for 905 Hudson -- is anybody here for 905
7 Hudson?

8 I don't have to announce that --

9 MS. CARCONE: Well, we have to carry
10 it.

11 MR. GALVIN: You're going to have to
12 announce that it's been carried -- why don't we do
13 it now?

14 (Board members confer.)

15 What are we carrying it to?

16 MS. CARCONE: The 28th.

17 MR. GALVIN: I need a motion and a
18 second.

19 COMMISSIONER GRANA: This is a motion
20 to carry 905 Hudson to the 28th?

21 MS. BANYRA: Yes.

22 COMMISSIONER GRANA: Motion to carry
23 905 Hudson to the 28th --

24 CHAIRMAN AIBEL: Without further
25 notice.

1 COMMISSIONER GRANA: -- without further
2 notice.

3 MS. CARCONE: It will be at the
4 Multi-Service Center.

5 COMMISSIONER GRANA: So it will stack
6 up against Stevens.

7 MS. CARCONE: Can we get a second?

8 COMMISSIONER DE GRIM: Second.

9 CHAIRMAN AIBEL: All in favor?

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

12 CHAIRMAN AIBEL: Thank you, Mr. Matule.
13 Go ahead.

14 MR. MATULE: Mr. Ochab.

15 CHAIRMAN AIBEL: Dennis, would you do
16 the honors?

17 MR. GALVIN: Sure.

18 Raise your right hand.

19 We already did that.

20 (Laughter)

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, yes.

25

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

3 MR. GALVIN: State your full name for
4 thee record and spell your last name.

5 THE WITNESS: Ken Ochab. That's
6 O-c-h-a-b.

7 MR. GALVIN: Mr. Chairman, do we accept
8 Mr. Ochab's credentials?

9 CHAIRMAN AIBEL: We do.

10 MR. GALVIN: Very good.

11 MR. MATULE: Before Mr. Ochab
12 testifies, since it will be relevant to his
13 testimony, I did confer with the applicant, and
14 they --

15 MR. GALVIN: Good thing we gave you
16 that commercial break.

17 (Laughter)

18 MR. MATULE: -- they will pull those
19 decks in, so they are flush with the rear of the
20 building, so we are just at 65 percent lot coverage
21 for the main structure and do away with that
22 encroachment into the rear yard.

23 So I am only bringing that up now, so
24 when Mr. Ochab testifies, he can talk about 65
25 percent lot coverage for the main building rather

1 than whatever it was, 65.6.

2 So, Mr. Ochab, you are familiar with
3 the zoning ordinance and the master plan?

4 THE WITNESS: Yes.

5 MR. MATULE: And you are familiar with
6 the project as revised?

7 THE WITNESS: I am.

8 MR. MATULE: And you prepared a report,
9 dated October 4th, 2014?

10 THE WITNESS: I did.

11 MR. MATULE: And you amended that,
12 revised that on June 8th?

13 THE WITNESS: Yes, I did.

14 MR. MATULE: In support of the
15 requested variance relief?

16 THE WITNESS: Yes.

17 MR. MATULE: So could you go through
18 your report and give us your professional opinion
19 regarding the requested variance relief?

20 THE WITNESS: So we are in the R-3
21 zone, and in this application we are using the old
22 zoning ordinance, so we should start there.

23 So with respect to the application, we
24 have several variances. We have a building height
25 variance for the number of floors. We have four

1 over one in this case as opposed to three over one,
2 and we have a building height of 50 feet measured
3 from grade, where 40 feet is the application
4 requirement of the zoning requirement.

5 We still also have a lot coverage
6 variance and a roof coverage variance as well,
7 together with also a front yard variance. These are
8 all under the old zoning ordinance.

9 So let's start with the building height
10 variance. You heard an awful lot of testimony about
11 the building height, the adjacent building heights,
12 and it is all true.

13 The photographs that I have, should we
14 just mark this?

15 I will do it myself.

16 (Laughter)

17 MR. MATULE: Oh, I'm sorry. I was
18 taking notes.

19 MR. MATULE: A-2.

20 (Exhibit A-2 marked.)

21 MR. GALVIN: You know, it would be like
22 if Vanna White got cut off by Sajak --

23 (Laughter)

24 -- that's all right, I'll flip the
25 letter.

1 (Laughter)

2 MR. MATULE: Do you have two photo
3 boards?

4 THE WITNESS: Yes, we do.

5 I missed that day in planning school,
6 you know, where you mark the exhibits.

7 MR. MATULE: And we'll mark the other
8 photo board A-3.

9 (Exhibit A-3 marked.)

10 And could you just for the record
11 describe what they are, and when you took the
12 pictures?

13 THE WITNESS: Yes.

14 A-2 is a series of three photographs
15 all taken by me on or about the original date of the
16 report, which was October 4th, 2014.

17 I have been to the site about a week
18 ago. It pretty much looks the same, no real
19 changes.

20 With respect to height, the photograph
21 at the top of the board is a photograph of the
22 project site right in the center, so we have a
23 two-story building and a vacant parcel, which is
24 actually being used as a parking lot, so we have
25 basically a nonconforming use on the lot to the left

1 and an existing condition here on the lot to the
2 right.

3 To the south or to the left corner
4 building, again, one, two, three, four stories, but
5 this building is about 48 feet in height as
6 represented by the architect's plan.

7 And the building to the north, which is
8 shown in the center photograph, this building is
9 approximately 52 feet in height, and we are at 50
10 feet in height. So it's just as you said earlier,
11 we are basically meeting halfway between the two
12 buildings.

13 Ironically, if we were two feet
14 shorter, we would have qualified under the adjacency
15 rule, where if both buildings exceeded the height
16 requirement, we are able to meet the lowest of the
17 two buildings, but we just missed it by two feet
18 because of the fact that we had parking at the grade
19 level and needed to get that building up together
20 with the ten foot floors for each residential unit.

21 So we are pretty close, but in any
22 case, we are again between the two buildings, and we
23 are very much consistent with the height with
24 respect to that, both in terms of the physical
25 height and also with respect to looking at the other

1 side of the street, and also along the continuation
2 of Monroe, there's a number of five-story buildings.
3 Those buildings are shown in again the architect's
4 street scape profile.

5 The lower photograph is a photograph of
6 directly across Monroe from the project site, and
7 here we have a number of five-story buildings,
8 parking at grade level.

9 The only place we don't have parking at
10 grade level is when the lots are 25 feet in width.
11 We also have this issue with a 25 foot lot. I still
12 remember that from the last meeting, where parking
13 is not really feasible or possible in most cases.

14 So where we do have more than 50 feet,
15 we do have parking at the grade level. The adjacent
16 building to the north is actually a building that's
17 a hundred feet in width and 70 feet in depth, so we
18 do have parking at that level and underneath the
19 building, so there is parking in a number of
20 buildings, and again, that basically results in a
21 four-story residential, three floors over the one
22 story of parking. We are very much again consistent
23 with that.

24 So with respect to lot coverage, again,
25 these photographs on A-3, there is three photographs

1 here, and they represent on the top photograph, that
2 is the photograph of the building to our north, so
3 it is the same building just to the north, showing
4 the back of that building. Again, this building is
5 70 feet in depth.

6 Our building will be 65 feet in depth.
7 It basically comes up to about where this little
8 shed extension is. So our building does not extend
9 to or beyond the building to the north.

10 Again, just looking at the building to
11 the north, there's no balconies. There's no decks
12 protruding, just the rear yard open area back there.

13 Although I don't have a photograph of
14 it, it was mentioned earlier. The building to the
15 south, which again on A-2 is the building on the top
16 of the photograph. That building is approximately
17 62 feet in depth, and so our building could be
18 approximately two to three feet beyond that. The
19 architect just spoke about it, and I can tell you
20 that we looked at the back of that building, and
21 there's no decks. There's no patios. There is just
22 a fire escape back there, and that is it.

23 The remaining part of that corner
24 property is a parking lot, which is off Fifth
25 Street. So, again, there is no real impact with

1 respect to the increase in the coverage that we have
2 with respect to our building.

3 The center photograph and the lower
4 photograph are basically looking at the rear yard
5 area. There we have a building that is on Fifth,
6 which is an L-shaped building, and it comes
7 basically out to the rear yard property line.

8 So in this case, this is our rear yard
9 here in the foreground, and you can see that that
10 building in the foreground basically is on the
11 property line or just maybe one or two feet off of
12 the property line. I can't tell for sure because it
13 is not on the survey, and I don't know where the
14 property line is physically.

15 But the fence line is here, and it
16 meets the building. So this building basically with
17 respect to open space, basically offers none, and so
18 with respect to what we are doing, even though we
19 have again 65 percent coverage, we are providing
20 basically 35 feet of open rear yard area, which is
21 going to be the donut, the start of the donut, at
22 least on the south end of the block.

23 Again, the corner property, even though
24 it extends into and adjacent to our rear yard, it's
25 all paved, all building or paving, so there is no

1 room for open space there, and actually that sets
2 the edge of the donut in any case.

3 So if we start that donut, and then go
4 to the north, which again we have a 70 foot
5 building, so we have, again, maybe not as much rear
6 yard and open space as we are providing with respect
7 to that.

8 With respect to the front yard setback,
9 again, this is what I call a minor variance. It
10 requires five to ten feet of setback area. We have
11 zero setback, which is typical. We are meeting and
12 aligning our front yard -- our front building facade
13 with the adjacent buildings. Both of them are from
14 the south, so we don't have any setback in that
15 respect, and that is part of the design element with
16 respect to the street scape and the esthetic
17 approach towards the building facade.

18 The other variances concerning roof
19 coverage, again, we have 10.8 percent of mechanical
20 roof coverage, so we are just point eight percent
21 over the 10 percent allowable, which I think is a de
22 minimus variance request, and that is probably
23 because of the mechanical equipment that is required
24 up on the roof, and the other part of that roof
25 coverage variance is for 56 percent, which is the

1 green roof area.

2 Under the old ordinance, green roofs
3 are not permitted, so we have a variance with
4 respect to that, and of course, that is obviously a
5 positive element of the application and helps to
6 provide environmental benefits with respect to that,
7 so that is where I think we are.

8 Again, we look at the street scape
9 here, and I will just add my comments about the
10 stoop and stoop approach.

11 I know that is a concern of the Board.
12 Certainly there was a mixed approach here, where
13 most of the buildings that have been built in, let's
14 say, prior to or post 1990, post 2000, do not have
15 stoops, and those that do have stoops, for instance,
16 this one just to the north, again, by looking at the
17 elevation, the front door areas are probably below
18 the flood elevation in any case.

19 So with that in mind, I think it is
20 also -- I understand where the Board is coming from
21 with respect to stoops. I certainly support that,
22 but I also think there are a number of other ways to
23 enhance street life, enhance the street by doing
24 other things, like putting in benches, front gardens
25 and the like, so people can sit and congregate and

1 simply just again replacing the parking lot and the
2 older buildings with new construction, again, which
3 will on the architectural rendering will show that.
4 Again, we have a pleasant environment outside of the
5 building and not necessarily one that needs to have
6 a stoop, but I certainly understand where the Board
7 is coming from with respect to that.

8 The other thing I do want to say is
9 that all of the five-story buildings that exist, all
10 were constructed post 2000.

11 The building to the north is 2001, and
12 the building, again, down the street, 2002. And all
13 of the buildings across the street were constructed
14 in 2000, 2008, 2015, so they are post -- post
15 ordinance change to a lot of the five-stories.

16 So I think I will stop there, and I
17 will be happy to answer any questions.

18 CHAIRMAN AIBEL: Thank you.

19 Board members?

20 COMMISSIONER FISHER: Just one quick
21 question.

22 Mr. Ochab, you mentioned that other
23 types of ways to enhance kind of the street level.
24 I guess -- what -- in a situation like this, where
25 it's a zero lot line like all the way across the

1 block, what realistically are other ideas in front
2 of a residential building, you know, other than
3 doing something like a stoop?

4 I mean, I think -- I know personally my
5 own questions and comments around a stoop is
6 literally just looking at this, you know, the bottom
7 and just trying to think of ways that you can
8 enhance it and make it more livable, but isn't a
9 full-blown encroachment on the sidewalk. You know,
10 it is that tradeoff, especially when you're about to
11 put trees. Like at some point, the sidewalk is too
12 crowded.

13 So what else are you thinking can be
14 done?

15 THE WITNESS: Well, I think in a
16 situation like this, I think you have small benches
17 that you put in the corners or along the front, and
18 you enhance that area by landscaping around the
19 bench, and it is a convenient place, an easy place
20 for people to sit, read the paper, watch the people
21 go by, sit with your dog.

22 The question that I keep thinking about
23 is whether or not, okay, we put in a stoop. Is
24 anybody going to sit on the stoop itself?

25 How wide is the stoop going to be?

1 Is it going to be five feet wide or
2 four feet wide?

3 If somebody sits on a four feet wide
4 stoop, can anybody get by?

5 Is that going to be, you know, is it
6 going to be a real enhancement to be out on the
7 street or not, and in some cases I would say
8 certainly so, certainly some of the streets like
9 Bloomfield, Park, where you have a row of stoops, it
10 is part of the environment. But here, it is a
11 mixture of different architectural styles, different
12 periods of development. I think there are other
13 ways to achieve the goal of getting people out on
14 the street without actually putting in a stoop.

15 COMMISSIONER FISHER: I appreciate
16 that. I think when I asked the question, I also
17 think about it in terms of what makes it have a
18 street level, eye level appearance of being more
19 residential, so a stoop versus maybe a bench or
20 something just gives -- to me, just give the
21 appearance that it's like an entry into a home.

22 THE WITNESS: Yeah. Certainly that
23 could be done. I understand that, too. But, again,
24 I think there is more than one approach to the --

25 COMMISSIONER FISHER: I agree.

1 Thank you.

2 THE WITNESS: -- and I am not going to
3 mention anything about trash being blocked by the
4 flood ordinance.

5 (Laughter)

6 CHAIRMAN AIBEL: Be good.

7 THE WITNESS: I'm still --

8 CHAIRMAN AIBEL: Anyone else?

9 Board members?

10 MR. GALVIN: That could be a canned
11 speech.

12 (Laughter)

13 CHAIRMAN AIBEL: Mr. Ochab, the hundred
14 percent lot coverage buildings on Jackson, do they
15 have rear facing windows, windows facing your
16 property?

17 THE WITNESS: There are two portions to
18 the building. The side here is the one that's
19 actually on the property line, and it has no
20 windows.

21 There's a - it's an L-shaped building,
22 so it goes down to Jackson and turns up, and so this
23 facade on the left side of the photograph certainly
24 is windows and decks and everything else, but that
25 is set back about 25 or 30 feet from the rear line.

1 It is just this portion right here by
2 the --

3 CHAIRMAN AIBEL: I guess I was looking
4 at plan ZN-1, Lots 1 and 2. Are they a hundred
5 percent lot coverage?

6 Mr. Matule, I don't know if you can
7 help us.

8 MR. MATULE: I think if you look, if I
9 might, on Sheet ZN-2, there is a survey and
10 replications of the survey on the left side of that
11 sheet, and you can see on Lot 1 and the majority of
12 Lot 2, it appears that the building comes all the
13 way back to the rear property line, and I think that
14 kind of ties in with this photograph that Mr. Ochab
15 has on A-2 here.

16 This looks like just the remaining
17 balance of that Lot 2 based on the survey.

18 THE WITNESS: Because this little chain
19 link fence with the slats in it is our northern
20 property line, so that building is maybe ten feet
21 off the property line and then just a solid wall
22 behind.

23 MR. MATULE: I don't know if it would
24 be any more helpful, I have the actual survey, if
25 you want to look at it.

1 CHAIRMAN AIBEL: I guess I just was
2 interested in knowing whether these buildings were
3 going to be facing a blank wall that would be 50
4 foot wide by however tall the buildings on Jackson
5 are.

6 MR. MATULE: Well, first of all, it
7 would appear, and if that was a building that has
8 been built in the last 15 or 20 years, they couldn't
9 have windows back there anyway. It would be
10 illegal.

11 CHAIRMAN AIBEL: All right. Thanks.

12 Anybody else?

13 (Board members confer.)

14 MR. GALVIN: Antonio, repeat yourself,
15 so that we can get it on the record.

16 COMMISSIONER GRANA: I asked Ken if I
17 could see A-1 again.

18 CHAIRMAN AIBEL: Mr. DeGrim, did you
19 want to comment?

20 COMMISSIONER DE GRIM: No, thank you.

21 CHAIRMAN AIBEL: Okay.

22 COMMISSIONER DE FUSCO: Mr. Chairman,
23 may I?

24 CHAIRMAN AIBEL: Sure.

25 COMMISSIONER DE FUSCO: Mr. Ochab, you

1 know, there was another applicant that I asked this
2 question to not as seasoned with the Board as you
3 are, so I'm going to ask it the same way I asked it
4 a couple of months ago.

5 When you approach the edges of the
6 block, is it good planning to stagger it as this
7 project is proposing?

8 You know, because these are
9 particularly difficult places to build on and still
10 preserve green space. And you know, could you just
11 walk us through why that could be good planning
12 because I would be eager to hear your professional
13 opinion on it?

14 THE WITNESS: You're talking about
15 along the rear of the buildings?

16 COMMISSIONER DE FUSCO: Correct, yeah.
17 Where all of the buildings obviously on Fifth Street
18 and on Monroe are coming together and how to open up
19 the green donut, but at the same time actualize the
20 space that the -- that you guys are proposing?

21 THE WITNESS: Well, in this case, the
22 purpose of having the open space in the donut is
23 light, air and openness. So what happens is you
24 have a 70 foot building, and then you have a
25 building, which is 63 or 62 feet.

1 And so that opening, it is sort of
2 opening the provision for light as you get to the
3 edge of the block, and so having a building between
4 the two that is staggered between the 63 and the 70
5 helps to promote that same degree of light and air
6 in a way that doesn't affect -- there is two things
7 happening. One is to promote light and air, and the
8 other is whether or not you would encroach on
9 somebody else's light and air, your neighbor's light
10 and air.

11 So with respect to that, as having a 65
12 foot building that doesn't encroach on the building
13 to the north's light and air because it doesn't
14 extend beyond it, and to the south it is only two
15 feet, and because we are on the west side of the
16 street, the sun is coming around from the south, so
17 it doesn't really impact the building to the south
18 either, and yet it does provide that sort of like
19 prism of light that comes around.

20 So I would say it is good planning in
21 order to do that. It certainly provides more open
22 space and, for instance, if this building to the
23 north were 60 feet, and we were proposing a 65 foot
24 building, we would be five feet behind this
25 building, then we would have problems as we had in

1 the past with the adjacent building provision of
2 light, air, openness, and also it would then be an
3 encroachment into the open space from the center of
4 the block, so it would look like a sawtooth as
5 opposed to something more rational, so that is my
6 take on it.

7 COMMISSIONER DE FUSCO: Yeah, no,
8 absolutely.

9 So the building's location does create
10 a hardship, if you will, in terms of how you would
11 design the building and how, you know, you would not
12 only optimize light and air to this building, but
13 also to your neighboring buildings?

14 THE WITNESS: Well, put it this way: I
15 think it is the best design alternative for the set
16 of conditions that we have to deal with in this
17 case, and now that we moved the decks in off of
18 the -- we don't have them extended out, I think it
19 is even more favorable.

20 COMMISSIONER DE FUSCO: Thanks so much.

21 CHAIRMAN AIBEL: And there is an
22 opening on Fifth Street, is that correct, that 38
23 foot opening into the donut on Fifth Street?

24 THE WITNESS: Yes. Because it is --
25 the building ends, and then there is the parking lot

1 there, so there is still light and air that gets
2 through at that portion.

3 CHAIRMAN AIBEL: And this will encroach
4 five feet into that light and air?

5 THE WITNESS: Well, the difference here
6 is the two feet between the 63 foot building to the
7 south and the 65 foot building to the north that we
8 are proposing, so it is two feet, so it is this.

9 CHAIRMAN AIBEL: I will stand
10 corrected.

11 Anybody else?

12 Professionals?

13 MS. BANYRA: Yeah.

14 So, Mr. Ochab, I guess your testimony
15 was modulating the rear lines of the building is
16 good planning, is that because --

17 THE WITNESS: It still achieves the
18 master's plan objective of providing open space, yet
19 it doesn't impact any adjacent buildings, existing
20 adjacent buildings.

21 MS. BANYRA: But it does impact the lot
22 coverage, which is, you know, a consideration in
23 that. So while it doesn't impact your adjacent
24 buildings because one of them is way further
25 extended and one is less, correct?

1 So what you are saying is taking the
2 middle position makes a nicer flow for some reason
3 in the back, is that right?

4 THE WITNESS: Well, I don't want to put
5 it that way because there are a number of things
6 going on.

7 It is the relationship of the proposed
8 building to adjacent building, but it's also that
9 extra four feet also provides one additional parking
10 spot that we would not have gotten if we were at 60
11 feet according to the architect's testimony, so we
12 have one more space, off street space that we can
13 get in the building.

14 It is the R-3 zone. We have 50 feet of
15 frontage, trying to maximize the amount of off
16 street parking here, which does not afford to the
17 remainder of the neighborhood, particularly all of
18 the buildings that have been built on 50 foot plus
19 lots since 2000.

20 MS. BANYRA: I mean parking is -- you
21 know, we only require parking, I believe, in two
22 spaces of this property according to the ordinance,
23 and I don't believe that has changed, so you are
24 providing a benefit to the property, but that is not
25 necessarily coincident with what the ordinance

1 requires, correct?

2 THE WITNESS: That's correct.

3 This is not an ordinance requirement.

4 It is more or less trying to provide parking for the
5 family oriented residents that are going to be
6 there.

7 MS. BANYRA: Then I think the architect
8 indicated that there is going to be porous pavers,
9 and I think there is artificial grass and then
10 there's decks in the backyard, and then there's an
11 additional five percent coverage.

12 What is under everything in terms of
13 the artificial grass?

14 I know there is porous pavers, but what
15 is under the decks and what's under the -- and is
16 that all porous, because obviously it is a severely
17 impacted area in terms of flooding.

18 So in terms of weighing the competing
19 interests, I think that is also where the coverage
20 issue comes in, so maybe you can talk about that a
21 little bit.

22 THE WITNESS: I mean, I talked to the
23 architect about that, because I saw, as you did, you
24 know, the number of materials being used there, and
25 it was indicated to me that all of the materials are

1 essentially porous, so that the rainwater will go
2 through.

3 MS. BANYRA: Okay. So then I guess it
4 should be reflected on the plans, and Jeff, correct
5 me if I am wrong, that underneath all of those
6 materials should be gravel or something that
7 actually will -- actually I don't know, it could be
8 clay conditions, for example, so it may not actually
9 be porous unless the condition is created, so I
10 think that's all I have.

11 THE WITNESS: I don't normally get into
12 it, but I agree.

13 MS. BANYRA: You understand.

14 MR. MARSDEN: I just have one quick
15 question.

16 What is the requirement for the height,
17 the required height?

18 THE WITNESS: Required height, 40 feet
19 here, because --

20 MR. MARSDEN: 40 feet --

21 THE WITNESS: -- above grade because --

22 MR. MARSDEN: -- above physical grade.

23 You're not above flood?

24 (Board members confer.)

25 THE WITNESS: Do you want a time out?

1 MR. MATULE: My understanding is under
2 the old ordinance when you have parking, you measure
3 from grade, regardless of whether you are above or
4 below the base flood elevation at the sidewalk
5 level.

6 MR. MARSDEN: All right. I just wanted
7 to make that clear, that it was above grade, not
8 base flood.

9 MR. MATULE: Under the new ordinance
10 you measure from DFE, and if you have the space
11 underneath, you can have parking.

12 MS. BANYRA: That is why you are asking
13 for the D variance for the height?

14 THE WITNESS: Yes. I did get that
15 right.

16 (Laughter)

17 VICE CHAIR GREENE: Do you happen to
18 know the square footage of the green element of the
19 roof?

20 THE WITNESS: Of the green element?

21 VICE CHAIR GREENE: Yes.

22 THE WITNESS: In square feet, not
23 offhand. I know it is 56.2 percent of the roof.

24 MR. MATULE: 1200 -- it looks like 1282
25 square feet?

1 Is that correct, Mr. Bodnar?

2 MR. BODNAR: Yes, that is correct.

3 MR. MATULE: Thank you.

4 VICE CHAIR GREENE: 1282 square feet of
5 green element --

6 MR. MATULE: That is on Sheet ZN-5,
7 there's a calculation.

8 VICE CHAIR GREENE: Now, is that --
9 these are probably questions for the architect.

10 Is that -- the roof drainage tied into
11 the retention?

12 THE WITNESS: I am assuming that it
13 would be. Normally it is.

14 MR. BODNAR: That is correct. All of
15 the roof drains would be tied into the drainage
16 system and also the drains from your yard, anything
17 that drains from your yard also goes into the
18 retention system as well.

19 VICE CHAIR GREENE: Thank you.

20 CHAIRMAN AIBEL: Anybody else?

21 COMMISSIONER DE FUSCO: Yes. One more
22 question.

23 Mr. Ochab, something that the Chair had
24 said is making me think here.

25 So the western end of Lot 33, so Lot 33

1 takes -- is to the left of our building. It is
2 currently a parking lot. The western edge of that
3 is currently a parking lot?

4 THE WITNESS: Yes.

5 COMMISSIONER DE FUSCO: All right.

6 Say they decided to subdivide that lot
7 one day, and turn it into a building.

8 From a planning perspective, if this
9 proposed building is now infringing two feet into
10 that space, what would that do to the continuation
11 of the block?

12 THE WITNESS: Well, putting aside the
13 lot size issue, if the buildings were allowed to be
14 built in that year yard area --

15 COMMISSIONER DE FUSCO: It would have
16 to be a hundred percent lot coverage for that
17 building -- I know we shouldn't be talking
18 hypotheticals, but the continuation of the blocks
19 and lively streets are a large concern of the
20 master plan. So I asked the question, that if that
21 building were a hundred percent lot coverage, and
22 this building was then permitted to overlap two feet
23 into it, would that then block the light and air of
24 that building?

25 THE WITNESS: Well, it would affect it

1 to some degree because you would have, let's say, a
2 four-story, five-story building immediately adjacent
3 to its rear yard, so certainly that would have an
4 impact. That is one side of it.

5 But the other side of it, and I said
6 this before, that the edges of the block are
7 basically the donut, so they are the anchors that
8 sort of encapsulate the open space in the middle of
9 the block, so it would also achieve to serve that
10 purpose as well.

11 COMMISSIONER DE FUSCO: Got it. Thank
12 you.

13 CHAIRMAN AIBEL: Anybody else?

14 Board members?

15 Okay. Let me open it up to the public.
16 Anybody have questions for Mr. Ochab?

17 CHAIRMAN AIBEL: Seeing none, may I
18 have a motion?

19 COMMISSIONER GRANA: Motion to close
20 public portion for this witness.

21 COMMISSIONER FISHER: Second.

22 CHAIRMAN AIBEL: All in favor?

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

25 CHAIRMAN AIBEL: I'm sorry. Go ahead.

1 MR. MATULE: That is fine.

2 I just was going to make a few closing
3 remarks, if I might.

4 MR. GALVIN: We should see if anybody
5 is here from the public first.

6 CHAIRMAN AIBEL: Let's do that first.
7 Let me open it up to the public for
8 comment.

9 Anybody wish to comment on the
10 application, please come forward.

11 MR. GALVIN: Raise your right hand.
12 Do you swear to tell the truth, the
13 whole truth, and nothing but the truth so help you
14 God?

15 MR. BAJA: I do.

16 MR. GALVIN: State your full name for
17 the record and spell your last name?

18 MR. BAJA: Chris Baja, B-a-j-a, from
19 509-500 Jackson Street.

20 The building is esthetically in the
21 development that oppose it of the Monroe Street, and
22 there used to be an old house on the right side of
23 this project, which I understand is demolished now,
24 and they are proposing a new project here.

25 The building on the right side of this

1 goes almost 70 feet deep, as you heard from the
2 architects, and this one is 65, so I think it is a
3 good step behind, and it is a good project, and it
4 will be a very plus to the town to have this
5 approved and built instead of keeping one old
6 building over there.

7 The building on the left is 60 feet
8 deep, as I said, and there is parking in the back,
9 so it is almost indirectly a hundred percent lot
10 coverage site, so I think you will be very proud if
11 you approve this project.

12 CHAIRMAN AIBEL: Thank you, sir.

13 COMMISSIONER GRANA: Thank you.

14 CHAIRMAN AIBEL: Anybody else wish to
15 comment?

16 Seeing nothing, close public portion.
17 Can I have a motion?

18 COMMISSIONER GRANA: Motion to close
19 public portion.

20 CHAIRMAN AIBEL: Second, anybody,
21 please?

22 (Laughter)

23 COMMISSIONER MARSH: Second.

24 CHAIRMAN AIBEL: All in favor?

25 (All Board members answered in the

1 affirmative.)

2 CHAIRMAN AIBEL: Thanks.

3 Mr. Matule?

4 MR. MATULE: Yes, just a couple of
5 remarks.

6 In the context of the adjoining
7 buildings, I think the project fits in nicely both
8 in terms of the height and the depth.

9 It is splitting the difference a little
10 bit between the two buildings, and I know there is a
11 concern about the donut, but under the old ordinance
12 that we are operating under, I would just remind the
13 Board that we could have the rear wall of the
14 building back at a 70 foot mark rather than the 65
15 foot mark it's going to be at, and still have a
16 conforming 30 foot rear yard.

17 Here we are going to have a 35 foot
18 rear yard, and I think esthetically, especially with
19 it being open on Fifth Street, instead of seeing
20 that ten foot masonry wall on the building to the
21 north of this building, you would only see five feet
22 of it, so it does kind of make that sawtooth
23 gradation come down.

24 As Mr. Ochab said, there is no real
25 substantial impact on any of the adjoining

1 properties.

2 Unfortunately, the building that's to
3 the west of us has a hundred percent lot coverage
4 for almost the width of the two lots, so there is
5 really no donut there to start with, and we are
6 respecting with our rear yard, if you will, the
7 start of the edge of the donut hole going north from
8 there.

9 So I really think all things
10 considered, the additional five percent lot coverage
11 is really not egregious or a substantial detriment
12 and balancing sort of the benefits of having little
13 larger apartments, I think it is a good project, and
14 I would ask that the Board approve it.

15 CHAIRMAN AIBEL: Thanks, Mr. Matule.

16 VICE CHAIR GREENE: Can I ask a
17 question?

18 CHAIRMAN AIBEL: Actually I have a
19 question as well.

20 Go ahead.

21 VICE CHAIR GREENE: No, you go first.

22 CHAIRMAN AIBEL: Well, we can go into
23 deliberations, but there was also an offer of
24 reducing the -- I'll call it the bump-out in the
25 rear of the building.

1 MR. MATULE: That is not an offer. We
2 are doing that.

3 CHAIRMAN AIBEL: Well, that's fine
4 except I don't understand what is going to happen in
5 the back of the building now, so I need to hear from
6 Mr. Bodnar.

7 MR. MATULE: Well, I can have him come
8 up --

9 CHAIRMAN AIBEL: Are there going to be
10 balconies? Are there going to be windows?

11 MR. MATULE: There's going to be inset
12 balconies, just like --

13 MR. BODNAR: The insets -- the balcony
14 insets itself are about like two to three feet, and
15 then add just a two foot projection that just has a
16 railing on it.

17 CHAIRMAN AIBEL: So we are going to
18 have a two foot indent with a rail across?

19 MR. BODNAR: You will have a two foot
20 indent, where the building -- where doors are, and
21 then it has a four foot balcony, but on two foot
22 beyond -- beyond the face of the building, it
23 projects two feet. This projects two feet out
24 beyond the bays, so it has a little railing on it.
25 That's all.

1 CHAIRMAN AIBEL: We are eliminating the
2 two foot bump-out?

3 MR. BODNAR: Yes, that is fine.

4 CHAIRMAN AIBEL: So what is going to be
5 left in terms of a --

6 MR. BODNAR: Well, I'm going to
7 probably bring it in a little further to make it so
8 it's a usable area, so I haven't figured that out
9 still how far I'm going to bring it in.

10 We might bring it in like three feet or
11 whatever. We are going to discuss that.

12 CHAIRMAN AIBEL: Okay. Well, in my
13 view, if there were an approval here, we would have
14 to have it subject to review by the professionals.

15 MR. GALVIN: Yes, at the time of the
16 memorialization.

17 CHAIRMAN AIBEL: Amendments on the fly
18 are always, in my view, a little bit intricate.

19 MR. MATULE: Well, I guess what I am
20 saying is, it's within the 65 percent footprint of
21 the building. There will be a railing flush with
22 the rear face of the building.

23 How deep the balcony goes into the unit
24 will be the wild card, but it will be approximately
25 the four feet that it is now. They are just going

1 to take that two feet and slide that opening back --

2 CHAIRMAN AIBEL: Out of the apartments.

3 Okay. Fine.

4 MR. MATULE: -- and take it out of the
5 floor space of the apartments.

6 MR. GALVIN: Do you want to see it at
7 the time of memorialization?

8 CHAIRMAN AIBEL: Sure.

9 MR. MATULE: But that would be on any
10 resolution set of plans, should the Board see fit to
11 approve it.

12 CHAIRMAN AIBEL: Okay. Elliot?

13 VICE CHAIR GREENE: I have a question
14 either for Eileen or for Jeff.

15 One of my concerns is the extra 250
16 square feet of building as opposed to, you know,
17 free drainage essentially.

18 One of the reasons I asked the question
19 about the green roof, is it fair to say that 1200
20 square feet of green roof is the equivalent of 250
21 square feet of ground?

22 MS. BANYRA: Yeah. You know, I asked a
23 number of times for the calculation, so we could
24 actually have it, and I don't know the answer to
25 that. I don't know if Jeff knows the answer to

1 that, but we don't have a calculation to that. You
2 know, what is the equivalent, number one.

3 Number two: We are not called to
4 inspect any of these. While we are approving a lot
5 of them, I have never inspected one, so I am hoping
6 they are all going in. I don't know. I don't know
7 the longevity of it. We don't have a maintenance
8 plan and things like that, you know, but I am
9 assuming they are going in, and everybody is doing
10 that.

11 VICE CHAIR GREENE: I suppose you can
12 also assume that the landscaping is going to remain
13 impervious, and somebody will not pave over an area
14 after the building is up.

15 MS. BANYRA: Yeah. I think the
16 landscaping is a little bit more visible, and you
17 know, it certainly serves residents on the ground,
18 and it serves the front of the building in terms of,
19 you know, visually enhancing that. And in the rear
20 yard certainly people tend to like landscaping or
21 something protective in green, so that I maybe feel
22 a little bit more secure about.

23 The rooftop, you know, green roofs,
24 while I advocate for them, and I'm hoping that they
25 are all done, you know, that is just kind of a hook

1 on that. I don't know what really happens, but it
2 is a good question. I don't know the answer.

3 I guess maybe for the next meeting
4 between Jeff and I, we can come up with the
5 calculations and say, this is equal to that kind of
6 thing.

7 MR. MARSDEN: Well, typically those
8 type of issues are addressed in the drainage report
9 to North Hudson, which we will get a copy of

10 MS. BANYRA: I don't know if they do
11 the green roofs.

12 MR. MARSDEN: I saw a couple of them
13 that did. Some of them didn't. I mean, some of
14 them don't, but some of them do.

15 VICE CHAIR GREENE: Should we require
16 them to, or is that under a different jurisdiction?

17 MR. MARSDEN: If they are using it for
18 saying I am detaining, then, yes, they are required
19 to.

20 If they don't use it as part of their
21 detention, then typically they are not required to.

22 MS. BANYRA: I think it is just an
23 add-on. I don't think that they're using that
24 typically for calculation, and some of the other
25 benefits is also just water quality, you know, it

1 has a purifying effect, so...

2 VICE CHAIR GREENE: The green roof has
3 a purifying effect?

4 MS. BANYRA: Yes.

5 CHAIRMAN AIBEL: Okay.

6 Ready to open it up for discussion,
7 Board members.

8 Anybody want to kick off?

9 (Board members confer.)

10 CHAIRMAN AIBEL: Are we going to draw
11 straws here or --

12 COMMISSIONER DE FUSCO: Well, I will go
13 ahead and start.

14 Listen, I have been toiling over this
15 two feet extension in the back. There is
16 hypotheticals that are going through my mind.

17 I tend to believe, however, this is a
18 tough lot to build in. It is a tough lot because of
19 the corner location of it.

20 I don't believe the extension beyond
21 the neighboring structure by two feet is going to
22 adversely impact light or air, and I believe the
23 beautification obviously, I believe the parking is a
24 benefit. Family-friendly, Tiffanie as always
25 advocating for the stoops is a phenomenal addition

1 that I support.

2 Again, I just don't feel that this two
3 feet over the neighboring building is going to
4 adversely impact it. I understand that five feet
5 over what's allowed by ordinance seems a lot, but I
6 think we need to consider the location of this
7 property and understand the limitations that come
8 with that.

9 I am for seeing family-friendly spaces,
10 and you know, family-friendly spaces do include
11 parking in my mind.

12 So after much thought, I think I am
13 going to be supporting this project, but I would
14 like to hear what you guys have to say.

15 CHAIRMAN AIBEL: Anybody else?

16 COMMISSIONER GRANA: I have a question,
17 because we just heard discussion about, you know,
18 promotion of a stoop, but I didn't think there was a
19 proposal to add a stoop, and that is on the border I
20 realize, so --

21 CHAIRMAN AIBEL: I don't think there is
22 a proposal.

23 MR. MATULE: I believe what the
24 architect said was where the second means of egress
25 is, he could put a small stoop --

1 COMMISSIONER GRANA: Was that actually
2 a changed proposal, that we would put a stoop with a
3 secondary means of egress?

4 MR. MATULE: A small stoop, not --

5 MR. BODNAR: Two to three steps at the
6 most.

7 COMMISSIONER GRANA: Okay. Then I
8 retire that question.

9 MR. GALVIN: I didn't hear the answer.

10 COMMISSIONER FISHER: The answer is
11 yes.

12 MR. BODNAR: Two or three steps.

13 COMMISSIONER GRANA: There will be a
14 short stoop added to the second means of egress.

15 VICE CHAIR GREENE: Does that actually
16 accomplish what a stoop is supposed to accomplish?

17 Is it really necessary to add it?

18 COMMISSIONER FISHER: Well, I think
19 that, like I was saying, it depends on what we are
20 trying to achieve, and some of it to me is the
21 appearance, like I was saying, softening the
22 appearance of what looks to be a wall and a garage
23 door to have it be a little bit more of a
24 residential feel and some of it is to encourage, you
25 know, active life on the street.

1 I am not sure it fully encourages or
2 accomplishes a lot of the active life on the street,
3 but it does soften I think the front of it, and also
4 it makes it consistent with the entire half of the
5 block.

6 I think it's a positive, but you know,
7 I defer to the rest of the Board.

8 It is not huge. It's not a big issue
9 for them to do, and I definitely don't think it
10 takes away from the building, and it is going to
11 need City Council approval anyway, right, because it
12 encroaches on the right-of-way.

13 VICE CHAIR GREENE: I thought the
14 architect testified that it doesn't encroach enough
15 to require it.

16 COMMISSIONER FISHER: Oh, it won't
17 encroach enough, did you say that? I'm sorry.

18 MR. BODNAR: Anything beyond three
19 feet, I will still have to -- we probably will,
20 because if we do move the planter out, like we spoke
21 of earlier, I probably will make the stoop three
22 foot, and then the step, so it probably will have to
23 go to the Mayor and Council.

24 MS. BANYRA: Yeah. I think you need to
25 look at that, you know, and when we get the

1 resolution, I think we had asked for some other
2 changes at the time of the resolution, so I think
3 you need to look and see how that fits with what is
4 proposed here, because I think it may change the
5 design a little bit in the front of the building,
6 so -- correct, Russell?

7 MR. BODNAR: Well, it's going to change
8 the design only in that one location. But like we
9 spoke earlier about continuing the fence line along
10 street scape, because we're going to do that, then I
11 can move -- because you don't want to walk out the
12 door and sort of fall down the steps, so at least
13 this way at least have a little platform there and a
14 couple of steps, so we will make it work. I will
15 make it work, so it will be at least attractive.

16 COMMISSIONER FISHER: So I like the
17 idea of it, but, you know, that's why we have a
18 Board, so maybe everyone can decide if that's a
19 feature that they want.

20 (Board members confer)

21 COMMISSIONER MARSH: May I ask a
22 question along those lines?

23 CHAIRMAN AIBEL: Are we questioning or
24 are we going to have a --

25 COMMISSIONER MARSH: Well, since we

1 brought the subject up, now I have a question.

2 Can you move that picture, so I can see
3 the one in the back where the stoop would go?

4 MR. BODNAR: Well, yeah, the problem is
5 it would be right here on this location --

6 COMMISSIONER MARSH: Right. So now
7 that we got a stoop on that location, how high is
8 that --

9 MR. BODNAR: The patio section?

10 We will be fine. The door is very
11 small here. The door is only --

12 COMMISSIONER MARSH: Please don't tell
13 me it is fine. Tell me how high it is.

14 MR. GALVIN: Correct.

15 MR. BODNAR: From here to the bottom of
16 the bay is nine feet, so I can make a door and then
17 have a couple of steps. It will be on the side
18 actually. It's not exactly directly underneath it,
19 so from the ground to the bottom of the bay is nine
20 feet.

21 COMMISSIONER MARSH: So you put three
22 steps up?

23 THE WITNESS: So I can do obviously
24 three small steps at six inches a step, and then
25 there will be 18 inches, so you will have a regular

1 sized door, like a seven foot door there, almost an
2 eight-foot door --

3 COMMISSIONER MARSH: That is less
4 pleasant, you know, like you are standing -- how
5 deep is that bay?

6 MR. BODNAR: Oh, the bay itself is only
7 two feet. That's all I'm allowed to encroach. The
8 bay itself is two feet.

9 COMMISSIONER MARSH: How big is that
10 landing going to be?

11 MR. BODNAR: The landing is going to be
12 three feet, so it will be beyond the area a little
13 bit. I mean, you can do the opposite thing. I
14 could actually bring in the door, inset the door,
15 and do it to the bay, too, and make it at least
16 three-eighths -- have a three foot landing at least
17 there, so you would have a three foot landing as
18 well. I could do it that way.

19 COMMISSIONER MARSH: I am not an
20 architect.

21 MR. BODNAR: Like I said, I'll probably
22 look at that anyway myself, I was contemplating that
23 myself, so I am bringing it in a little bit.

24 (Board members confer.)

25 COMMISSIONER MARSH: I have a few

1 comments I guess.

2 CHAIRMAN AIBEL: Yes, please.

3 COMMISSIONER MARSH: Well, first off, I
4 know people disagree with me, but the balconies -- I
5 actually don't have a problem with balconies in the
6 back, and part of the reason I don't is because I
7 feel like if you are out there looking at the
8 backyard, you are more likely to keep up the
9 backyard, like it -- but the problem I have with it
10 is that they are hanging over what is supposed to be
11 the private backyard, not the common backyard, which
12 to me is, it's an intrusion on the privacy of that
13 person, and you are not getting the benefit of
14 overseeing the public part of it.

15 MR. BODNAR: Like you said, it lines up
16 along that side, more on that side than the other.
17 That is correct.

18 COMMISSIONER MARSH: And although I
19 agree with the whole idea of the stoop in the front,
20 and I mean, I have one, and I like it a lot. I
21 mean, it does have very wide steps that are very
22 comfortable to sit on.

23 I have been told several times that
24 there are other things you can do to soften it, but
25 I haven't heard -- nobody comes in and says, gee,

1 you know, we are going to have this little soft area
2 here.

3 You know, I know you can put up a wall,
4 but I also know there is cities that have walls, and
5 then they wind up putting those metal things on, so
6 people don't loiter on them.

7 So I'm looking for a -- I don't know
8 why we always have this conversation. Like you
9 come, you have the thing. We say, ah, we don't
10 really like that. It is the street scape, how about
11 if you put a stoop in?

12 You guys say yeah, I could put a stoop
13 in. I can change it.

14 You know, come up with a better idea
15 and tell me about it.

16 MR. BODNAR: Because it's --

17 MR. GALVIN: Let me just interject.

18 One thing I would say to the Board, and
19 I mean this as being instructive and not in this
20 case is that if we are going to let the procedure be
21 that they can come to us and make minor changes on
22 the fly, then that is what the procedure is going to
23 be.

24 But if we don't want to do that, then
25 we need to get tougher and not let them make

1 those -- not allow them to amend the plans.

2 I am not talking about this case, but I
3 am just saying in general.

4 So are you guys thinking about it as to
5 the time that we spend and the procedure that's
6 being employed, why couldn't this have had a stoop,
7 why couldn't the building have come in a couple of
8 feet in the rear based on all of the cases that we
9 had and all of the determinations that we're making?

10 COMMISSIONER MARSH: I didn't say
11 "couldn't." I said "didn't."

12 MR. GALVIN: I am agreeing with you
13 that they should have -- that some of these things
14 that you have to be careful, and I am not saying in
15 this instance, that sometimes there is a thought of
16 what we can do or what the Board might like us to
17 do, and I think we have to be careful, that we get
18 distracted by that.

19 MS. BANYRA: About redesign, yeah.

20 MR. GALVIN: Yeah. We don't want to be
21 redesigning.

22 CHAIRMAN AIBEL: Let's --

23 MR. GALVIN: I am done.

24 CHAIRMAN AIBEL: -- let's finish up the
25 discussion and get to the vote.

1 Anybody else want to comment?

2 Nobody else wants to take the bait?

3 COMMISSIONER GRANA: Well, I will
4 comment.

5 I am sorry I asked the question about
6 the stoop. I just really wanted to know whether it
7 was in the proposal or not.

8 I am assuming that it is in, and
9 architecturally I would support it, because we don't
10 have a lot of creative answers yet, but there is a
11 lot of like walls, and I think that the stoop is not
12 just simply a functional thing, but if I could speak
13 architecturally, it is something on the block that
14 communicates, you know, as Commissioner Fisher said,
15 the residential use. I would support it.

16 You know, the lot coverage is
17 interesting. I, from an absolute sense against the
18 donut, I mean, I don't know how strong the case was,
19 I will say that I probably support it in the sense
20 that I could see no negative impact to any of the
21 neighbors on the 65 percent lot coverage.

22 I can imagine the applicant would not
23 want to sit with, you know, entirely blank walls
24 facing them. I thought there was no negative impact
25 on the neighbors.

1 I think that the site totally
2 accommodates the height and the stories. It is
3 completely consistent throughout the block, so on
4 the height and the stories, I think you could
5 support it, and architecturally with the mix and
6 styles, I think that supports it as well.

7 COMMISSIONER FISHER: I will be quick.
8 I would agree with everything Commissioner Grana
9 says. That's why I like these speakers.

10 CHAIRMAN AIBEL: Does everybody --
11 Carol, do you want me to go?

12 COMMISSIONER MARSH: There is one thing
13 I would like to say because I don't want it to go
14 unsaid.

15 I don't have any huge objections. I
16 don't see anything particularly challenging about
17 the lot in from the corner. I think you can argue
18 that the corner lot is unique, but one, one in from
19 that, that doesn't strike me as having challenges.
20 Sorry. It might strike you.

21 COMMISSIONER DE FUSCO: No. I would
22 just argue -- not argue -- I would just proffer
23 that, you know, like when the building next to it is
24 built at 70 feet, that it does become a bit of a
25 challenge to kind of make a livable space in

1 between.

2 If we had a blank slate, you know,
3 obviously we could do different things with it, but
4 this is not a blank slate, so I totally understand
5 what you're saying, though.

6 COMMISSIONER MARSH: I disagree with
7 that, too.

8 (Laughter)

9 I just didn't want to let it be passed
10 as if that -- if you didn't challenge it, if that is
11 an opinion of the Board, I do not share that
12 opinion.

13 CHAIRMAN AIBEL: You jumped in front of
14 me because I was about to launch into my --

15 MR. GALVIN: The Chairman goes last.

16 CHAIRMAN AIBEL: -- contrary point of
17 view with respect to Mr. DeFusco, this is a 50 by a
18 hundred foot lot. In my mind, there is absolutely
19 no limitation or problem building a conforming
20 structure.

21 The applicant came in with a request
22 for ten feet of extra height, an extra story, a 65
23 foot building, where 60 feet are typically granted.

24 The rationale is I want a
25 family-friendly structure. Two cars are required --

1 two parking spots are required, but six are
2 proposed, and it is all because we are going to
3 build family-friendly housing.

4 Well, that to me is an argument that
5 should be made to the City Council. There is no
6 obligation to build seven allowable units. If the
7 developer wanted to build larger family-friendly
8 units, I think he could have done that very easily
9 in a conforming building with the extra height, and
10 I have no problem with the extra height, and it is a
11 fine building, and it would be a fine improvement.
12 But this is a chance to make a bad history in the
13 backyards of these -- of this particular block
14 better and instead of making it better, we are in
15 effect taking away 250 square foot of pervious
16 surface in the rear yard.

17 I think, you know, people have listened
18 to this Board. You know, we go back and forth, but
19 we are very careful about two and a half percent of
20 extra lot coverage for egress stairs.

21 I guess I am feeling that this is just
22 a reach by the developer that goes beyond what I
23 think is anything that I would see as a variance as
24 opposed to a fundamental change in the ordinance,
25 and I could not support it on that basis.

1 Ready for a motion and a vote.

2 COMMISSIONER MARSH: I would like to
3 comment on that.

4 I would say that actually I live in
5 pretty much exactly the circumstances where I have
6 one house alongside me that sticks out, and, you
7 know, two feet, and the other one sticks out, you
8 know, a little bit past.

9 And if I had unlimited funds, I would
10 actually pull my house back because I like the
11 privacy. I don't find that challenging at all
12 actually now that I think about it. You may have
13 persuaded me to vote other than the way I was going
14 to.

15 CHAIRMAN AIBEL: Okay. Ready for a
16 motion.

17 COMMISSIONER GRANA: Which way do we
18 go? We have some positives and negatives.

19 CHAIRMAN AIBEL: It doesn't really
20 matter.

21 MR. GALVIN: I have conditions.

22 VICE CHAIR GREENE: It doesn't matter,
23 because if you do it as a positive, you get to
24 impose all of your --

25 MR. GALVIN: Well, we need five

1 affirmative votes, so fire away.

2 Do you want me to read the conditions?

3 COMMISSIONER GRANA: I do.

4 COMMISSIONER DE GRIM: Yes.

5 MR. GALVIN: Awesome.

6 The building is to be constructed as
7 shown and described to the Board at time of the
8 hearing.

9 Two: The applicant is to install at a
10 minimum five bicycle spaces, pedestrian warning
11 devices with an LED light strip and an electric car
12 charging station.

13 Three: The emergency generator is to
14 be located on the roof and will be powered by
15 natural gas. It is only to be tested on weekdays
16 between the hours of noon and five p.m.

17 We didn't talk about that, but that's
18 what I usually include.

19 The applicant must obtain the governing
20 body's permission for the curb cut.

21 Five: The plan is to be revised to
22 show that the lighting will have cutoffs.

23 Six: The plan to be revised to show
24 pavers, and it must indicate that the pavers are to
25 be porous.

1 Seven: The planter in the front of the
2 building should be --

3 MR. MARSDEN: Excuse me, Dennis.

4 And will provide details for the
5 pervious pavers.

6 MR. GALVIN: Okay. Got it.

7 The planter in front of the building
8 should be five feet from the building or match the
9 prevailing fence line.

10 Eight: The applicant shall be bound to
11 the comments of the Board Engineer's letter of April
12 14th, 2015.

13 Nine: The rear wall is to be Hardie
14 Plank

15 Ten: The decks are to be reduced to 65
16 percent.

17 11: The Board is to review the revised
18 rear wall plan, which is to be shown to the Board at
19 the time of memorialization.

20 12: The rear yard shall include six
21 inches of three-quarter clean gravel under the decks
22 and artificial turf. Okay?

23 COMMISSIONER FISHER: Yup.

24 MR. GALVIN: 13: There will be a short
25 stoop added to the second means of egress --

1 the lighting will have cutoffs.

2 MS. BANYRA: What about under the
3 decks --

4 MR. GALVIN: That was number six on the
5 hit parade.

6 COMMISSIONER DE FUSCO: Did I miss the
7 stoop?

8 (Board members talking at once.)

9 COMMISSIONER DE FUSCO: I missed the
10 stoop. Okay, perfect.

11 MR. GALVIN: You did.

12 If it's approved, we are going to want
13 to see the plan, show us the stoop, show us what
14 you're doing in the rear, revise the plans and get
15 all of that on there, okay?

16 MR. BODNAR: Yes.

17 MR. GALVIN: Okay. Is there a motion?

18 COMMISSIONER GRANA: I'll make a motion
19 to approve 502 Monroe with said conditions.

20 CHAIRMAN AIBEL: Second?

21 MR. GALVIN: Second, anybody?

22 COMMISSIONER DE FUSCO: I will second
23 it.

24 MS. CARCONE: Okay. Commissioner
25 Greene?

1 VICE CHAIR GREENE: No.

2 MS. CARCONE: Commissioner DeFusco?

3 COMMISSIONER DE FUSCO: Yes.

4 MS. CARCONE: Commissioner Grana?

5 COMMISSIONER GRANA: Yes.

6 MS. CARCONE: Commissioner Marsh?

7 COMMISSIONER MARSH: No.

8 MS. CARCONE: Commissioner Fisher?

9 COMMISSIONER FISHER: Yes.

10 MS. CARCONE: Commissioner DeGrim?

11 COMMISSIONER DE GRIM: Yes.

12 MS. CARCONE: And Commissioner Aibel?

13 CHAIRMAN AIBEL: No.

14 MR. GALVIN: The matter is declined.

15 MS. CARCONE: Declined.

16 MR. MATULE: Okay.

17 CHAIRMAN AIBEL: We are going to take a
18 break for ten minutes.

19 1714 Willow will be next up.

20 (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, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.
Dated: 7/27/15
This transcript was prepared in accordance with
NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: 100-108 Paterson Avenue :
Block 11, Lot 9 :July 21, 2015
Applicant: 100 Paterson Realty, LLC :Tuesday 9:15 p.m.
(Carried to September 15, 2015 :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Vice Chair Elliot H. Greene
Commissioner Michael DeFusco
Commissioner Antonio Grana
Commissioner Carol Marsh
Commissioner Tiffanie Fisher
Commissioner Frank DeGrim

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

Eileen Banyra, Planning Consultant

Jeffrey Marsden, PE, PP
Board Engineer

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
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6 Attorney for the Board.

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8 89 Hudson Street
9 Hoboken, New Jersey 07030
10 (201) 659-0403
11 Attorney for the Applicant.

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1 CHAIRMAN AIBEL: Sorry. Thank you
2 everybody for the delay.

3 Everybody is feeling better.

4 Mr. Matule?

5 MR. MATULE: Yes, Mr. Chairman.

6 If I might, Robert Matule appearing for
7 the applicant on the application of 100-108 Paterson
8 Avenue. Because of the hour and the fact that we
9 have another application to do before that, I don't
10 think it would be practical to keep my witnesses
11 here, and so what I am requesting is that we carry
12 that matter to the meeting of September 15th. That
13 is the next available date with an announcement
14 tonight that there will be no further public notice.

15 MR. GALVIN: Is there a motion?

16 COMMISSIONER GRANA: Motion to carry
17 108 Paterson to September 15th with no further
18 public notice.

19 COMMISSIONER DE GRIM: Second.

20 CHAIRMAN AIBEL: Thank you.

21 MS. CARCONE: Do you want a vote or all
22 in favor?

23 CHAIRMAN AIBEL: Yes, let's do a vote.

24 MS. CARCONE: Commissioner Greene?

25 VICE CHAIR GREENE: Yes.

1 MS. CARCONE: Commissioner De Fusco?

2 COMMISSIONER DE FUSCO: Yes.

3 MS. CARCONE: Commissioner Grana?

4 COMMISSIONER GRANA: Yes.

5 MS. CARCONE: Commissioner Marsh?

6 COMMISSIONER MARSH: Yes.

7 Commissioner Fisher?

8 COMMISSIONER FISHER: Yes.

9 MS. CARCONE: Commissioner DeGrim?

10 COMMISSIONER DE GRIM: Yes.

11 MS. CARCONE: And Commissioner Aibel?

12 CHAIRMAN AIBEL: Yes.

13 Thank you, Mr. Matule.

14 MR. MATULE: Thank you.

15 MR. GALVIN: Do you waive the time in
16 which the Board has to act?

17 MR. MATULE: I waive the time in which
18 the Board has to act to September 15th.

19 MR. GALVIN: I'm sorry. We really did
20 want to get to this tonight.

21 MR. MATULE: So I don't know if anyone
22 is here on 100-108 Paterson Avenue, but it is being
23 moved to September 15th.

24 You're available that night, right, Mr.
25 Kolling?

1 MR. KOLLING: Yes.

2 MR. MATULE: Thank you.

3 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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----- X
RE: 1714 Willow Avenue      :
Block 146, Lot 2           :July 21, 2015
Applicant: Climb-n-Play, LLC :Tuesday 9:20 p.m.
(Carried from 6-23-15)    :
Use Variance D - Use (D-1) :
----- X

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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

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Vice Chair Elliot H. Greene
Commissioner Michael DeFusco
Commissioner Antonio Grana
Commissioner Carol Marsh
Commissioner Tiffanie Fisher
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WITNESS

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KENNETH OCHAB

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DAVID CABRAO

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EXHIBIT NO.

DESCRIPTION

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Photo Board

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1 CHAIRMAN AIBEL: 1714 Willow.

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

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

6 There may be one or two of you who
7 remember the Doggie Day Care.

8 (Laughter)

9 This property is at 1714 Willow Avenue,
10 which is under the Viaduct going into Weehawken. It
11 is in the I-1 District.

12 MR. GALVIN: And there is no Weehawken
13 representation here?

14 MR. MATULE: Not that I can see.

15 CHAIRMAN AIBEL: Well, hurry up.

16 (Laughter)

17 MR. MATULE: Mr. Weiner isn't here, so
18 I am feeling good about that.

19 (Laughter)

20 It is in the I-1 District, and we are
21 requesting variance relief and site plan approval to
22 repurpose a portion of an existing industrial
23 building for an indoor rock climbing gym.

24 I have testimony of my architect, Lee
25 Levine, and Mr. Ochab is our planner.

1 I guess what makes this operation a
2 little different is it's geared towards younger
3 people, and you know, having kind of a birthday
4 party rock climbing kind of thing for the younger
5 kids in town.

6 There is an existing tenant in another
7 portion of the building. I think a construction
8 company has storage, and we are not interfering with
9 any of their portion of the property, but I think
10 Mr. Levine can get into more detail on that, so if
11 we can have Lee come up and be sworn in.

12 MR. GALVIN: Do you swear to tell the
13 truth, the whole truth, and nothing but the truth so
14 help you God?

15 MR. LEVINE: I do.

16 L E E L E V I N E, Lee Levine Architects, 720
17 Monroe Street, Hoboken, New Jersey, having been duly
18 sworn, testified as follows:

19 MR. GALVIN: State your full name and
20 spell your last name for the record.

21 THE WITNESS: Lee Levine, L-e-v-i-n-e,
22 Lee Levine Architects, 720 Monroe.

23 MR. GALVIN: Do we accept Mr. Levine's
24 credentials?

25 CHAIRMAN AIBEL: We do.

1 MR. GALVIN: You may proceed.

2 MR. MATULE: Thank you.

3 All right. Mr. Levine, if you could --

4 THE WITNESS: Do we need to label
5 those?

6 MR. MATULE: Not if they are plans that
7 have been filed.

8 THE WITNESS: These are the June 5th
9 revised plans. Those were the same plans at the
10 last H2M report review.

11 MR. GALVIN: Awesome, so please
12 proceed.

13 Let's try to see if we can get this
14 case done in less than two hours.

15 THE WITNESS: If I am lucky, maybe less
16 than an hour.

17 MR. MATULE: Describe the proposed site
18 and the surrounding area.

19 THE WITNESS: We have a structure that
20 is across the light rail tracks on the north side.
21 The structure fronts on Willow Avenue, partly
22 underneath the Viaduct.

23 It is a two-story structure in
24 appearance, although there is not a second floor
25 within that building envelope, and I will show you

1 photographs of that.

2 At the rear of the building there is an
3 open yard fronting on Clinton. Clinton is somewhat
4 unimproved at this time. It is not fully paved
5 there.

6 That yard is leased to Sabia
7 Construction. You have probably seen their work in
8 Hoboken in a number of locations. They are a good
9 contractor. They also have 2757 square feet, where
10 they have office and storage use within the
11 building.

12 There are two variances only that we
13 are requesting. One is a principal use because it
14 is recreation in an industrial zone, and one has to
15 do with roof signs, which I will get to in a minute.

16 If we just go to Z-2 and Z-3, the
17 photograph sheets, which you see here is from the
18 lower end of the Viaduct taking a shot looking north
19 at the two-story structure, you can see the Willow
20 Avenue frontage on photo number five.

21 And on Z-3, again, you have sweeping
22 views of the interior.

23 This is really the reason why this is a
24 great structure for a climbing school. The site is
25 16,980 square feet, and the building is just over

1 11,000 square feet.

2 The building will need a significant
3 amount of interior alterations. We will need to
4 redo some of the slabs on grade, some of the motif.
5 There are some bearing walls around the perimeter
6 that need some underpinning, and there will be
7 structural design work to support boulder and
8 climbing walls.

9 Some of those climbing walls will not
10 be for children. Some of them will be two-story in
11 height. So the plan we are looking at on Z-4 tells
12 us most of the story.

13 So the climbing school is going to
14 build out 70 percent of the interior of the
15 building.

16 This area here, where Sabia
17 Construction is, will actually need a rated wall
18 around it to separate it from the climbing school.

19 On the Willow Avenue side, we have a
20 curb cut. We have a garage door, and we have a
21 parking lot for six cars. One of those will be van
22 accessible, ADA as required.

23 There will be a new entrance on the
24 southern end of the Willow frontage. That entrance
25 will bring you in at grade. Grade over here is

1 about Elevation 5. It is low. We are going to come
2 up a little over a foot and a half to somewhere
3 right around Elevation 7. There will be new
4 structural slabs in that area.

5 We have a series of reception spaces,
6 some offices. We have toilets for men and for women
7 and children. We have a pantry. We have an event
8 room, and the large space that you see here is the
9 main area of climbing walls.

10 Now, we are proposing two mezzanine
11 areas. There is a 162 foot mezzanine. Actually if
12 you see the mezzanine plan, there is a stair coming
13 up to a mezzanine that is exclusively for utilities.
14 We wanted to get the utilities up at an Elevation
15 15, so that mezzanine is for utilities.

16 There is also a small mezzanine at the
17 same elevation for more boulder and rock climbing.

18 I might explain to you how I was
19 introduced to this client. This client, we helped
20 move into the Monroe Art Center. They renovated a
21 couple of years ago a ground floor space and a
22 second floor space, where they have a boot camp.
23 They don't have a full climbing school, but they do
24 have a little bit of boulder climbing.

25 At the time in 2013, when we were

1 working on their plans, they hired us to figure out
2 how to take multiple stories of heavy timber columns
3 and girders out of one end of the complex in order
4 to get a three-story climbing school. That turned
5 out to be finally excessive, that's probably the
6 best word.

7 It is a great pair of buildings. We
8 wanted to be sensitive to it. The only way to try
9 to pull that off was with an awful lot of structural
10 engineering, so that is how we got introduced to
11 this project once our clients went into negotiations
12 with the landlord.

13 So Sabia will continue here. They will
14 continue their yard there. Sabia was good enough to
15 allow us to take a portion of their yard for a
16 sidewalk, a curb, bollards and fencing, so that
17 there is a second means of egress out to Clinton
18 that is protected from the general yard.

19 MR. MATULE: If I just could for
20 clarity, when you say "the general yard," this area
21 here on Z-4?

22 THE WITNESS: Correct.

23 MR. MATULE: That's all used by the
24 construction company?

25 THE WITNESS: This yard is part of

1 Sabia Lease Holding, but Sabia has allowed us to
2 create a second means of egress.

3 So at the back of the main climbing
4 area, you will see there's an exit door and yet
5 another ramp. It didn't have to be ramped. It
6 could have been stepped, but we made both the exit
7 way and ingress ramped for accessibility purposes.

8 If we go to drawing Z-5 -- actually I
9 probably should mention before we get to Z-5, that
10 we do have a new sidewalk, new curbing, new utility
11 connections.

12 There was a request from H2M to provide
13 some additional grading on the curb cut into the
14 garage.

15 The building will be heated with four
16 stair heating for winter months. Summer months, we
17 are not talking about air conditioning units, we're
18 talking about exhaust fans and moving a lot of air
19 throughout the building.

20 So drawing Z-5 shows the two roofs.
21 There is a high roof and a low roof. It shows some
22 lighting levels at the four corners of the building.

23 One of the other H2M comments was that
24 the fact that the lighting levels at the exit path
25 need to be raised a little bit to reach the actual

1 street, and we are willing to increase the lighting
2 level there.

3 We have our signage. We have our
4 bollards -- I'm sorry -- talking about parking
5 signage, not the signage variance -- but we have our
6 details for curbing, the bollards, for trenching,
7 and so we come to the signage that is proposed.

8 So on Clinton Street, which is at the
9 bottom left of the drawing, you see there is one
10 sign over a doorway that is being infilled with
11 masonry.

12 That sign I have to remember is 79.22
13 square foot. We have over 1270 square feet of
14 facade. It has to be less than a hundred square
15 feet, so this sign is conforming. It is a tin
16 mounted metal painted sign with gooseneck lights,
17 and you see the gooseneck light is a contemporary
18 fixture that will be wall mounted.

19 On Willow, on the Willow facade, which
20 is the east elevation, we have a smaller sign over
21 the garage door, and that sign was 34.17 square
22 feet.

23 Now, there is a roof sign currently at
24 the top of the building that was 40 square feet, and
25 we have proposed two signs. I will go back to the

1 plan in a minute and show you how they are angled.
2 Each of 32 or .31 square feet in sort of a V-shaped
3 plan. That is less than -- the three signs together
4 are less than a hundred square feet, but a variance
5 is required for the roof signs.

6 On the south facade facing the light
7 rail, we have only one sign on the facade, which is
8 98 square feet, so that it's under the hundred. It
9 is significantly less than the ten percent.

10 The H2M report issued to us after the
11 July 5th revised drawing submittals has only four or
12 five open items. All of the rest were addressed.

13 One of the items was testimony about
14 whether there were any easements or boundary
15 overlaps. I would like to clarify something. I
16 will go back to -- I will just go back to Z-1 for a
17 moment.

18 Lot 2 is this sort of trapezoidal
19 shaped lot. That is what the building and the rear
20 yard are. That's just under a 17,000 square foot
21 lot.

22 There is a property next to it that has
23 an arc shape, and then there's the light rail
24 property. There is no merging of lots or anything.
25 Our client is not using this lot in any way.

1 It seems to have multiple ownership,
2 but it doesn't matter because we are not making any
3 claims on that property.

4 We did meet with Ann Holtzman and
5 presented plans on June 8th. We are wet proofing
6 the entire ground floor of the building. All of the
7 walls will be reinforced CMU partitions, so they
8 will be doweled and pegged into the new structural
9 slabs that will be placed.

10 There is the request to add some extra
11 detailed grades at the driveway, and we will be
12 happy to submit that. I only got this yesterday.

13 We will increase the one foot -- above
14 the one foot handle on the back end.

15 And George Glotty, our civil engineer,
16 has submitted applications to see if soil erosion
17 and the storm detention are needed. I don't have an
18 answer to that yet. I will try to get that as
19 quickly as possible.

20 MR. MARSDEN: Well, I don't believe
21 they are going to be needed because the original
22 design was changed so much to this, that I don't
23 believe they will be needed. Just send me a letter
24 saying that.

25 THE WITNESS: Well, we will get that

1 taken care of for the Board quickly.

2 Was there anything else on H2M?

3 MR. MATULE: I don't think so.

4 Oh, whether or not we are going to need
5 North Hudson sewerage approval, but I don't think
6 so.

7 THE WITNESS: We can look at Z-7 and
8 Z-8, but Z-7 gives you sections in both directions
9 through the building, elevations per grade, and you
10 can see clearly why those two-story sections work so
11 well for a climbing school.

12 MR. MARSDEN: I think you still have
13 some minor changes on the plans because I think one
14 of the water lines still connects into the gas main.

15 THE WITNESS: We managed to connect the
16 gas line to the water line and the water line to a
17 gas line.

18 MR. GALVIN: Did it work?

19 THE WITNESS: Not yet, but we may find
20 out really soon.

21 VICE CHAIR GREENE: You're going to
22 have sparkling water.

23 (Laughter)

24 MR. MATULE: If I could, Lee, the sign
25 up on the roof, is it the intention that that sign

1 be lighted?

2 THE WITNESS: Yes, and I should show
3 you the profile on the plan as well.

4 So you see a dashed line of the 40
5 square foot sign that's being removed.

6 This V-shape or this perpendicular
7 shape are the two signs we are proposing, and there
8 are two 250-watt metal halide fixtures illuminating
9 those --

10 MS. BANYRA: What sheet are you on, Mr.
11 Levine?

12 THE WITNESS: Z-6, lower right-hand
13 corner of the roof plan and site plan.

14 MR. MATULE: And will that light be on
15 a timer or and go off at a certain time at night?

16 THE WITNESS: Yes. We can certainly
17 stipulate to a specific time.

18 VICE CHAIR GREENE: Those signs, what
19 are they exposed to?

20 Where are you seeing them from --

21 THE WITNESS: They are exposed to the
22 bridge. They are exposed primarily to the Viaduct.

23 COMMISSIONER FISHER: Not the Viaduct,
24 the --

25 CHAIRMAN AIBEL: Overpass.

1 THE WITNESS: On the survey, it is
2 called the Viaduct as well as Willow Avenue. I was
3 surprised about that.

4 If you take the survey, it is Willow
5 Avenue, and then it says Viaduct heading south.

6 COMMISSIONER GRANA: Are we on
7 questions?

8 CHAIRMAN AIBEL: Is it all right, Mr.
9 Matule, that we ask questions as Mr. Levine goes
10 along?

11 MR. MATULE: You know, I think it will
12 expedite the process.

13 CHAIRMAN AIBEL: Please go ahead.

14 COMMISSIONER GRANA: Two questions.

15 So related to the question that was
16 just asked, where will the sign be seen, the roof
17 sign?

18 Will it only be visible from the
19 Viaduct or is it visible from the new buildings
20 across the street?

21 You're not speaking for Weehawken I
22 know, but --

23 THE WITNESS: Fair question on
24 Weehawken.

25 By angling the sign, the intent was

1 that drivers in both directions coming over would
2 see it. But you are correct, that could be visible
3 from the high-rise that they recently constructed.

4 COMMISSIONER GRANA: Okay.

5 Are there -- aside from what you have
6 shown about internal changes, and there are external
7 changes because we will add curb cuts and walkways,
8 but to the physical facade of the building, are you
9 proposing any significance changes?

10 THE WITNESS: We are proposing
11 infilling some of the -- there is a number of window
12 systems that are in very bad shape there, and what
13 we have proposed is if you know Kalwall,
14 K-a-l-w-a-l-l I think it is two Ls twice.

15 It is a window system made out of
16 fiberglas, that is filled with fiberglas, so it is a
17 translucent wall system that works as a window, but
18 it only lets light in, and it has got a very, very
19 high efficiency in terms of thermal, so some of
20 these windows are being replaced with Kalwall.

21 We are infilling the window openings on
22 part of the south facade facing the light rail
23 tracks at the lower section, but the rest of what
24 you are seeing is cleaning or restoring brick and
25 putting in Kalwall in lieu of fiberglas.

1 COMMISSIONER GRANA: If I were to look
2 at Z-6 and I look at the top end of Z-6 and I see
3 the windows, these windows will in fact, the
4 structure remains intact, but the material may
5 change?

6 THE WITNESS: Yes.

7 COMMISSIONER GRANA: Okay.

8 Thank you.

9 On the -- I guess the south side facing
10 the light rail, there will be some window closures?

11 THE WITNESS: The windows on this
12 portion of the facade will remain, because those are
13 rooms and areas that will want light.

14 This is the ramped entrance, and we
15 maintain that one corridor, the restoration here of
16 brick because this is the area where we know we will
17 be doing foundation underpinning along that wall.

18 COMMISSIONER GRANA: And the intention
19 is to retain the existing brick facade?

20 THE WITNESS: Yes, the naturally
21 existing brick.

22 COMMISSIONER GRANA: Thank you.

23 CHAIRMAN AIBEL: I don't know if we
24 interrupted you, Mr. Levine, or --

25 COMMISSIONER FISHER: So how high --

1 how does the height of the two signs facing Willow
2 compare to the height of Willow Avenue, both the
3 ground part of Willow Avenue and then the fence?

4 Like how high is the top of the fence?

5 THE WITNESS: I just wanted to see if I
6 had --

7 MR. MATULE: Mr. Ochab is saying that
8 on one of his photo boards, he has --

9 COMMISSIONER FISHER: A picture?

10 MR. MATULE: -- a better photograph of
11 an existing sign up there, and if that would be
12 helpful, we could mark it now.

13 CHAIRMAN AIBEL: Sure.

14 Thank you.

15 THE WITNESS: I apologize. We don't
16 have that on this.

17 MR. MATULE: Okay.

18 So, Mr. Ochab, you are still under
19 oath.

20 (Laughter)

21 MR. GALVIN: No. Raise your right
22 hand, Mr. Ochab.

23 MR. OCHAB: Forever?

24 MR. GALVIN: Yeah -- no. Raise your
25 right hand.

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

4 MR. OCHAB: I do.

5 MR. GALVIN: State your full name for
6 the record and spell your last name.

7 THE WITNESS: Ken Ochab, O-c-h-a-b.
8 K E N N E T H O C H A B, having been duly sworn,
9 testified as follows:

10 MR. GALVIN: Mr. Chairman, do we accept
11 Mr. Ochab's credentials?

12 CHAIRMAN AIBEL: We do.

13 MR. GALVIN: Okay.

14 MR. MATULE: I think this is the photo
15 board you were talking about.

16 I marked the photo board A-1 for the
17 record.

18 (Exhibit A-1 marked.)

19 Could you just state for the record
20 what it is? Did you take pictures and approximately
21 when?

22 THE WITNESS: Yes. I took these
23 photographs last year and what they show is
24 basically I wanted to get a perspective to answer
25 the question, which I knew obviously would be where

1 can you see the sign from, why do you need the sign
2 on the roof.

3 So the answer is I went up on the
4 Viaduct and located where the existing sign was,
5 approximating the location of the new sign, stood
6 out in traffic, which is never a good thing to do,
7 but you know, anything for the application, so I
8 took a photograph.

9 The upper left photograph is a
10 photograph of I am standing in the northbound lane
11 of traffic looking across, and you can see where the
12 yellow sign is.

13 There is a sort of a corrugated wall
14 right at the top of the Viaduct, so you can't see
15 anything when you are coming northbound, but as soon
16 as you get over the top, you have a little screen
17 area and you can see the sign there.

18 Obviously, you can't see the building
19 when you are driving because the building is so far
20 down below the Viaduct itself, but you can see the
21 sign. And as you get closer, again, just sort of
22 zooming in a little bit, you can see the sign at the
23 top of the building.

24 And, again, you are going 35 or 40
25 miles an hour. You really can't see the building

1 itself. You couldn't divert your eyes long enough
2 to make out what was happening on the face of the
3 building. So the roof sign is really important
4 because it identifies where the use is, so you want
5 to have people identify where the use is so they can
6 get to it.

7 The lower left photograph is the same
8 approach, but coming back going southbound coming
9 out of Weehawken up to the top of the Viaduct, and
10 here you see again the existing sign.

11 Again, I am standing on the sidewalk
12 actually looking over the rail, so if you were in a
13 car, you would be about maybe ten or 15 feet, yeah,
14 about ten or 15 feet away on the road, and you would
15 also be lower, because you would be sitting in a car
16 or an SUV, so this is what you see.

17 So you basically can see the roof and
18 the side of the building that exists there today.

19 And then adjacent to us is the Marble
20 Works, which is in Weehawken, and they have a
21 similar sign on the corner of their building, and
22 for the same purpose, it allows people who are
23 coming southbound to identify where the use is.

24 This gets ahead of arrows pointing down
25 to like, here we are. We're down here. So you get

1 the idea that the sign, although not permitted in
2 this case is really necessary in order for the
3 traveling public to identify, you know, where the
4 site is located.

5 CHAIRMAN AIBEL: Mr. Ochab, could I
6 just ask you: As you are coming south, is there any
7 way that you could affix the sign to the side of the
8 building and basically have your objective solved?

9 THE WITNESS: I'm not sure it would
10 work because, again, you are not standing up. So I
11 am standing next to the rail. But if you were back
12 further sitting down in a car, and you can see what
13 happens. You can look through the rails when you
14 are next to them, but when you start to angle, the
15 rails actually form a barrier. So that if you are
16 going southbound, you're actually -- you are down
17 the street a little bit and you cannot actually see
18 them.

19 CHAIRMAN AIBEL: I just wanted to make
20 sure I'm talking about the same building.

21 It's the yellow sign on top?

22 THE WITNESS: Talking about this,
23 right, and this side here.

24 CHAIRMAN AIBEL: I am not sure, looking
25 at this particular photo, you couldn't put it at the

1 corner of the building on the side and have a facade
2 sign of some sort.

3 THE WITNESS: Could you do it?

4 Maybe, but it wouldn't be as effective
5 as if we had it on the roof.

6 CHAIRMAN AIBEL: Then let's raise it
7 another ten feet --

8 THE WITNESS: No, I think this is an
9 issue --

10 CHAIRMAN AIBEL: -- and it will be even
11 more effective.

12 THE WITNESS: -- because what was there
13 before, whether it worked or not, I don't know. I
14 am in no position to indicate that.

15 But I would say if you are going to do
16 one sign, do one sign and make it double sided,
17 which I think this is supposed to be, so that you
18 have exposure to the north and to the south, and
19 keep the building more clean.

20 CHAIRMAN AIBEL: The existing sign is a
21 "For sale" sign?

22 THE WITNESS: I'm sorry?

23 CHAIRMAN AIBEL: Is it a "for sale"
24 sign, the existing sign?

25 THE WITNESS: It is, but there was an

1 old sign behind it, so this "for sale" sign was put
2 up on the existing sign. I don't know what the
3 existing sign said.

4 CHAIRMAN AIBEL: Do you have other
5 examples, other than the W Hotel and I'm trying to
6 think of other examples in Hoboken of roof signs,
7 advertising businesses?

8 THE WITNESS: Well, here I think is
9 very unusual circumstances because of the position
10 of the roadway to fit --

11 CHAIRMAN AIBEL: I just wanted to know
12 if there were any others. Maybe there are.

13 I am not arguing.

14 THE WITNESS: I didn't make a point of
15 trying to identify them.

16 COMMISSIONER FISHER: Mr. Ochab, is the
17 sign for the marble, the stone and marble, is that a
18 lit sign or is that just a painted sign?

19 THE WITNESS: I don't think I can tell
20 you a hundred percent, although I don't see any
21 lights on --

22 COMMISSIONER FISHER: Yeah. I don't
23 think it's lit. I think it's one you drive over
24 during the day, you see it, but I don't think you
25 see it --

1 VICE CHAIR GREENE: It's probably not
2 open at night.

3 THE WITNESS: It looks like it is a
4 hand painted sign, so it doesn't look like it's a
5 commercial signage.

6 COMMISSIONER GRANA: I have a question
7 of Mr. Levine.

8 L E E L E V I N E, having been previously sworn,
9 testified further as follows:

10 COMMISSIONER GRANA: Mr. Levine, on
11 Z-6, I see the samples of the signs themselves, how
12 they will be designed to look.

13 Could you please describe the materials
14 of the sign?

15 THE WITNESS: These are painted metal
16 panels that are pin mounted on to the masonry, and
17 that is how they are described.

18 And in terms of the two roof signs,
19 what we actually did, whether it was appropriate or
20 not, is that facade was permitted no more than a
21 hundred square feet, and we had one sign over a
22 door, and we distributed the rest of that to roof
23 signs. So we tried to stay within the facade
24 allowance, even though there was not a roof
25 ordinance.

1 MR. MATULE: If I might, is that the
2 sign that's on the bottom of Sheet Z-4, that's the
3 roof sign -- I mean on the bottom of this row, is
4 that the sign?

5 THE WITNESS: Yes.

6 MR. MATULE: What is the overall height
7 of that sign?

8 THE WITNESS: That is two foot nine and
9 a quarter by 11.8.

10 MR. MATULE: So it's 11 even --

11 THE WITNESS: So there were two signs
12 at 32.31 square feet each in a V.

13 MR. MATULE: Less than three feet off
14 the roof?

15 THE WITNESS: Yes.

16 COMMISSIONER GRANA: Thank you.

17 (Board members confer)

18 MS. BANYRA: Mr. Chair, can I ask a
19 question?

20 CHAIRMAN AIBEL: Sure.

21 MS. BANYRA: Mr. Levine, can you talk
22 about the existing building?

23 It is n industrial building, and what
24 was the tenancy, if you knew, and what was the
25 quality, and was it suitable still for industry,

1 because you are in I think the I-1 zone?

2 THE WITNESS: It is in the I-1. It was
3 clearly an industrial building. There are rails at
4 the roof that made it very clear that there used to
5 be trolley cranes. There was pre Sandy some large
6 electrical services in the building. I can't say
7 they survived Sandy very well.

8 And it was my understanding -- Christie
9 and I spent a lot of time looking at the building,
10 and we both came away with the conclusion that there
11 was some kind of marine-related uses with having the
12 overhead cranes either restoring boats or working on
13 steel fabrications and the like, but I don't know
14 the actual --

15 MS. BANYRA: So the nature of my
16 question is, it's going to be relative to your
17 planner's testimony.

18 So you are in an industrial zone, and
19 you asking for a use that is not permitted in the
20 industrial zone, and it is not actually identified,
21 I don't think, in our ordinance. So I guess what I
22 am asking is about the quality of the building.
23 Right now, is it habitable by an industrial use?

24 THE WITNESS: No. Right now they would
25 have to do the same alterations that we are

1 proposing. I don't mean in terms of climbing walls.

2 MS. BANYRA: No, understood.

3 THE WITNESS: The slab and foundations
4 have to be redone. There is substantial work that
5 has to take place on the building.

6 MS. BANYRA: Okay. And was it -- since
7 Sandy, has it been occupied by any industrial use?

8 THE WITNESS: Only Sabia Construction,
9 which really is not an industrial use either. They
10 have an office, and they have storage, and outdoors
11 they have a contractor's yard, so they have trucks
12 and gear and materials storage, but that is not
13 really -- I mean, it may be in the I-1 permitted
14 use, but it is a very small percentage of the
15 building. It's 26 or 2700 square feet.

16 MS. BANYRA: Are they going to still be
17 maintaining any part of that building or --

18 THE WITNESS: They are going to
19 maintain their office and storage area and the yard
20 for however long their lease is,

21 We had a couple of different rounds of
22 trying to move them somewhere else, and the best we
23 could do was get our secured means of egress.

24 MS. BANYRA: Thank you.

25 COMMISSIONER DE FUSCO: Mr. Chair, may

1 I?

2 CHAIRMAN AIBEL: Sure.

3 COMMISSIONER DE FUSCO: So is it an
4 industrial building that has a rich history in
5 Hoboken dating back to a time when, you know, we
6 made things here in town? Still do, but I think
7 that the repurposing of the building is great.

8 What are you going to do to ensure that
9 the physical brick facade may retain some of its
10 original industrial features?

11 THE WITNESS: We are going to clean the
12 brick, replace wherever it's needed as required, and
13 if any of you have seen Kalwall, I think you will
14 find it very much matches, even those they are not
15 clear glass, but I think it sets a great tone.

16 I actually have it in the courtyard
17 around my house. Kalwall is a wonderful material.

18 COMMISSIONER DE FUSCO: Yeah. I
19 googled it.

20 I am not as concerned with Kalwall as a
21 historic, if you will, medium, but more so when you
22 fill in some of the, you know, door openings, and
23 when you say strip the paint down to the bricks, can
24 you walk us through more of what you are going to
25 do, you know, in terms of bringing this building

1 back to its glory, if you will?

2 (Laughter)

3 MR. MATULE: That's a stretch.

4 THE WITNESS: I'm not sure our clients
5 instructed us to bring it back to its glory, but
6 they are going to spend a lot of money making it
7 healthy.

8 COMMISSIONER DE FUSCO: Okay. Let me
9 refine the question.

10 What are you going to do to increase
11 foot traffic and street level, you know, street
12 level commerce?

13 THE WITNESS: We have crowded the
14 sidewalk there, which is not an active sidewalk by
15 any means because there is no reason for anybody to
16 be there except for this building.

17 We have I guess 14 or 16 bicycle
18 parking spaces that we want mounted on the building.

19 We looked to have more space to do
20 that, but that is about all we have at this time.

21 COMMISSIONER DE FUSCO: Have you
22 considered instead of filling in with brick, such
23 things as art spaces that are in line with the
24 master plan for, you know, the doorway?

25 THE WITNESS: We could certainly do

1 that.

2 COMMISSIONER DE FUSCO: A long way of
3 saying that I think it is great that you are saving
4 the building. A condition I would like to see put
5 in this is that the building remain intact, and if
6 any piece of it is removed, you know, you have to
7 come in front of the Board.

8 It is a historic building, and the
9 historic qualities of it is an attractive positive
10 for me, and you know, I am eager to see what the
11 rest of the Board has to say about those positives.

12 COMMISSIONER MARSH: I have a question.

13 CHAIRMAN AIBEL: Go ahead, please.

14 COMMISSIONER MARSH: I am not sure who
15 I am supposed to be directing this to, so -- is the
16 use -- if this use variance is granted, it runs in
17 the building, right?

18 MR. GALVIN: Correct.

19 COMMISSIONER MARSH: Is it to the site
20 or the building --

21 MR. GALVIN: Correct.

22 COMMISSIONER MARSH: -- it runs with
23 the site or the building?

24 MR. GALVIN: Oh, I don't see those as
25 different.

1 COMMISSIONER MARSH: Well, if you tear
2 down the building --

3 MR. GALVIN: No, no, no, no. You are
4 using the word "site," and I think you mean the
5 business.

6 COMMISSIONER MARSH: No. I mean if
7 they tear the building down --

8 COMMISSIONER FISHER: Do they have to
9 come back?

10 VICE CHAIR GREENE: -- does it run with
11 the lot or does it run with the --

12 COMMISSIONER MARSH: The building.

13 VICE CHAIR GREENE: -- entire --

14 COMMISSIONER MARSH: Does it run with
15 the land or run with the building?

16 MR. GALVIN: I already thought about
17 this because Eileen put me wise to this, and I have
18 a condition that says they can't do that, but I
19 don't know --

20 COMMISSIONER MARSH: I don't actually
21 have an objection to it, so don't, you know --

22 MR. GALVIN: But billboards can be
23 tricky things --

24 COMMISSIONER MARSH: I'm specifically
25 asking about the use --

1 COMMISSIONER FISHER: About the use
2 variance, not the billboards.

3 COMMISSIONER MARSH: -- not the
4 billboards.

5 COMMISSIONER FISHER: If they build it,
6 and somebody were to tear it down and build it back
7 up with --

8 MR. GALVIN: A conforming use.

9 COMMISSIONER FISHER: -- no, no. Just
10 whatever it is. They come back to the Zoning Board,
11 they put a --

12 MR. GALVIN: Oh, no, no, no. Time out.
13 That makes my answer easy.

14 Any time you have to come back to the
15 Board, it is entirely a clean slate. You never have
16 ownership of part of the relief on the lot.

17 Any time you come to us for any action
18 on the lot, everything is in play.

19 COMMISSIONER MARSH: If they were to
20 build a building that was as of right, and I don't
21 know what that is, two stories --

22 MR. GALVIN: They would have no right
23 to their sign on the roof.

24 COMMISSIONER MARSH: I'm not asking
25 about the sign --

1 COMMISSIONER FISHER: This isn't about
2 the sign. This is about the use. It's all about
3 the use.

4 COMMISSIONER MARSH: Let me finish my
5 question, please.

6 MR. GALVIN: I still think that they
7 have to come back here because we are approving them
8 for this use in this building --

9 MS. BANYRA: In this building.

10 MR. GALVIN: -- we are not changing the
11 zoning of the lot from the zoning --

12 COMMISSIONER MARSH: Okay. So my
13 question -- so if they build a building as of right
14 in every other aspect, the height, the depth,
15 whatever it is, they would not be able to put a rock
16 climbing wall --

17 COMMISSIONER FISHER: As of right.

18 COMMISSIONER MARSH: -- as of right?

19 MR. GALVIN: Correct.

20 COMMISSIONER MARSH: So then my next
21 question is: Assuming they use the building, is the
22 use we are allowing a rock climbing or an indoor
23 commercial recreation?

24 MR. GALVIN: I think you should be
25 specific on what you are granting.

1 I think you are granting a rook
2 climbing facility. I think, you know, that is what
3 they are asking for.

4 COMMISSIONER MARSH: But supposing they
5 decided to put a hopscotch board --

6 MR. GALVIN: My position would be, and
7 I think I would be sensible, would be any change to
8 that use, they'd have to come back.

9 Like if they want to add something --

10 COMMISSIONER MARSH: If they want to
11 have a ping-pong table, they have to come back to
12 the Board?

13 MR. GALVIN: Listen, there are good
14 reasons for that, okay, because what if it was a
15 roulette table?

16 I mean, you know, it's a --

17 COMMISSIONER MARSH: That's a different
18 problem.

19 MR. GALVIN: -- no. But what I am
20 saying is if you want to defer, if you are going to
21 defer that discretion to the zoning official, you
22 can do that.

23 The request -- I don't know, I have not
24 heard the whole case, but so far it is a climbing
25 business, and I have seen them all over the state.

1 I know that they exist.

2 COMMISSIONER FISHER: Like a realistic
3 example may be that they want flexibility to put
4 Crossfit or whatever their other business is --

5 MR. GALVIN: Then they would either
6 send us a letter saying they would like to put some
7 other facility into Crossfit, and we would either
8 say yes or no, or we would make them file a new
9 application.

10 They wouldn't lose what they have, but
11 it would be a relatively short meeting, if you
12 thought it was sensible.

13 Say they wanted to do a -- I've seen
14 the -- they had a bouncy facility and they also
15 wanted to serve pizza.

16 You know, it's like I don't think it is
17 a good idea to feed kids pizza and then get them on
18 the bounce things, but, hey, it is not my call.

19 (Laughter)

20 COMMISSIONER MARSH: Okay.

21 MR. MATULE: On that subject, though,
22 just to be clear, and Sheet Z-4 shows it in the
23 layout on the ground floor, there is a 251 square
24 foot, quote, unquote, event room.

25 The point being, you know, if some kid

1 wants to have his eight-year-old birthday party
2 there, they come and do rock climbing and have a
3 birthday party there --

4 MR. GALVIN: Listen, so far --

5 MR. MATULE: -- that's all included
6 within the scope of the rock climbing --

7 MR. GALVIN: -- there you go. You have
8 the pizza. But the architect described the
9 building. We haven't gotten to the use yet or how
10 they are going to use the building.

11 COMMISSIONER MARSH: I wanted to
12 understand what I am listening to.

13 MR. GALVIN: No, no.

14 And I think the other thing, too, there
15 could be times in other buildings and other
16 properties, where you could give permission for more
17 latitude, if you want to. But when the case is
18 specifically about a specific use, I think it is a
19 good idea, you wouldn't want to all of a sudden
20 become Doggie Day Care, you know.

21 There are things that you would want to
22 explore and make sure that are there, right?

23 MS. BANYRA: And then different
24 recreational uses may have different parking
25 demands, for example, or different frequency or

1 different timing of use, so that is --

2 COMMISSIONER MARSH: Okay.

3 MR. MATULE: Okay.

4 Mr. Levine, do you have anything else
5 you want to add at this point?

6 THE WITNESS: No. I just hope that in
7 my description, I did talk about perception. I did
8 talk about an office. I did talk about toilets.

9 I talked about a labyrinth for kids
10 with the bouldering and the rock climbing, and that
11 is a recreational use, but we are not asking for
12 recreational --

13 MR. GALVIN: Right, right. You are not
14 going to be able to change in three months and
15 become a bowling alley. You have to come back here
16 and we would have to reconsider it.

17 THE WITNESS: Right.

18 MR. MATULE: And while I have you up
19 here, obviously --

20 MR. GALVIN: Bowling allies make noise.

21 MR. MATULE: -- this is a county road,
22 so if the Board is inclined to approve this
23 application, we would still have to go to Hudson
24 County for their blessing?

25 THE WITNESS: Yes.

1 MR. MATULE: I have no further
2 questions of Mr. Levine unless there is any
3 specifics.

4 CHAIRMAN AIBEL: Anything else for Mr.
5 Levine?

6 Let me open it up to the public.

7 Anybody in the public have questions
8 for Mr. Levine?

9 Seeing none, can I have a motion?

10 COMMISSIONER DE FUSCO: Motion to close
11 the public portion.

12 COMMISSIONER GRANA: Second.

13 CHAIRMAN AIBEL: All in favor?

14 (All members answered in the
15 affirmative.)

16 K E N N E T H O C H A B, having been previously
17 sworn, testified further as follows:

18 MR. MATULE: All right. Mr. Ochab, I
19 think you can --

20 MS. BANYRA: Mr. Matule, can I just ask
21 one question?

22 The building itself is a hundred
23 percent in Hoboken or is it partially in Weehawken,
24 and do you need Weehawken's --

25 MR. MATULE: The building itself is a

1 hundred percent in Hoboken.

2 MS. BANYRA: Okay.

3 THE WITNESS: There is a very small
4 corner of the property that has nothing on it and
5 it's not affected by this application --

6 MR. GALVIN: I'm not going to worry
7 about it.

8 THE WITNESS: Right here, 60, 70 square
9 feet.

10 MS. BANYRA: They are not here. Who
11 cares?

12 MR. MATULE: We notified them.

13 (Laughter)

14 I marked a board A-1, and I marked
15 another board here A-2.

16 (Exhibit A-2 marked)

17 Can you just describe what that is and
18 did you take those pictures?

19 THE WITNESS: Yes. Again, I took all
20 of these photographs last year sometime just
21 before --

22 THE REPORTER: Mr. Ochab, can you talk
23 a little louder because everybody is talking over
24 here.

25 MR. GALVIN: Time out.

1 THE WITNESS: So A-2 is --

2 MR. GALVIN: Did we notice in
3 Weehawken?

4 MR. MATULE: Pardon?

5 MR. GALVIN: Did we notice in
6 Weehawken?

7 MR. MATULE: Absolutely, the clerk, the
8 town clerk.

9 MR. GALVIN: I just wanted to make sure
10 I am not overlooking something important. I had
11 that before in other communities, where somebody
12 just used the 200 foot list, but they didn't get the
13 other one --

14 MR. MATULE: No. Weehawken was served.

15 MR. GALVIN: So they know.

16 MR. MATULE: So you were saying A-2,
17 why don't you describe what they are?

18 THE WITNESS: Yes.

19 A-2 is series of four photographs.

20 The upper left photograph is a
21 photograph of the front of the existing building
22 from under the Willow Street Viaduct.

23 You see the existing conditions. Two
24 stories on one side, one story to the left, and the
25 garage door, and the architect obviously explained

1 the treatment to the front of that building to
2 improve the esthetics.

3 The upper right photograph is a
4 photograph of the building from Clinton side, so
5 again, we have a two-story building in the rear and
6 a one-story.

7 This is where the construction yard is
8 located, and I am standing basically just off of
9 Clinton Street.

10 The lower left photograph is a
11 photograph looking up Willow from the side.

12 Here, again, the building, the Marble
13 Works, and then the street scape. I mean, it is
14 dark. It is remote. It is not conducive to
15 traffic, because there is nowhere for traffic to go
16 once it gets down here, which then lends us to the
17 other photograph, the lower right, which is the
18 parking area unofficial or not unofficial,
19 underneath the Viaduct used by the marble company,
20 the occupants of this building, but I don't know who
21 else.

22 But clearly, there is sufficient
23 parking here to, you know, to accommodate the
24 proposed use.

25 The use variance aspect of the

1 application comes to us because --

2 MR. MATULE: Do you want to get to A-3
3 or do you want to get that later in your testimony?

4 THE WITNESS: I'll do that.

5 The use variance app that comes to us
6 because we are in the I-1 zone, and this specific
7 use is not permitted in the I-1 zone. Commercial
8 recreation uses as a group is not permitted in the
9 I-1 zone. It's only permitted in the CBD zone.

10 So we have a very specific use that
11 requires high ceilings in an industrial location.
12 This building is well suited for that use. It's
13 particularly suited for that use because of the
14 nature of the building, the size of the building.
15 Again, it is not a huge facility. It is a smaller
16 facility, and the location is good from that
17 perspective.

18 It is also good from that perspective
19 because it has -- the industrial uses are
20 diminishing within Hoboken. They are evolving into
21 other non industrial uses.

22 The zoning doesn't calculate that,
23 doesn't account for that at this point. The master
24 plan does, because the master plan talks about the
25 area called Noho here, N-o-h-o, which is not my

1 term, but that's what it's called.

2 MS. BANYRA: North Hoboken.

3 THE WITNESS: So the master plan talks
4 about resurgence of a re-adaptive reuse of the
5 industrial areas north of the tracks, and this is
6 the location north of the tracks.

7 And, again, I think it's well suited
8 for the use being proposed.

9 Parking is not really an issue here
10 because although there is no -- only six spaces
11 being provided in the building itself from the
12 Willow Street side, again, there is sufficient
13 parking under the Willow Street Viaduct.

14 But also on the Clinton Street side, I
15 don't have a photograph of that, but Clinton Street
16 is about 75 feet wide, and it has parking on both
17 sides, which is totally unused because there is
18 nothing on that side of Clinton, other than vacant
19 land and the back side of the marble company, so
20 there is plenty of parking there, access through the
21 back of the building on Clinton.

22 Also, this building is about a block or
23 maybe two blocks from the waterfront walkway,
24 running path, whatever it is.

25 So I mean people can come here who are

1 fit, we hope, and can easily decide that they are
2 going to go up the walkway along the river, and then
3 divert through the back in front of the gateway
4 building, the five-story residential building
5 between the two Viaducts and make a left turn and
6 come down Willow to the site. It is an easy walk.
7 It's easy for them to do it, and again, with respect
8 to this, that is an ideal location for that.

9 So with respect to the use variance --
10 yeah, go ahead.

11 COMMISSIONER MARSH: How far is it from
12 the ferry stop, and how far from the nearest light
13 rail station?

14 THE WITNESS: From the light rail
15 station, I don't think we are that close to the
16 light rail station.

17 COMMISSIONER MARSH: No, it's not,
18 right -- okay.

19 MR. LEVINE: That's a long haul.

20 COMMISSIONER MARSH: I just wanted to
21 know.

22 THE WITNESS: North is Weehawken and
23 south is 9th Street I think, which is pretty far --

24 MS. BANYRA: It's probably less than a
25 quarter of a mile to the light rail behind the

1 office buildings in Weehawken. There's one right up
2 on the left-hand side as you make that turn. There
3 is one, I would say it's a quarter of a mile.

4 COMMISSIONER MARSH: Okay. So if they
5 are fit, they can --

6 THE WITNESS: They can do that.

7 My vote is to come up the waterfront
8 walkway and shoot over a couple blocks.

9 So from a use variance perspective, I
10 think the use is particularly suited for the use.

11 The permitted uses in the zone are, I
12 am not going to say inappropriate, but they are
13 dated, and they are outmoded, and obviously this
14 area -- this property would not be suitable for
15 them. They would do manufacturing, research labs.
16 Wireless communication towers and that sort of thing
17 is just not suitable for this building, and this use
18 is. And this use also is an adaptive reuse, which
19 will reuse the building and restore some of its
20 character in this particular neighborhood.

21 With respect to the master plan, again,
22 the master plan promotes space, recreation, and
23 commercial recreation is part of that. This is a
24 commercial recreation use, which will certainly
25 provide a sufficient space here for the residents of

1 not only Hoboken, but Weehawken, and the surrounding
2 area.

3 So from that standpoint, it certainly
4 promotes the public welfare and esthetically will
5 improve the area. So all of those things are
6 supportive of the master plan in general, and the
7 Municipal Land Use Law in general as well.

8 From a negative standpoint, again,
9 there are two prongs to the negative criteria. One
10 is whether or not there has been a substantial
11 impact of the use put here, and again, I think the
12 answer is no. There is absolutely no residential
13 use within close proximity to the site, other than
14 the gateway building, which again is in Weehawken.
15 It's about a block or so away between the two
16 Viaducts, and they have their own parking structure,
17 as well as their own amenities there as well, so
18 there is no impact from that standpoint.

19 And from impairment to the zone plan
20 criteria, my feeling would be there would be no
21 substantial impairment to the zone plan because of
22 the nature of the use and the master plan's
23 discussion about reusing the old industrial uses for
24 current uses, which again, serve the public and the
25 public welfare, so there you have it.

1 I think the only thing left to do is,
2 I showed you two photographs in my report of what
3 these facilities look like basically and so I did a
4 couple blowups here --

5 MR. GALVIN: Is this one of theirs or
6 is this somebody else's?

7 THE WITNESS: This is somebody
8 else's --

9 MR. GALVIN: And the other thing --

10 THE WITNESS: -- but it is a
11 representative set of photographs as to what it
12 could look like.

13 MR. GALVIN: Are we going to hear from
14 the owner of the business?

15 MR. MATULE: Yes. I am going to bring
16 him up to talk about the general hours of operation
17 and --

18 MR. GALVIN: Yeah, okay. I think that
19 is a probably a good idea.

20 THE WITNESS: Again, you can just see
21 the layout of the facility, sitting areas, work
22 areas, the towers you see here, they are about two
23 stories high, and they vary from two stories to one
24 story.

25 There is a person here for a

1 perspective of the height of the walls and the types
2 of things on the walls themselves.

3 I actually went up with this little
4 person right here. It took her two minutes and 13
5 seconds to climb to the top, and I was right behind
6 her in two hours and 45 minutes, and then they
7 needed a rescue team to get me down.

8 (Laughter)

9 So in conclusion, I think from a use
10 variance perspective, we do meet the positive and
11 negative criteria established by the Municipal Land
12 Use Law.

13 As far as the signs are concerned,
14 again, I testified on the signs. I think the roof
15 sign is clearly necessary because of the location of
16 the site, the location of the building, and the way
17 the Viaducts relate to that. It's necessary to
18 identify where the site is and allow people to say,
19 oh, that is where it is.

20 Now they have to find out how to get
21 there, so that will be step two.

22 I will answer any questions.

23 CHAIRMAN AIBEL: Thanks, Mr. Ochab.

24 Questions for Mr. Ochab?

25 COMMISSIONER GRANA: I have a couple of

1 questions.

2 So you indicated that the site is
3 remote, I think that was your testimony, remote, but
4 it once served as an industrial use.

5 So how was it previously served, and
6 why could it not be served in that way again?

7 THE WITNESS: Well, in my short history
8 here, it looks like it was served by Willow, an
9 extension of Willow from the bottom of the Viaduct,
10 which is a very narrow street.

11 So if it had trucks coming down there,
12 it would have been pretty interesting to see how
13 they got there, and from the back side on Clinton,
14 which through Weehawken you can get around where the
15 church is and come down the back side on Clinton.

16 There might have been a roadway coming
17 across the tracks -- the tracks weren't there at one
18 point, but coming across, but I am not experienced
19 enough to know if that was the case.

20 COMMISSIONER GRANA: It would be a
21 tight fit today, is that what you are describing, to
22 serve as an industrial use?

23 THE WITNESS: From an industrial
24 standpoint, I would say it would be a completely
25 undesirable location for an industrial use that

1 needed trucking, materials, processing, et cetera.

2 COMMISSIONER GRANA: Do you know when
3 the last time it had an industrial tenancy in it?

4 THE WITNESS: Several years ago, we
5 were working here. The City of Weehawken actually
6 had a DPW garage here, so they were using the garage
7 for repairs and things, and that was the last use.

8 COMMISSIONER GRANA: That's the last
9 use it had?

10 THE WITNESS: That's the last use I'm
11 aware of.

12 COMMISSIONER GRANA: That you are aware
13 of.

14 Okay. Could it have once been served
15 by railroad siding --

16 THE WITNESS: It could have. I am not
17 aware that it was.

18 COMMISSIONER GRANA: Thank you.

19 CHAIRMAN AIBEL: Questions of Mr.
20 Ochab?

21 Professionals?

22 MS. BANYRA: Just to Mr. Grana's point,
23 it did have a railroad siding. This area and this
24 building was subject of a needed investigation that
25 I conducted I think in 2007 and '8, maybe with

1 Elizabeth Vandor, so I have been in the building,
2 and I am familiar with it.

3 There was a railroad siding that used
4 to go into the back I think of the building, and
5 there was an active industrial use at that time when
6 we were there, so it was, I'm going to say, some
7 sort of marine machine shop or something on that
8 order that was still there.

9 COMMISSIONER GRANA: So is it fair to
10 say at one time it was served by rail as an
11 industrial use?

12 MS. BANYRA: Yeah. Not in the recent
13 past, but certainly.

14 One question I had also for Mr. Ochab
15 or for Mr. Levine is that right now, because of the
16 light rail tracks, there is fencing up, and the
17 fencing is broken at different points, so people
18 can't run across the tracks I guess.

19 So I am curious if that is any -- it
20 would be on the south side of the property, which
21 probably would be off site, but certainly we
22 wouldn't want to encourage a recreational use where
23 people are trying to run across the tracks I think
24 and I don't know --

25 MR. MATULE: I think Mr. Levine is

1 coming up. He has the site plan and can address
2 that.

3 MS. BANYRA: And while you are looking
4 at that, Mr. Ochab, I believe that the properties
5 now to the west of this behind it, actually there is
6 an active trucking yard that somehow sprouted up in
7 the last few years back there.

8 So right off of Clinton, there seems to
9 be some deposition of trucks and equipment, and I am
10 not sure whose equipment and stuff it is, but there
11 seems to be a lot of things going on there.

12 THE WITNESS: Actually about 15 years
13 ago, I actually worked on a project there. It was a
14 residential project on the other side of Clinton.
15 It was approved, but then it never really went
16 anywhere, so I imagine it's done.

17 MS. BANYRA: Yeah.

18 COMMISSIONER FISHER: The question that
19 I had of Eileen --

20 MR. GALVIN: I'm sorry --

21 MS. BANYRA: Wait. Can we just wait?
22 I just wanted the answer on the fencing.

23 COMMISSIONER FISHER: I'm sorry.

24 MR. LEVINE: I'm not sure I can give
25 you a great answer.

1 I know that on the Hoboken side, the
2 fence is continuous on the south side of the light
3 rail.

4 MS. BANYRA: It seems to be intact, Mr.
5 Levine --

6 MR. LEVINE: I'm sorry?

7 MS. BANYRA: Is it intact, the fence on
8 the --

9 MR. LEVINE: It's pretty much intact,
10 and there is a fence that comes across along the
11 Willow Street frontage, but it is not particularly
12 intact on the Weehawken side.

13 MS. BANYRA: Right particularly at
14 Clinton, right at that --

15 MR. LEVINE: Well, Clinton is
16 unimproved there, so it is a dirt road, and on the
17 west side of Clinton, there is another contractor
18 yard, which is what I think you are referring to --

19 MS. BANYRA: Right. But the fence is
20 down I guess.

21 If you took Clinton straight to the
22 tracks, the fence is broken and/or in pieces over
23 there.

24 MR. LEVINE: Yes.

25 MR. OCHAB: Whose fence is that?

1 MS. BANYRA: I don't know if it's New
2 Jersey Transit or whose.

3 MR. LEVINE: This property on the tax
4 listing is a component of Jersey Transit, but I
5 don't know who takes care of the fences there.

6 CHAIRMAN AIBEL: Ms. Fisher?

7 COMMISSIONER FISHER: I have a question
8 for Eileen.

9 CHAIRMAN AIBEL: Eileen?

10 MS. BANYRA: Yes.

11 COMMISSIONER FISHER: Eileen, can
12 you -- in your report you expressed the concern
13 about the rooftop signs.

14 Is there a planning, like what's the
15 planning framework for that or the master plan
16 framework?

17 I'm just not familiar with it. Would
18 you describe it?

19 MS. BANYRA: So rooftop signs often
20 could be perceived as billboards, I am going to say,
21 and they could, you know, potentially I have seen in
22 the past where rooftop signs have gone from small
23 signs to bigger signs, and then they actually become
24 their own principal use.

25 Billboards are often considered their

1 own principal use on a piece of property, so my
2 concern would be that this not become its own
3 principal use.

4 In this application the way that they
5 are presenting it, it's obviously directly related
6 to the facility below, and what I spoke to Mr.
7 Galvin about earlier today is that, you know, should
8 the Board view this favorably and actually like the
9 signs, that it has to be, you know, integrated into
10 the approval, so that it couldn't morph into a
11 billboard.

12 COMMISSIONER FISHER: When you say it's
13 prohibited --

14 MS. BANYRA: We don't allow, yeah --

15 COMMISSIONER FISHER: -- it's just not
16 allowed within this zoning or is this a separate --

17 MS. BANYRA: It's not allowed. We
18 don't do rooftop signs.

19 So then we are asking them to go and
20 get a use variance for the sign.

21 MR. GALVIN: But they could do
22 something else. They could put a sign on the side
23 of the building or something. There are other
24 alternatives, but --

25 COMMISSIONER FISHER: So then I guess

1 my question of Mr. Ochab --

2 MR. GALVIN: -- this is probably the
3 least expensive --

4 COMMISSIONER FISHER: -- is why from a
5 planning perspective, if it's prohibited in Hoboken,
6 I understand the benefits to the tenant itself, but
7 why would it be okay for Hoboken to permit this
8 rooftop signage use?

9 THE WITNESS: Again, my thinking here
10 in this specific example on this specific site
11 because of the physical conditions of the
12 surrounding area and the site itself, that a rooftop
13 sign is necessary because any business, the most
14 important thing of any business is exposure to have
15 the public who are going to be coming to your
16 business be able to see where you are located and
17 find you.

18 And here, the wall sign, in my view, is
19 not -- is not the optimal way of identifying where
20 the site is.

21 Because, again, as I stood on the
22 Viaduct, it was very difficult to, particularly if
23 you are in a car, to look down off the Viaduct and
24 see that that is where the climbing facility is.

25 The rooftop sign in this very specific

1 case allows you to identify where the business is
2 without causing an accident, and it's the most
3 effective way of doing that without endangering any
4 life or benefit for people driving, but also allows
5 the business to be identified and located.

6 Again, I don't support roof signs and I
7 don't support billboards, but they are very
8 different things. But in this case I think it is
9 absolutely essential for the driving public to be
10 able to see where it is located.

11 COMMISSIONER FISHER: Do we know if
12 that -- the current plan is permitted?

13 MS. BANYRA: I don't know the answer.

14 MR. GALVIN: No, negative.

15 COMMISSIONER FISHER: We don't know the
16 answer?

17 MR. GALVIN: No. I am telling you it
18 is not. I think I can go on the limb there.

19 If you are saying is it a preexisting
20 nonconforming structure, sure, it advertised some
21 prior business. But if you don't grant it, it comes
22 down. So, you know, you see it. It is there.

23 Do you want to keep it?

24 Do you think they need it for this
25 business?

1 I have a tough question. I'm sorry.

2 COMMISSIONER DE GRIM: Before your
3 tough question, I have an easier question I think.

4 MR. GALVIN: Sure.

5 COMMISSIONER DE GRIM: The "for sale"
6 sign that is up there, do you know what the sign
7 says relative to what is being applied for here?

8 MR. GALVIN: Hold on.

9 Mr. Levine has to know that.

10 MR. LEVINE: I believe it was 40 square
11 foot, the existing.

12 COMMISSIONER DE GRIM: Okay. So --

13 MS. BANYRA: And proposed is 32 for
14 each --

15 MR. LEVINE: 32.2, something like that.

16 COMMISSIONER DE GRIM: Okay. So a
17 larger -- what's there -- this "for sale" sign is
18 larger than what --

19 MR. LEVINE: Larger than --

20 COMMISSIONER DE GRIM: -- larger than
21 one of the two signs, and the two merged with the
22 third facade sign to make sure that nothing was
23 greater than a hundred. Whether or not they made
24 sense for a roof sign --

25 COMMISSIONER FISHER: Can you --

1 COMMISSIONER DE GRIM: Understood.

2 Okay.

3 Thank you.

4 COMMISSIONER FISHER: -- can I, Mr.
5 Levine, can I -- what does your proposed sign look
6 like at two o'clock in the morning?

7 MR. MATULE: At when?

8 COMMISSIONER FISHER: Two o'clock in
9 the morning.

10 MR. LEVINE: Two o'clock in the
11 morning?

12 MR. MATULE: I don't think it would be
13 particularly visible because there would be no
14 lighting on it.

15 COMMISSIONER FISHER: I thought you
16 said earlier --

17 MR. LEVINE: Well, we will put a timer
18 on it. I don't know that we have set the actual
19 powers of the lighting, and I think it's entirely
20 appropriate to set it --

21 MR. GALVIN: Well, we should do that
22 now.

23 MR. LEVINE: --- but it wasn't
24 something that we established.

25 COMMISSIONER FISHER: Is it -- is it

1 lighting like flood lights pointing at it --

2 MR. LEVINE: Yes.

3 COMMISSIONER FISHER: -- or is on the
4 outside?

5 MR. LEVINE: No, no, no.

6 They are painted metal signs with the
7 colors that we proposed, and there are two lights in
8 front of each. So it is what I call direct
9 illumination, although Hoboken doesn't always
10 consider it that way, but it is a reflection of the
11 light.

12 MS. BANYRA: Mr. Levine, is there
13 not -- my question is: Why would you have lights
14 shining up and then potentially reflecting as
15 opposed to shining down, and then kind of down and
16 down lighting it, so that it's not glaring, and it's
17 doing a direct light rather than doing -- we have
18 night sky compliance, so I don't think it's --

19 MR. LEVINE: It could certainly be that
20 way. I mean, you could do the traditional
21 gooseneck --

22 MS. BANYRA: I don't think we even need
23 gooseneck. I mean, you can just have that bar light
24 and just, you know, I'm going to say wash it, where
25 it then won't reflect, because any time you kind of

1 do the reflection, you know, it could bounce, and it
2 also has --

3 MR. LEVINE: We can certainly stipulate
4 to it that way. I think simply it could be old
5 school mounted on the roof and pointed at it, but we
6 could certainly do it as an overhead bar.

7 COMMISSIONER FISHER: So just thinking
8 about our Weehawken friends that not present here
9 today in the high-rise residential that is diagonal
10 to this, what are you contemplating from an hour
11 standpoint?

12 MR. MATULE: From the sign being lit?

13 COMMISSIONER FISHER: Yeah.

14 MR. MATULE: I thought it was ten
15 o'clock maximum, ten p.m.

16 MS. BANYRA: I mean, that's something
17 that certainly the Board can also stipulate.

18 COMMISSIONER FISHER: You know, I guess
19 what we have not asked here, but I read in your
20 report, is the reference to -- maybe this is for Mr.
21 Ochab -- because it abuts Weehawken and it has a
22 little piece of Weehawken, and we somehow have to
23 take into consideration a use variance as it relates
24 to an adjacent master plan as well, which in this
25 area, my understanding generally is low density

1 residential, even though next right next to it, you
2 know, I don't live too far away. I'm from there.

3 Taking all of that into consideration,
4 how -- you know -- I guess how do we factor that
5 into this discussion that we are going to put a lit
6 up sign next to an area that is effectively a low
7 density residential area in Weehawken -- and do --
8 and is it --

9 MR. MATULE: Well, I mean, my only
10 response is the sign is not -- the sign is facing
11 the Viaduct. I mean, it's not facing the Shades or
12 the back of the building or anything.

13 You know, it is not impacting. As a
14 matter of fact, we have no interaction with the west
15 side of the property. We are not parking back
16 there. We are not using the parking lot. It is not
17 an entrance. There is going to be a sign on the
18 back of the building, but I don't believe it's lit.

19 MR. LEVINE: No, definitely not.

20 MR. MATULE: And so I mean, the whole
21 point of this sign, and it is a small sign, it's not
22 even three feet high. It's just as Mr. Ochab said,
23 so cars coming over the Viaduct, and you know, and
24 you also have constant vehicle traffic over there at
25 night, I'm sure with headlights and stuff, and I

1 don't know what the new apartment building looks
2 like at night, but I am sure it's casting its own
3 presence in the community.

4 (Laughter)

5 COMMISSIONER FISHER: Thank you.

6 VICE CHAIR GREENE: Mr. Ochab, in your
7 supplement to the report, you refer to the new
8 signs, the proposed sign consists of one
9 double-faced sign of 53.39 square feet per side, but
10 I thought Mr. Levine said there were about 35 feet
11 or so --

12 THE WITNESS: It was made smaller.

13 MS. BANYRA: It's been revised.

14 VICE CHAIR GREENE: Oh, it's been
15 revised after your supplement?

16 THE WITNESS: Yes.

17 VICE CHAIR GREENE: So there's a
18 supplement to your supplement?

19 THE WITNESS: Supplement to my
20 supplement, yes. Thank you.

21 MR. GALVIN: Consider it a supplement.

22 Can I do the hard question now?

23 CHAIRMAN AIBEL: Maybe we can just
24 finish the questions here.

25 COMMISSIONER MARSH: No, I am good.

1 MR. GALVIN: Are you okay?

2 All right.

3 I regret asking this question, but I
4 think I need to ask it.

5 Could you guys, when you were trying to
6 acquire this property, have you done a Phase 1 of
7 ISRA to make sure that there's no contamination here
8 since we're going to have an interplay with
9 children?

10 MR. MATULE: I have to defer to Mr.
11 Levine.

12 MR. GALVIN: I don't think it came up
13 when we did Doggie Day Care, but I don't know if was
14 as important with Doggie Day Care as it is with --

15 VICE CHAIR GREENE: Of course, it is.

16 (Laughter)

17 (Counsel confers)

18 MR. MATULE: My client is indicating as
19 a prospective tenant, he has not conducted any Phase
20 1.

21 MR. GALVIN: I am just saying, if we
22 don't know how the building was used and --

23 MR. MATULE: I know it was under quite
24 of bit of water during Sandy, seven feet of water.

25 MR. GALVIN: I don't even know how to

1 deal with it, but I just thought it should be raised
2 if you are having kids in the building, and we don't
3 know if there is stuff there.

4 Help me.

5 VICE CHAIR GREENE: Can you do it
6 subject to?

7 MR. GALVIN: Yes.

8 COMMISSIONER FISHER: It is tricky
9 because it's a tenant that is asking for this and
10 not an owner, right?

11 Because a tenant is stepping in and
12 assuming --

13 MR. GALVIN: Well, listen, I am
14 actually helping them. It is awful late in the game
15 for me to raise this, and I apologize.

16 MR. MATULE: We could offer to have a
17 Phase 1. I mean typically --

18 MR. GALVIN: That would be something
19 you did if you bought the property.

20 MR. MATULE: -- typically, I'm sure Mr.
21 Aibel is aware of this, but I mean typically you do
22 this in gradations. You do what is called a Phase 1
23 study, and that is really a historical and records
24 study to see if there is anything there --

25 MR. GALVIN: I'm with you.

1 MR. MATULE: -- and then based on the
2 results of that, you inquire with a consultant, and
3 they recommend then a Phase 2, which is invasive
4 testing, where you start doing borings and soil
5 samples and those kinds of things. But if there is
6 no history of --

7 MR. GALVIN: I got it, but I just don't
8 know. I just don't.

9 MR. MATULE: Well, I am proffering that
10 as a condition of any approval, we would get a Phase
11 1 study done and submit it to the Board Engineer or
12 whoever, if that is a concern.

13 CHAIRMAN AIBEL: The owner may have
14 knowledge of the last --

15 MR. MATULE: One of the principals of
16 the owner is here, and he doesn't really -- he said
17 they have never done any --

18 CHAIRMAN AIBEL: So the last time a
19 business occupied it and closed, there was not a
20 signoff?

21 MR. MATULE: No. It was not something
22 like under I guess ISRA or whatever. I don't know
23 that there ever were any operations there that would
24 have triggered something like that.

25 MR. GALVIN: You know, let me just talk

1 out loud.

2 I just -- one of the towns I represent,
3 I'm the Municipal Attorney, and someone offered us
4 property.

5 And I said, we just can't take it
6 because we could get in trouble.

7 So I made them do a Phase 1, and the
8 Phase 1 came back, and it said you got to check
9 this, because it was a farm.

10 They went out and did an investigation,
11 and on both reports, we got a clean bill of health.
12 Bingo, we could take it.

13 You know, it is like the same thing
14 here. You want to make sure that you don't have a
15 serious chemical issue in there, and then you are
16 going to face lawsuits.

17 MR. MATULE: It's a fair question, and
18 we are more than happy to try to fix that.

19 MR. GALVIN: No problem.

20 CHAIRMAN AIBEL: Good.

21 Time to open it up to the public.

22 Do you have any more witnesses?

23 VICE CHAIR GREENE: No. I thought we
24 heard the testimony --

25 CHAIRMAN AIBEL: Oh, you have an owner?

1 MR. MATULE: Yes.

2 MR. GALVIN: No. I think we should
3 talk to the owner for a minute, if that's okay.

4 CHAIRMAN AIBEL: Yes.

5 COMMISSIONER GRANA: We closed with Mr.
6 Ochab.

7 CHAIRMAN AIBEL: Yes. We are closed
8 with Mr. Ochab.

9 VICE CHAIR GREENE: Yeah. But now you
10 have to open it for Mr. Ochab.

11 CHAIRMAN AIBEL: I thought I opened it.
12 Anybody have any questions for the
13 planner?

14 Seeing none.

15 VICE CHAIR GREENE: Move we close the
16 public portion for the planner.

17 CHAIRMAN AIBEL: Second?

18 COMMISSIONER GRANA: Second.

19 CHAIRMAN AIBEL: All in favor?

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

22 CHAIRMAN AIBEL: Thank you.

23 MR. MATULE: Mr. Cabrao, come on up.
24 They have been sitting here very
25 patiently, and they don't bite, so --

1 (Laughter)

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. CABRAO: Yes.

7 D A V I D C A B R A O, having been duly sworn,
8 testified as follows:

9 MR. GALVIN: Thank you.

10 State your full name for the record and
11 spell your last name.

12 THE WITNESS: David Cabrao,
13 C-a-b-r-a-o.

14 I'm sorry.

15 MR. GALVIN: That's okay. You'll let
16 your climbing do your talking for you, right?

17 (Laughter)

18 MR. MATULE: Mr. Cabrao, you are one of
19 the principals of the applicant, correct?

20 THE WITNESS: Correct.

21 MR. MATULE: And you currently operate
22 a business in town now?

23 THE WITNESS: Yes, I do.

24 MR. MATULE: What business is that?

25 THE WITNESS: We own -- actually I have

1 a great 35-Minute Boot Camps. It's a fitness gym,
2 excuse me, at Monroe Center. We have been there for
3 about almost five years now.

4 We do a lot of quick classes, 35-minute
5 classes. But with our experience, we were able to
6 interact with the community, with parents, with
7 moms, with kids. My kids go there all of the time.

8 So in doing this, that is when I kind
9 of saw there was a need. I took my kids to a rock
10 climbing gym one time, and they loved it. I take a
11 group of 20 at a time, and they love it, and then I
12 was fortunate enough to go with the idea.

13 Then one of my investors, he is not
14 here right now, he's in Florida, but my partner as
15 well, you know, we came up with the idea of the
16 building at 1714, and we are here today.

17 MR. MATULE: And could you just tell
18 the Board, you know, just give them an overview of
19 what you anticipate your operation will be, the
20 days, the hours, how many people you expect to have
21 there at what times, and things of that nature?

22 THE WITNESS: Well, definitely we are
23 not going to open as early as my boot camp. My boot
24 camp opens at five o'clock in the morning. That's
25 our first class, so we're not going to do that.

1 Most climbing gyms, we are going to
2 follow what most of climbing gyms do. They open
3 around eleven, ten or eleven o'clock in the morning.
4 From there they stay open until maybe eight or nine,
5 depending on the crowd.

6 If you were to ever go to a climbing
7 gym around eight, nine, maybe even ten o'clock at
8 night, it's very slow. There's not a lot of noise.
9 The music is not loud at all. At times we will have
10 to have music.

11 And during the weekends, the birthday
12 parties starting anywhere from nine o'clock,
13 actually we run birthday parties at the studio now,
14 and our clients ask for it. The earliest we start
15 is 11 o'clock. 11 to 12 is probably the earliest,
16 the first one, so we kind of expect the same thing
17 at the climbing gym.

18 MR. GALVIN: Can I ask you a question?

19 They are going to bring the pizza in.
20 You're going to bring the food in?

21 THE WITNESS: Yeah. We're not cooking
22 anything.

23 MR. GALVIN: No cooking?

24 THE WITNESS: No, no, no.

25 MR. GALVIN: Okay. Because sometimes

1 there is, and we have to know that.

2 THE WITNESS: There will be no cooking.
3 We are going to work with a local business, and we
4 are going to order the pizza from them. They are
5 going to bring it, deliver it, and that's the way it
6 will be.

7 MR. GALVIN: Are you going to have any
8 cases, like selling Gatorade or water?

9 Are you going to sell water?

10 THE WITNESS: We might. I don't know
11 if that would affect it, but --

12 MR. GALVIN: No, no. I am not putting
13 you in trouble. I just want to know what you're
14 doing.

15 THE WITNESS: No. I will give you an
16 example. Most --

17 MR. GALVIN: We haven't had any -- stop
18 for a second.

19 We haven't had any cases like this.
20 Everything we have had are tall buildings --

21 (Laughter)

22 -- so, you know, I want to make sure
23 that they've explored this the way we would in
24 another town.

25 A VOICE: Sometimes too tall.

1 THE WITNESS: I can give you an
2 example.

3 Most climbing gyms when you go into
4 them, the front desk will have some water, and they
5 might have a little bit of snacks. Nothing made
6 there, but like presealed Beef Jerky, protein bars,
7 things like that.

8 MR. GALVIN: Supplements?

9 COMMISSIONER FISHER: Like T-shirts?

10 THE WITNESS: Maybe T-shirts
11 depending --

12 MR. GALVIN: Are you going to have a
13 changing area?

14 THE WITNESS: No, just bathrooms.
15 99 percent of the gyms that I've been to, we have
16 two bathrooms, and the big facilities maybe 15,
17 20,000 square foot facilities, but no changing
18 facilities, just come in shorts, you know --

19 COMMISSIONER FISHER: But like in the
20 winter, are there lockers and things to store their
21 coats and everything?

22 THE WITNESS: No. We have cubbies. We
23 will have cubbies. You could put lockers in.

24 Again, my experience in going to other
25 climbing gyms, big climbing gyms, the cubbies are

1 wide-open anyway. Once again, it is a community
2 type of place. You got anywhere from college
3 students, and then depending on time, you have
4 family nights. You have family days. You bring the
5 kids. I mean, it is just a little bit of
6 everything.

7 MS. BANYRA: You are not intending on
8 moving your boot camp there at all, and you're not
9 going to have weight training equipment?

10 THE WITNESS: No, no.

11 CHAIRMAN AIBEL: How do you advertise
12 for the boot camp?

13 THE WITNESS: Word of month. Word of
14 mouth, direct mailing. You know, we're fortunate
15 enough to have a big list and referrals, a lot of
16 referrals.

17 CHAIRMAN AIBEL: Anybody else,
18 questions?

19 COMMISSIONER DE FUSCO: How are you
20 going to run the parking portion of this?

21 Is it going to be open to your clients
22 or is it specifically for folks that work in the
23 gym?

24 THE WITNESS: We don't expect many
25 people to drive to us. We are going to hire college

1 students. There's a lot of people that probably
2 work part-time. I know moms.

3 The parking, I think probably will
4 be -- I think most of the traffic hopefully will be
5 a lot of drop-offs.

6 We will ask parents when they have
7 birthday parties, I mean, the parents can stay, but
8 if they can drop the kids off and then we will do it
9 that way.

10 COMMISSIONER DE FUSCO: I tend to agree
11 that many people hopefully take their feet or their
12 bikes to, you know, to athletic facilities such as
13 this. You have to be open minded and see that
14 people might also drive.

15 The Doggie Day Care application five
16 years ago, one of the large community concerns that
17 came from Weehawken was that there was going to be a
18 lot of drop-offs there. I don't see that many
19 happening here.

20 But do you have any other thoughts on
21 how you would manage the parking portion of this?

22 THE WITNESS: Well, there is parking
23 lots as well that we could, if it becomes a problem,
24 we could tell them to park there and validate it
25 somehow. We could see if some of the various bus

1 companies in town, and see if they could pick up and
2 drop off, car pool.

3 We could actually ask people to please
4 fill out a form, you know, and things like that,
5 just let the clients all know that we are trying to
6 stay green, and we prefer if you guys, you know, can
7 come together as a group or we will come up with
8 solutions as the problems arise.

9 If we see that it is, that's one of the
10 things that me and my business partner were talking
11 about, seeing if we can get somebody to car pool and
12 bring people over, just drop off at certain hours,
13 you know, and being close to the light rail, and
14 many people walk.

15 COMMISSIONER DE FUSCO: Great. Thank
16 you.

17 COMMISSIONER FISHER: Can you -- how
18 many people fit in the event space?

19 Like how many people do you -- it looks
20 like the maximum capacity, hum --

21 MR. MATULE: In the event space?

22 THE WITNESS: In the event space.

23 COMMISSIONER FISHER: A little of both.
24 Like how many -- like say an event space, and then
25 also just generally, is it 50 people at one time or

1 a hundred or twenty?

2 MR. GALVIN: Mr. Levine will answer
3 that.

4 MR. LEVINE: If you do it based on the
5 building code in terms of occupancy, because
6 exercise gyms are 50 square feet per person, so you
7 would probably have on the order of magnitude of 80,
8 something like that, 80, 85 per units would be the
9 maximum. At 50 percent you need two means of
10 egress, but that's probably the max.

11 MR. MATULE: That's for the whole
12 facility?

13 MR. LEVINE: Yes.

14 MR. MATULE: I think your question was
15 about the event center.

16 COMMISSIONER FISHER: It was a little
17 of both. But probably even the event space when
18 you're thinking -- with a question of a lot of
19 people coming at one time, is it all 50 in the event
20 space, or it's smaller --

21 THE WITNESS: You would have timing so
22 that the kids would be out on the climbing wall, and
23 while other people are having about a half hour in
24 there, it would be timed and spaced out evenly, so
25 there is no -- so it is safe.

1 CHAIRMAN AIBEL: Anybody else,
2 questions?

3 Seeing none, professionals, you have
4 nothing?

5 MS. BANYRA: I just wanted to ask about
6 the rear egress.

7 Is that just a secondary egress, or is
8 it emergency or --

9 MR. LEVINE: Yes --

10 MS. BANYRA: -- the rear egress is just
11 an emergency egress?

12 MR. LEVINE: -- it's intended primarily
13 as a second means of egress, and that is why it is
14 new curbing, new sidewalk, bollards and fence.

15 That is not to say that the operation
16 could not have people coming in from the back, but
17 it is not set up that way right now. The entrance
18 is from Willow.

19 MS. BANYRA: Okay.

20 MR. MATULE: Part of the intention
21 behind that is to not create a traffic pattern
22 through the Shades section of, you know, the
23 residential section, because frankly it would be
24 easier for people rather than going in the back and
25 coming around again, just come over the Viaduct,

1 make a left by the Exxon station, make another left,
2 come under. You could make a U-turn right there and
3 make a right, and you can go right back out again.

4 MS. BANYRA: Okay. I think this is the
5 only building in Hoboken of the industrial
6 buildings, I think. Is that correct?

7 MR. MATULE: Pardon?

8 MS. BANYRA: This is I think the only
9 industrial building in this area in Hoboken. The
10 other one is Weehawken, right, this is the only one?

11 MR. MATULE: Right.

12 I mean, I know there has been talk for
13 years about deeding this to Hoboken because once the
14 light rail went in, there is no -- and then really,
15 you know, there's sewers from Hoboken -- I mean from
16 Weehawken, and the water is from Weehawken. They
17 get everything but the taxes.

18 CHAIRMAN AIBEL: Okay. Let me open it
19 up to the public. Any questions for this gentleman?

20 VICE CHAIR GREENE: Seeing no one?

21 COMMISSIONER GRANA: Motion to close
22 public portion.

23 CHAIRMAN AIBEL: All in favor?

24 (All Board members answered in the
25 affirmative.)

1 CHAIRMAN AIBEL: Okay.

2 Mr. Matule?

3 MR. MATULE: Hum --

4 CHAIRMAN AIBEL: Excuse me. Let me
5 open it up to the public.

6 MR. MATULE: Sure, absolutely.

7 CHAIRMAN AIBEL: Thanks.

8 Anybody want to comment on the
9 application, have positive comments or negative
10 comments, now is the time.

11 Please come forward.

12 MR. GALVIN: Raise your right hand.

13 Do you swear to tell the truth, the
14 whole truth, and nothing but the truth so help you
15 God?

16 MR. POLLARA: I do.

17 MR. GALVIN: States your full name for
18 the record and spell your last name.

19 MR. POLLARA: Alexander Pollara,
20 P-o-l-l-a-r-a.

21 MR. GALVIN: And your street address?

22 MR. POLLARA: 940 Bloomfield Street,
23 Hoboken.

24 MR. GALVIN: In Hoboken?

25 MR. POLLARA: Yes, in Hoboken. Sorry.

1 MR. GALVIN: Go ahead.

2 MR. POLLARA: I'm just a resident of
3 Hoboken, and I'm also an avid rock climber. There
4 is a large community of people in Hoboken that are
5 engaged in sports-related activities.

6 There's also a large community of
7 people in Hoboken that are rock climbers. Most of
8 them now go across the river and have to travel an
9 hour or so to a rock gym, and this would be great
10 for us.

11 CHAIRMAN AIBEL: Thank you.

12 MR. GALVIN: So they will be climbing
13 the walls to get in.

14 (Laughter)

15 MR. POLLARA: Yes.

16 MS. BANYRA: So punny.

17 CHAIRMAN AIBEL: Anyone else wish to
18 comment?

19 Seeing nothing, motion to close the
20 public portion?

21 VICE CHAIR GREENE: Seeing no one, move
22 to close public.

23 COMMISSIONER GRANA: Second.

24 CHAIRMAN AIBEL: All in favor?

25 (All Board members answered in the

1 affirmative.)

2 CHAIRMAN AIBEL: You are up.

3 MR. MATULE: Just a couple of comments.

4 I dare say this is an extremely or
5 certainly a much more benign application than a
6 Doggie Day Care Center, and with all due respect to
7 Mr. DeFusco, I think Weehawken's concerns are about
8 a lot more than just traffic when the residents of
9 the Shades were -- because a lot of that operation
10 was out in the back of the building and really
11 impacted the townhomes that are back there.

12 This is -- you know, I appreciate the
13 fact that it is a use that's not permitted in the
14 zone, but it is all a relatively new use. Really
15 our zoning ordinance hasn't kept up. The only
16 place, as Mr. Ochab testified, that you can have an
17 operation like this would be in the central business
18 district, which is right down there, and there is
19 really no place physically in which you could
20 reasonably have such an operation.

21 I think it is a great use of an old
22 industrial building. It is really an orphan out
23 there on the other side of the light rail, behind
24 the Viaduct. You know, it literally, while I know
25 it is physically and legally in Hoboken, that is

1 about it. I think for all practical purposes, it's
2 in Weehawken, and I'm not saying that in a
3 pejorative way, that we shouldn't care because it's
4 in Weehawken.

5 I know the sign is a concern to some of
6 the Board members, but under the circumstances,
7 again, I think it's really important. It is a small
8 sign. It's less than three feet high. It is on an
9 angle, so it's specifically geared at cars driving
10 one direction or the other over the Viaduct.

11 The lighting is going to be, you know,
12 low lighting, and it's going to be off at a
13 reasonable hour, nine o'clock, ten o'clock, whatever
14 the Board feels is reasonable.

15 I just think it is something that would
16 be a really exciting thing to happen in town. I
17 don't think there would be any significant impact.

18 Traffic, I think it's going to be
19 somewhat of a self-regulating thing on one level,
20 but also I'm sure a lot of the, you know, the
21 community that's involved in these kind of
22 activities, I think the kind of people who are going
23 to bike there or jog there or whatever.

24 Certainly I can appreciate the fact
25 that when there's a kiddie birthday party, there

1 will be a couple of carloads of kids coming, but I'm
2 sure that they will be car pooled or whatever.

3 So, you know, all things considered,
4 especially in light of the fact that our ordinance
5 hasn't kept up with the ever changing face of
6 commercial recreation, it is just a great adaptive
7 reuse of this facility, and I would appreciate if
8 the Board would grant the requested variance relief.

9 CHAIRMAN AIBEL: Thank you, Mr. Matule.

10 I open it up to the Board members.

11 COMMISSIONER FISHER: I am happy to
12 start.

13 I think it is refreshing that an
14 applicant came in and looked at an existing
15 industrial type building and is trying to do a
16 pretty interesting adaptive reuse that is offering
17 an amenity and is not asking to put 25 stories of
18 residential on top of it.

19 Like this is, as Dennis or someone else
20 said, we have had a lot of tall buildings. But in
21 this area, you know, I am not sure I would
22 characterize it completely as a hardship, but
23 clearly, you know, I have ridden my bike back there,
24 and I mean, this is clearly an area that would be
25 very difficult for an industrial or a commercial use

1 in its current setup without significant investment
2 from Weehawken on the roads and everything around
3 it. Like this isn't -- there's not really a lot of
4 choices in terms of what you could do there, and
5 just based on what the public has been asking for,
6 public amenities, you know, this I don't think is
7 one of the top five, but it is on a list, and we
8 hear about it all of the time.

9 So I don't know, I think it is really a
10 great use in that end.

11 I actually have less issue now with the
12 signs because they are small, and they're a little
13 bit lit, and I actually am always charmed by seeing
14 the marble sign every time I go by because of the
15 fact that we have a marble business outside of
16 Hoboken and outside an inner city right there is
17 amazing to me. So having like a small similar type
18 of sign doesn't bother me.

19 I thought originally you said it was
20 neon, and that would have bothered me.

21 So I generally am supportive of this,
22 subject to I think it is just important for running
23 a business that has kids, and hopefully there won't
24 be anything, but it is an old manufacturing
25 building. If it was hit by Sandy, there would be

1 mold and other contaminants, so hopefully you will
2 not find any, and there won't be any, you know,
3 major issues, but I would be supportive of this.

4 COMMISSIONER GRANA: I agree with
5 Commissioner Fisher. I think this specific
6 location, while it's zoned for industrial use, would
7 be very hard to be developed for that use. It is
8 remote. It doesn't have any infrastructure
9 development around it to allow for that, and that to
10 me, you know, would also explain the lack of tenancy
11 for many years as an industrial use.

12 I also think that we -- you know, I see
13 this really from the lens from the positive
14 standpoint of the adaptive reuse. We see a lot of
15 things on this Board who talk about adaptive reuse.

16 Well, this is an actual adaptive reuse.
17 This is somebody going to take it in-depth. This is
18 the thing. It is not part of that. Somebody is
19 going to take an industrial structure and reuse it
20 for a new use, and I think that is really a very
21 strong positive to this application.

22 That combined with the fact that the
23 building perfectly suits the use, you know, you
24 couldn't have a rock climbing gym in a one-story
25 building, so it is a great match.

1 I will also say one other thing. I
2 agree, we hear a lot from the community about both
3 the need for recreational space for people, both
4 indoor and outdoor, because of the winter season. I
5 think this helps with that.

6 With respect to the sign, I think that
7 they are tastefully done. It will kind of give a
8 little bit of that industrial feel to it. I think
9 that they are probably essential for this tenant to
10 run a business here. So if there is a hardship, I
11 would agree with it.

12 I think the Phase 1 should be
13 considered, but I think this is a great adaptive
14 reuse example, and therefore, I don't think any
15 other uses would fit there.

16 COMMISSIONER FISHER: I just want to
17 add online, I would like to see whatever the
18 specific conditions that we would be requiring that
19 the signs are a very specific use only, just for
20 this tenant, whatever you feel is necessary.

21 MR. GALVIN: Yeah. I got it. I think
22 you will be happy with it, but if you want to change
23 it, we will. I just want to let you guys get all of
24 your debate out first.

25 COMMISSIONER FISHER: And then I think

1 the other thing is we just want to make sure that we
2 are as specific as we need to be with regard to the
3 adaptive reuse requirement.

4 It doesn't sound like they are doing
5 anything material to the building, but just given
6 our recent experience, let's be as clear as possible
7 that our condition, our approval to the extent we go
8 in that direction would be conditioned on no
9 material changes to the outside of the property, you
10 know, other than what has been presented.

11 You know the issues, Mr. Matule.
12 You've dealt with them before. We don't want that
13 ambiguity again. We want as much clarity as
14 possible, so we don't find later that they have
15 taken two walls down, it has already been built, and
16 now we have to just approve the signs.

17 CHAIRMAN AIBEL: Would anybody mind if
18 I just jumped in and gave a little of a counter
19 point?

20 COMMISSIONER FISHER: Yeah, absolutely.

21 CHAIRMAN AIBEL: Okay.

22 I think the recreational use is
23 terrific. I fully support it.

24 I got a real problem with the rooftop
25 signs. Sorry, Mr. Matule.

1 You know, I am just not buying that it
2 is a health and welfare issue, and if there were
3 maybe a better case for that, maybe I would feel
4 differently. In my view, it is really a marketing
5 and advertising issue, plain out there.

6 But we have an ordinance that doesn't
7 permit it, and I think there's probably a reason for
8 it. People don't want to see signs on the top of
9 buildings. I'm assuming that's the legislative
10 basis for an ordinance that does not permit rooftop
11 signs.

12 If we grant a sign for this particular
13 building, I am not sure why we shouldn't allow
14 Bataglias or Anthony Pino's Restaurant on 15th and
15 Willow. I know, yes, they are much more visible
16 from the road, you know, but the fact that this
17 location has been chosen is a business choice that
18 is being made.

19 My own view is that this is going to be
20 a very savvy business operator. He will be able to
21 advertise well. I think in the world of GPS and a
22 local clientele, that probably will be the principal
23 users of the facility, you know, a rooftop sign is
24 just not something that is absolutely necessary, and
25 I would say humbly we as a Board should be really

1 careful about changing the view of Hoboken in this
2 way going into Hoboken. No matter how tastefully
3 it's done, I am not sure that it is a judgment I
4 feel comfortable making.

5 At the end of the day, if for some
6 reason the applicant feels that there is a
7 compelling need based on evidence, Mr. Galvin says
8 that he is not precluded from coming back here and
9 asking for additional relief.

10 But I am fully supportive of this. I
11 think it's great. I hope we can get it in, but I
12 have a problem with the signs.

13 MR. MATULE: If I may, the only comment
14 I can say is I totally respect your view, but I
15 would submit that this building is an outlier. It's
16 not part of the community of Hoboken. It's not
17 anywhere near the central city, so to speak. It's
18 just out there by itself, and I think we are not
19 going down a slippery slope, if we allow it.

20 CHAIRMAN AIBEL: So if granted, in
21 Weehawken, I probably would have less of a problem,
22 but if you go over the overpass --

23 MR. MATULE: I am just saying the
24 legislative intent is, you know, in the city proper,
25 if you will. I mean, we are just sort of out there

1 under the bridge, but again, that is a decision the
2 Board will have to make.

3 CHAIRMAN AIBEL: And I am arguing for
4 my colleagues here, we have two or three accesses
5 into Hoboken --

6 MR. GALVIN: All right. Okay --

7 CHAIRMAN AIBEL: -- and my feeling
8 is --

9 MR. GALVIN: -- we are in
10 deliberations.

11 CHAIRMAN AIBEL: We are in
12 deliberations. All right. But --

13 MR. GALVIN: Mr. Matule -- I am not
14 trying to cut you off, Mr. Chairman --

15 VICE CHAIR GREENE: You're debating.

16 MR. GALVIN: -- I just want to make
17 sure, we wanted to give you some latitude, but I
18 think that --

19 MR. MATULE: I appreciate that, and I
20 understand I am speaking out of turn.

21 CHAIRMAN AIBEL: I thought Mr. Galvin
22 was shushing me down, but that's okay.

23 MR. GALVIN: No. Misunderstood again.

24 (Laughter)

25 CHAIRMAN AIBEL: But let me open it up

1 to the rest of the group.

2 VICE CHAIR GREENE: Go right ahead.

3 COMMISSIONER MARSH: Thanks, Elliot.

4 VICE CHAIR GREENE: Didn't you say you
5 wanted to say --

6 COMMISSIONER MARSH: Yes.

7 I thought I was going to have a problem
8 with these signs. I actually like them. I don't
9 just think they're -- I don't see them as setting
10 precedent anywhere, because you stole my thunder. I
11 was actually going to say this before you opened
12 your mouth.

13 But it is a completely unique property,
14 and I actually sort of like that it enhances the
15 industrial nature of it.

16 I think somehow that -- first off, I
17 think it is really important that we support a wide
18 variety of kinds of businesses here, and indoor
19 recreation just seems like such a logical fit, but I
20 also like -- I sort of like the edginess of the
21 industrial sign. It is an industrial area. It
22 almost sort of adds to the whole schtick of it. I
23 like it. I thought I was going to have a problem
24 with it, and I came away thinking that they were a
25 plus, so I don't think anybody in this room ever has

1 seen me happy before.

2 (Laughter)

3 VICE CHAIR GREENE: That is a
4 compelling debate.

5 CHAIRMAN AIBEL: I need to make the
6 record that I hope you are not going to decide this
7 on that basis, that we are pleasing Carol for the
8 first time.

9 (Laughter)

10 MR. GALVIN: Stay out of the way of
11 Carol's happiness.

12 (Board members all talking at once.)

13 VICE CHAIR GREENE: We would be better
14 served bifurcating the application, so that we can
15 vote on the variances --

16 (Everyone talking at once.)

17 THE REPORTER: Is this on the record?

18 MR. GALVIN: Yes.

19 Mr. Elliot is asking me -- Mr. Elliot,
20 sorry. Elliot is asking me if we can bifurcate the
21 matter, and the answer is it depends. You might
22 want to do that. If you feel -- I have not heard
23 everybody, so I don't know. If one person is
24 against the sign, then there's no need to bifurcate
25 it. If it's going to be a couple people that might

1 be against the sign, then, yeah, you want to break
2 this down into two separate -- they're both D
3 variances.

4 VICE CHAIR GREENE: So what you are
5 saying essentially is we need a straw poll to decide
6 whether or not --

7 MR. GALVIN: I never let my Boards take
8 a straw poll. You have to decide -- we have to
9 decide if we're going to bifurcate it or not.

10 COMMISSIONER FISHER: I mean, does
11 any -- Frank, are you going to speak?

12 COMMISSIONER DE FUSCO: Listen, I think
13 everybody has touched on the points that I think are
14 the strong ones.

15 I don't have an issue with the sign, as
16 the Chairman does. I agree with Carol in saying
17 that it does enhance the industrial feel of this.
18 This is an industrial area. We need to embrace that
19 and not sugar coat it.

20 At the end of the day, this is a
21 project that is going to encourage walkability, and
22 it's going to encourage safer streets in this
23 district underneath the bridge. It is a good
24 project. You know, I really just would like to take
25 it to a vote.

1 VICE CHAIR GREENE: Just so that we are
2 clear and everybody has had their say, I think that
3 the use is an excellent one.

4 My initial reaction to the signs sort
5 of lean towards Jim's opinion, but I actually think
6 that if we are going to grant the use, you have to
7 also grant the exposure, and as long as these signs
8 are kept within a reasonable size and the lighting
9 is done appropriately and they are not tacky, I
10 don't really have a problem with them.

11 COMMISSIONER DE GRIM: I think this is
12 a very unique situation as far as the signs are
13 concerned, because this is a building that is
14 otherwise hidden from the public, and one of the
15 only ways the public is going to know that it is
16 there are the signs they can see from the Viaduct.
17 I think the signs are actually quite reasonably
18 sized. I think that with the decision to put the
19 bar lighting across to wash down the light, they are
20 very unobtrusive, and I am in favor of that.

21 CHAIRMAN AIBEL: Let's go to a vote.

22 MR. GALVIN: Let me read the
23 conditions. Is that all right?

24 The roof sign is intrinsic to the
25 proposed use, and the sign is only to be used to

1 advertise the climbing business contained in the
2 building. In the event that this use is abandoned
3 and used for a conforming use, in such an event the
4 sign may only advertise the business within the
5 building and is not to operate as a billboard.

6 COMMISSIONER MARSH: I'm sorry. If it
7 is abandoned and it's used for a different
8 nonconforming use --

9 MR. GALVIN: No, no. Did I say --

10 COMMISSIONER MARSH: You said "and."

11 MR. GALVIN: And it is used for a
12 conforming use.

13 COMMISSIONER MARSH: Yes. If it's
14 abandoned, and it's not used for a conforming use,
15 then I don't want the sign either. That is an "and"
16 condition, not an "or" condition -- that should be
17 an "or" condition.

18 MR. GALVIN: I was postulating the
19 possi -- if it is a nonconforming use, it would have
20 to come back here --

21 COMMISSIONER MARSH: Okay. Fair
22 enough.

23 MR. GALVIN: -- so I was postulating
24 what way could they get around me, and that is the
25 way.

1 COMMISSIONER MARSH: Got it. Sorry.

2 MR. GALVIN: No, no.

3 COMMISSIONER DE GRIM: But the sign has
4 to stay the same size.

5 MR. GALVIN: Yeah. But you normally
6 create something, it gets to run indefinitely.
7 But we want it to be used for the purpose, and if
8 somebody wants to use it for an off site, they have
9 to come back here.

10 Then this limitation is to be recorded
11 against the property and the deed restriction prior
12 to the issuance of a building permit.

13 And the reason for that is we want to
14 make sure that future owners are on notice or future
15 tenants are on notice.

16 Dead restrictions to be reviewed and
17 approved by the Board Attorney prior to recording.

18 COMMISSIONER FISHER: Sorry. Can I ask
19 a clarifying question?

20 I thought we addressed this before. If
21 a use variance is granted, and it's granted with
22 whatever, the building or the sign, if it's no
23 longer -- if the building goes away, and they put a
24 new building up, they don't get the benefit of the
25 use variance --

1 MR. GALVIN: Abandonment or termination
2 of the use cancels out.

3 COMMISSIONER FISHER: -- so why does
4 the sign get to stay?

5 MR. GALVIN: I am concerned that it
6 won't be viewed solely as a use. It will be viewed
7 as a structure. It is both. It has a double
8 nature.

9 COMMISSIONER FISHER: Right.

10 But can't you say that it can only be
11 used for this specific use, and if this use goes
12 away, it could no longer be there, it has to be
13 taken down?

14 Then anybody who is going to occupy the
15 property has to come back and revisit the sign.

16 MR. MATULE: I am okay with that.

17 (Board members all talking at once.)

18 MR. GALVIN: No, no.

19 You guys are the judges.

20 (Board members all talking at once.)

21 VICE CHAIR GREENE: One at a time,
22 guys.

23 MR. MATULE: Making it more
24 respective --

25 COMMISSIONER DE GRIM: One of the ways

1 this sign is okay is the way it looks. A new
2 business could come in and put up an absolutely
3 atrocious sign --

4 COMMISSIONER FISHER: Or even said
5 differently, Rugerrio can come back in with that
6 bright yellow and green sign and throw it back up
7 again.

8 MR. GALVIN: All right.

9 So the way I am going to change this
10 is: In the event that the use is abandoned or
11 terminated, the sign is to be removed and further is
12 never to be --

13 COMMISSIONER FISHER: Further, any
14 other signage has to be approved -- is considered a
15 use variance and has to be approved by the Zoning
16 Board.

17 MR. GALVIN: -- but that is just
18 restating the law, so we don't have to do that.

19 The roof sign is intrinsic to the
20 proposed use, and the sign is only to be used to
21 advertise the climbing business contained in the
22 building. In the event that the use is abandoned or
23 terminated, the sign is to be removed, so I am not
24 going to go into anything else except for that.

25 COMMISSIONER FISHER: No. The sign is

1 to be removed, and no additional sign could be
2 placed without Zoning Board approval.

3 I think you have to say that, and I
4 know you're restating the law, but we have people
5 that need to be reminded of the law.

6 (Laughter)

7 MR. GALVIN: Okay. I'm reading between
8 the lines. Okay.

9 Say it again. Repeat yourself.

10 COMMISSIONER FISHER: It is the end of
11 what you just said --

12 MR. GALVIN: No. And no additional --

13 COMMISSIONER FISHER: And no additional
14 sign could be placed on the building without Zoning
15 Board approval.

16 MR. MATULE: Nonconforming sign.

17 COMMISSIONER FISHER: Nonconforming
18 sign exactly because it may --

19 (Laughter)

20 -- no, no, but to explain. We might go
21 through another redo and they may select this site
22 that could perpetually have a sign on it.

23 MR. MATULE: We are allowed to have a
24 sign --

25 MR. GALVIN: And no additional roof

1 sign.

2 MS. BANYRA: Yeah, roof sign.

3 MR. GALVIN: That's what I'll do.

4 COMMISSIONER FISHER: There you go.

5 MR. MATULE: Let me split this.

6 (Laughter)

7 CHAIRMAN AIBEL: At the risk of beating
8 a dead horse, we are approving a specific sign for a
9 specific use, and how is that sign represented in
10 this record?

11 What is the depiction that we are
12 approving?

13 MR. MATULE: We are approving a four
14 foot -- a three foot, whatever it is, two foot
15 nine -- it is on the --

16 MR. GALVIN: You know what I would
17 like, if --

18 MR. MATULE: -- on the Sheet Z-6, sign
19 number four, proposed roof sign.

20 MS. BANYRA: Right. It's sign number
21 four.

22 VICE CHAIR GREENE: So this limits --
23 if the company -- Dennis, again --

24 MR. GALVIN: I am keeping up.

25 VICE CHAIR GREENE: -- if the company

1 decides for whatever reason for their own purposes
2 to change their logo or to change their identity,
3 and they want to change the sign to meet that, this
4 sign no longer works conceptually, do they have to
5 come back to put up the same size static back lit or
6 front lit sign, but that is a different color or has
7 different words on it or a different logo?

8 MR. GALVIN: What a different--

9 VICE CHAIR GREENE: If they change
10 their logo. They're decide they're not going to be
11 Climb and Play anymore, they are going to become, I
12 don't know, Climb and Dive or if they get bought out
13 by a national chain or something like that, do they
14 have to come back?

15 MR. GALVIN: As long as it is
16 advertised -- let me just say this.

17 From a constitutional standpoint, they
18 have a right to change that sign. There is case law
19 on this. But as long as it stays the same size and
20 it's advertising a climbing business, so if they
21 sell it to some other climbing business, as long as
22 it is a climbing business, that sign can be there.

23 The second it's not a climbing
24 business, it's a bowling alley, that sign has got to
25 come down.

1 COMMISSIONER FISHER: But it can't be
2 neon.

3 MR. GALVIN: No. We've already -- it's
4 everything that you guys approved, okay?

5 And I also have a couple of additional
6 things:

7 The entire building will be wet
8 proofed. The sign is to be down lit. The sign will
9 not be lit after ten p.m. at night.

10 The applicant is to obtain a Phase 1
11 for the building and provide it to the Board's
12 professionals and the zoning officer confirming that
13 the site is free of contamination.

14 And finally, there is to be no material
15 changes to the building, other than as described to
16 the Board at the time of the hearing.

17 COMMISSIONER DE FUSCO: Does that
18 include our collapse clause, I mean our clause, if a
19 wall falls down?

20 MR. GALVIN: You know, guys, one thing
21 I will say about this. I see this as slightly
22 different than the other projects that we have. We
23 are not maintaining this building because it has any
24 historic value.

25 COMMISSIONER DE FUSCO: I disagree. I

1 think --

2 COMMISSIONER FISHER: I disagree.

3 MR. GALVIN: Okay.

4 COMMISSIONER DE FUSCO: -- I don't
5 think it's historic --

6 COMMISSIONER FISHER: It's not like a
7 pretty landmark, you know --

8 MR. GALVIN: Sorry, sorry.

9 COMMISSIONER DE FUSCO: -- but it has
10 value to it.

11 MS. BANYRA: It's the industrial past
12 of the community, so --

13 COMMISSIONER FISHER: I would say
14 that --

15 MR. GALVIN: Well, I think we covered
16 it with this.

17 COMMISSIONER MARSH: Between ten p.m.
18 and sunrise the next morning. After ten p.m. can
19 get you in trouble every time.

20 MR. GALVIN: Okay. I changed that.

21 And I will -- give me some help here.

22 There is to be no material changes to
23 the building --

24 COMMISSIONER FISHER: And it is
25 acknowledged that the Board's approval was

1 conditioned on the adaptive reuse nature of this
2 project --

3 COMMISSIONER DE FUSCO: Of the entire
4 project.

5 MS. BANYRA: As presented.

6 COMMISSIONER FISHER: -- yeah, as
7 presented.

8 MS. BANYRA: Yeah, great. It says as
9 represented.

10 COMMISSIONER FISHER: Yeah.

11 COMMISSIONER DE FUSCO: Listen, we said
12 to the community a number of times that we were
13 going to be looking out for this. This is Tiffanie
14 and I specifically spelling that out and keeping to
15 the promises that we made, so --

16 COMMISSIONER MARSH: I agree with that.
17 We like the industrial building.

18 COMMISSIONER FISHER: We have been
19 caught not having this type of language before where
20 it's been gray, so it has less to do with you and
21 more to do with other situations where --

22 CHAIRMAN AIBEL: Don't comment, please.

23 MR. GALVIN: It won't matter because
24 they are not going to change this building. They're
25 going to just use it.

1 COMMISSIONER FISHER: I know, but we
2 are going to get used to this kind of language.

3 CHAIRMAN AIBEL: My last comment, I
4 almost promise, gray and fuchsia? What are the
5 colors there? Is that gray and a light green?

6 MR. MATULE: I think it is blue and
7 green against a gray background.

8 CHAIRMAN AIBEL: Okay.

9 Thanks, Lee.

10 Great. Are we ready.

11 (All Board members talking at once.)

12 CHAIRMAN AIBEL: You just stated it on
13 the record, and that's great.

14 COMMISSIONER DE FUSCO: Motion to
15 approve the project --

16 COMMISSIONER FISHER: Subject to the
17 conditions.

18 COMMISSIONER DE FUSCO: -- subject to
19 the conditions outlined.

20 CHAIRMAN AIBEL: May I have a second?

21 COMMISSIONER GRANA: Second.

22 CHAIRMAN AIBEL: Pat?

23 MS. CARCONE: Commissioner Greene?

24 VICE CHAIR GREENE: Yes.

25 MS. CARCONE: Commissioner De Fusco?

1 COMMISSIONER DE FUSCO: Yes.

2 MS. CARCONE: Commissioner Grana?

3 COMMISSIONER GRANA: Yes.

4 MS. CARCONE: Commissioner Marsh?

5 COMMISSIONER MARSH: Yes.

6 MS. CARCONE: Commissioner Fisher?

7 COMMISSIONER FISHER: Yes.

8 MS. CARCONE: Commissioner DeGrim?

9 COMMISSIONER DE GRIM: Yes.

10 MS. CARCONE: Commissioner Aibel?

11 CHAIRMAN AIBEL: No.

12 (Laughter)

13 MS. CARCONE: It's is approved.

14 MR. MATULE: Thank you very much. I am

15 sure you won't regret it.

16 CHAIRMAN AIBEL: Thanks, everybody.

17 Do we have any more business, Board

18 members?

19 Can we have a motion to close?

20 VICE CHAIR GREENE: Motion to adjourn.

21 COMMISSIONER DE GRIM: Second.

22 CHAIRMAN AIBEL: All in favor?

23 (All Board members answered in the

24 affirmative.).

25 CHAIRMAN AIBEL: Thank you.

(The meeting concluded at 11:10 p.m.)

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.

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.
Dated: 7/27/15
This transcript was prepared in accordance with
NJAC 13:43-5.9.