

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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REGULAR MEETING OF THE :
HOBOKEN ZONING BOARD OF : August 19, 2014
ADJUSTMENT : Tuesday 7:10 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Vice Chair Elliot H. Greene
Commissioner Phil Cohen
Commissioner Antonio Grana
Commissioner Diane Fitzmyer Murphy
Commissioner John Branciforte
Commissioner Owen McAnuff
Commissioner Richard Tremitedi

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

Eileen Banyra, Planning Consultant

Jeffrey Marsden, PE, PP
Board Engineer

Patricia Carcone, Board Secretary

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I N D E X

1		
2		
3		PAGE
4		
5	BOARD BUSINESS	1 & 257
6	Adoption of Minutes	
7	4/15/14, 4/29/14, 5/13/14, 5/20/14	
8		
9	Schedule of Meetings	257
10		
11	RESOLUTIONS:	
12	8-10-12 Paterson Avenue	6
13	926 Garden Street	10
14	40 Willow Court	7
15	712 Jefferson Street	8
16	421 Jefferson Street	9
17		
18	ADMINISTRATIVE MATTERS & WAIVERS	11
19		
20	HEARINGS:	
21		
22	29 Willow Court	21
23	74 Madison Street	105
24	120-122 Park Avenue	184
25		

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 Would everybody please rise and join me
12 in saluting the flag?

13 (Pledge of Alliegance recited)

14 CHAIRMAN AIBEL: Pat, would you do the
15 roll call?

16 MS. CARCONE: Sure.

17 Commissioner Aibel?

18 CHAIRMAN AIBEL: Here.

19 MS. CARCONE: Commissioner Greene?

20 VICE CHAIR GREENE: Here.

21 MS. CARCONE: Commissioner Cohen?

22 COMMISSIONER COHEN: Here.

23 MS. CARCONE: Commissioner DeFusco is
24 absent.

25 Commissioner Grana?

1 COMMISSIONER GRANA: Here.

2 MS. CARCONE: Commissioner Marsh?

3 COMMISSIONER MARSH: Here.

4 MS. CARCONE: Commissioner Murphy?

5 COMMISSIONER MURPHY: Here.

6 MS. CARCONE: Commissioner Branciforte?

7 COMMISSIONER BRANCIFORTE: Here.

8 MS. CARCONE: Commissioner Fisher is

9 absent.

10 Commissioner McAnuff?

11 COMMISSIONER MC ANUFF: Here,

12 MS. CARCONE: Commissioner Tremittedi?

13 COMMISSIONER TREMITIEDI: Here.

14 CHAIRMAN AIBEL: Great.

15 So we will do a few administrative
16 matters. First, we are going to do the review and
17 adoption of minutes. We have minutes for April
18 15th, April 29th, May 13th and May 20th.

19 Can I have a motion to approve?

20 COMMISSIONER MURPHY: Motion to approve
21 the minutes from the various meetings.

22 CHAIRMAN AIBEL: Thank you.

23 Can I have a second?

24 COMMISSIONER GRANA: Second.

25 CHAIRMAN AIBEL: Thank you.

1 Do we need a roll call or can we do an
2 all in favor?

3 MR. GALVIN: All in favor.

4 CHAIRMAN AIBEL: Okay. All in favor?

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

7 CHAIRMAN AIBEL: Thank you.

8 So we have memorialization of the
9 resolutions from previous meetings.

10 Counsel, are you ready to go?

11 MR. GALVIN: Yes. I am just checking
12 something. I wanted to make sure Mr. Cohen was on
13 what he needs to be on.

14 COMMISSIONER COHEN: 926 Garden, I
15 think we're missing.

16 MR. GALVIN: No, I have that one.

17 COMMISSIONER COHEN: 40 Willow Court?

18 MR. GALVIN: Yes, 40 Willow.

19 One, two, three, four, five, six, yes.

20 CHAIRMAN AIBEL: Okay. Do you want to
21 start?

22 MR. GALVIN: I'm going in the order on
23 the agenda. We will go with 8 Paterson, 8-10-12
24 Paterson Avenue, and Mr. Cohen, Ms. Marsh,
25 Ms. Murphy, Mr. Branciforte and Chairman Aibel.

1 Can I have a motion?

2 COMMISSIONER COHEN: Motion to approve.

3 MR. GALVIN: Can I have a second?

4 VICE CHAIR GREENE: Second.

5 COMMISSIONER MURPHY: Second.

6 MR. GALVIN: Okay. And, Mr. Cohen?

7 COMMISSIONER COHEN: Yes.

8 MR. GALVIN: Ms. Marsh?

9 COMMISSIONER MARSH: Yes.

10 MR. GALVIN: Ms. Murphy?

11 COMMISSIONER MURPHY: Yes.

12 MR. GALVIN: Mr. Branciforte?

13 COMMISSIONER BRANCIFORTE: Yes.

14 MR. GALVIN: Chairman Aibel?

15 CHAIRMAN AIBEL: Yes.

16 MR. GALVIN: The next matter is 40

17 Willow Court. It is Mr. Cohen, Ms. Marsh,

18 Ms. Murphy, Mr. Branciforte, Mr. McAnuff and

19 Chairman Aibel.

20 Can I have a motion?

21 COMMISSIONER BRANCIFORTE: Motion to

22 approve.

23 COMMISSIONER MC ANUFF: Second.

24 MR. GALVIN: Thank you.

25 Mr. Cohen?

1 COMMISSIONER COHEN: Yes.

2 MR. GALVIN: Ms. Marsh?

3 COMMISSIONER MARSH: Yes.

4 MR. GALVIN: Ms. Murphy?

5 COMMISSIONER MURPHY: Yes.

6 MR. GALVIN: Mr. Branciforte?

7 COMMISSIONER BRANCIFORTE: Yes.

8 MR. GALVIN: Mr. McAnuff?

9 COMMISSIONER MC ANUFF: Yes.

10 MR. GALVIN: Chairman Aibel?

11 CHAIRMAN AIBEL: Yes.

12 MR. GALVIN: The next matter is 712

13 Jefferson Street. Mr. Green, Mr. Grana, Ms. Marsh,

14 Ms. Murphy, and Mr. Branciforte.

15 COMMISSIONER BRANCIFORTE: Motion to

16 approve.

17 MR. GALVIN: Thank you.

18 Can I have a second?

19 VICE CHAIR GREENE: Yes.

20 MR. GALVIN: Mr. Greene?

21 VICE CHAIR GREENE: Yes.

22 MR. GALVIN: Mr. Grana?

23 COMMISSIONER GRANA: Yes.

24 MR. GALVIN: Ms. Marsh?

25 COMMISSIONER MARSH: Yes.

1 MR. GALVIN: Ms. Murphy?

2 COMMISSIONER MURPHY: Yes.

3 MR. GALVIN: Mr. Branciforte?

4 COMMISSIONER BRANCIFORTE: Yes.

5 MR. GALVIN: On 421 Jefferson Street,
6 which is the last one, we have Mr. Greene, Mr.
7 Grana, Ms. Marsh, Ms. Murphy, Mr. Branciforte and
8 Chairman Aibel.

9 Can I have a motion?

10 VICE CHAIR GREENE: I will move it.

11 MR. GALVIN: Can I have a second?

12 COMMISSIONER BRANCIFORTE: Second.

13 MR. GALVIN: Thank you.

14 Mr. Green?

15 VICE CHAIR GREENE: Yes.

16 MR. GALVIN: Mr. Grana?

17 COMMISSIONER GRANA: Yes.

18 MR. GALVIN: Ms. Marsh?

19 COMMISSIONER MARSH: Yes.

20 MR. GALVIN: Ms. Murphy?

21 COMMISSIONER MURPHY: Yes.

22 MR. GALVIN: Mr. Branciforte?

23 COMMISSIONER BRANCIFORTE: Yes.

24 MR. GALVIN: Chairman Aibel?

25 CHAIRMAN AIBEL: Yes.

1 MS. CARCONE: We have 926 Garden.

2 MR. GALVIN: Oh, I'm sorry. Okay.

3 On 926 Garden, we have Mr. Cohen, Ms.
4 Marsh, Ms. Murphy, Mr. McAnuff, Mr. Tremitedi, and
5 Acting Chairman Branciforte.

6 Can I have a motion?

7 COMMISSIONER COHEN: Motion to approve.

8 MR. GALVIN: Can I have a second?

9 COMMISSIONER MC ANUFF: Second.

10 MR. GALVIN: Mr. Cohen?

11 COMMISSIONER COHEN: Yes.

12 MR. GALVIN: Ms. Marsh?

13 COMMISSIONER MARSH: Yes.

14 MR. GALVIN: Ms. Murphy?

15 COMMISSIONER MURPHY: Yes.

16 MR. GALVIN: Mr. McAnuff?

17 COMMISSIONER MC ANUFF: Yes.

18 MR. GALVIN: Mr. Tremitedi?

19 COMMISSIONER TREMITIEDI: Yes.

20 MR. GALVIN: And, Mr. Branciforte?

21 COMMISSIONER BRANCIFORTE: Yes.

22 MR. GALVIN: There you go.

23 CHAIRMAN AIBEL: Great. Thanks,

24 Dennis.

25 MR. GALVIN: Thank you.

1 CHAIRMAN AIBEL: Mr. Marsden, why don't
2 you tell us about the waivers this evening.

3 MR. MARSDEN: Okay. The waivers we
4 need to approve are 153 Third. The only thing we
5 are asking for is a stormwater management waiver for
6 the stormwater management plan. It is a small
7 addition and a deck. I have no problem with
8 granting that waiver.

9 MS. BANYRA: I have no problem.

10 MR. MARSDEN: So do we want to do them
11 all at once, Dennis, or --

12 MR. GALVIN: Yes. I think the
13 smoothest way to do it is let Jeff report. I don't
14 see how in most times the Board is going to be able
15 to disagree with the recommendation of your
16 professionals, so if you do, you stop us, and we
17 will pull that one item out, and we will vote for
18 them separately.

19 CHAIRMAN AIBEL: Okay.

20 MR. MARSDEN: 601-607 Park, that is the
21 Hudson School, five-story addition. They asked for
22 a lot of waivers that I don't feel are appropriate
23 including stormwater management, soil erosion,
24 street scape elevations, and I think that should be
25 deemed incomplete.

1 MS. BANYRA: Yes. I think they also
2 failed to actually ask for waivers --

3 MR. MARSDEN: Right.

4 MS. BANYRA: -- so I think that is also
5 why it is incomplete, besides the fact that they
6 should provide some of this information, so that one
7 is going to be, you know, incomplete in terms of the
8 checklist.

9 MR. MARSDEN: 819 Bloomfield, I am okay
10 with all of the requests for waivers with the
11 exception of Waiver 8, which is for photographs.
12 It's a rear deck and stairs, and typically the Board
13 wants to see some photographs of the backyard where
14 the deck is, so I am kind of like, you know, if the
15 Board feels that the photographs aren't necessary, I
16 am okay with that. But typically the Board wants to
17 see it, so I felt that you probably need them, and
18 that they would be deemed incomplete because they
19 are not provided.

20 MS. BANYRA: That's the reason for my
21 recommendation also, that we don't grant a waiver
22 for that. We will just be bounced back and forth
23 between meetings, so I think they should provide
24 photographs.

25 CHAIRMAN AIBEL: Okay.

1 MR. MARSDEN: And then we have 1714
2 Willow. They are asking for a topological
3 stormwater management drainage map, stormwater
4 management plan, soil erosion, off-track
5 improvements, and they didn't request a site plan.
6 They are actually removing part of a steel shed and
7 expanding the parking lot into it, so I believe they
8 need a site plan at a minimum, and I would recommend
9 against allowing these waivers or approving these
10 waivers.

11 MS. BANYRA: They would be deemed
12 incomplete for not filing proper applications as
13 well.

14 CHAIRMAN AIBEL: Okay.

15 MR. MARSDEN: And the last one would be
16 600-02 River Street, Stevens Institute.

17 After the discussions with Stevens,
18 they agreed to provide all of the information with
19 the exception of the traffic report because of the
20 timing in the summer, they wouldn't get a good
21 reading on the traffic, so therefore, I suggested
22 that they can turn the traffic report in at least
23 ten days before the meeting that they are scheduled
24 for, and therefore the rest of the waivers they are
25 requesting I think are okay to accept, and I would

1 deem them complete based on the fact that the only
2 thing they have not submitted was traffic, and they
3 need to, because of the timing, they need to wait
4 until they get their schools in operation so they
5 can be done properly.

6 CHAIRMAN AIBEL: So we have to document
7 that, Dennis, that we are to get it ten days in
8 advance?

9 MR. GALVIN: Well, that will be Jeff's
10 responsibility.

11 MR. MARSDEN: Right.

12 I will be writing short notes to Pat or
13 emails to Pat, and Pat sends the letters out.

14 VICE CHAIR GREENE: What were the other
15 waivers they were asking for?

16 MS. BANYRA: How many is the question?

17 VICE CHAIR GREENE: No. What were
18 they?

19 MR. MARSDEN: The taxes --

20 MS. BANYRA: Well, the taxes they have
21 to pay. That is not even a waivable item.

22 MR. MARSDEN: And cross-sections and
23 profiles, they don't have any roads as such or
24 driveways that are going to require that.

25 Landscaping, they submitted that.

1 Lighting, they submitted.

2 A phasing plan, they are not phasing
3 the project, so therefore, that is easy.

4 And RSIS compliance, it is not a
5 totally residential development, so I felt that was
6 allowable.

7 VICE CHAIR GREENE: Thank you.

8 MR. GALVIN: Okay.

9 Now, what I would ask you to do is
10 there is one more item I need to talk to you about
11 on Stevens, but what I would like to do is I would
12 like to get a motion and a second to adopt the
13 recommendations of the engineer and the planner as
14 to these waivers and non waivers.

15 CHAIRMAN AIBEL: Motion?

16 COMMISSIONER GRANA: Motion to adopt
17 the engineer's recommendations.

18 CHAIRMAN AIBEL: Second?

19 COMMISSIONER COHEN: Second.

20 CHAIRMAN AIBEL: Thanks.

21 MS. CARCONE: Who was the second?

22 COMMISSIONER COHEN: Me.

23 MR. GALVIN: All in favor?

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

1 MR. GALVIN: Any opposed?

2 The final item is we got a
3 recommendation on the Stevens property. The
4 building has what best could be described as a
5 plaque of a historical nature on the building, and
6 the building is within the confines of the historic
7 Stevens campus. While it is not specifically a
8 historical building --

9 MS. BANYRA: Or district.

10 MR. GALVIN: -- or district, our zoning
11 officer has asked us to consider having the -- has
12 recommended that the Zoning Board ask the applicant
13 to seek the review of the Historic Commission, and I
14 think that it is very appropriate in this situation
15 for us to do that.

16 VICE CHAIR GREENE: What exactly is the
17 application?

18 MR. GALVIN: They are going to take
19 down a building that was used -- I saw the plaque.
20 The plaque said, talking about students who
21 graduated like in 1917 and 1918, who had worked on
22 shipping needs of the military during the Great War.

23 MS. BANYRA: I think, just if I can, I
24 think it's the building, I want to say it is the
25 Davidson Building --

1 MS. CARCONE: It's the Lieb Building.

2 MS. BANYRA: -- I think it was the wave
3 tank building--

4 MS. CARCONE: -- Lieb Building --

5 MS. BANYRA: -- Lieb Building, but was
6 it not the Wave Building, where they did the wave
7 tank in?

8 MS. CARCONE: I think that is the
9 building over. Yeah, it is the corner building.

10 MS. BANYRA: Okay.

11 MR. GALVIN: But regardless, I think it
12 is the kind of structure that we would be best
13 served by at least having the Historical Commission
14 taking a look and commenting on it --

15 VICE CHAIR GREENE: They want to tear
16 it down and replace it with a contemporary building?

17 MR. GALVIN: Correct.

18 MS. BANYRA: And even though it is not
19 in a district, and even though it is not, you know,
20 historical as in on any kind of either local or
21 state register, you know, the Board of Adjustment
22 can, as the Planning Board, can ask for advice from
23 the Historic Preservation Commission.

24 I think it is just especially when the
25 building dates back and it has some cultural

1 history, if nothing else, I think it is a good
2 decision, and I think it would be great if we could
3 get the input, which is advisory to the Zoning
4 Board. We don't have to take the input from the
5 Historic Board, but it may be interesting, you know,
6 for us to hear what they have to say.

7 MR. GALVIN: The other thing, too, is
8 my office evaluated it and said the master plan
9 refers to this historic area for Stevens, so it is
10 kind of -- it is in a gray area. It's not something
11 that we can demand as part of the checklist, but it
12 is something that I think we should ask for.

13 MS. BANYRA: Yes.

14 CHAIRMAN AIBEL: Do we have that
15 scheduled for a hearing?

16 MS. BANYRA: No.

17 MS. CARCONE: No.

18 MR. GALVIN: They will be deemed
19 complete after tonight, right?

20 MS. BANYRA: Right, based on the
21 waivers.

22 We are trying to be ahead of the game,
23 so let them know to go to Historic before it is
24 scheduled because we would like the Historic Board's
25 recommendations certainly prior to a hearing.

1 MR. GALVIN: Right.

2 So we need a motion and a second to
3 recommend that the Historic Commission take a look
4 at this property.

5 CHAIRMAN AIBEL: Can I have a motion?

6 COMMISSIONER BRANCIFORTE: I will make
7 a motion.

8 COMMISSIONER GRANA: I will second it.

9 MR. GALVIN: Let's do a roll call on
10 that.

11 MS. CARCONE: Okay.

12 Commissioner Greene?

13 VICE CHAIR GREENE: Yes.

14 MS. CARCONE: Commissioner Cohen?

15 COMMISSIONER COHEN: Yes.

16 MS. CARCONE: Commissioner Grana?

17 COMMISSIONER GRANA: Yes.

18 MS. CARCONE: Commissioner Marsh?

19 COMMISSIONER MARSH: Yes.

20 MS. CARCONE: Commissioner Murphy?

21 COMMISSIONER MURPHY: Yes.

22 MS. CARCONE: Commissioner Branciforte?

23 COMMISSIONER BRANCIFORTE: Yes

24 MS. CARCONE: And, Commissioner Aibel?

25 CHAIRMAN AIBEL: Yes.

1 Do we have any other administrative
2 matters, Pat?

3 MS. CARCONE: I don't know if you want
4 to speak about the meetings.

5 CHAIRMAN AIBEL: We will do that after.

6 MS. CARCONE: After. Okay.

7 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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RE: 29 WILLOW COURT, Block 158, Lot 9 :
Applicant: Michael Insignares : August 19, 2014
C Variances : Tuesday 7:25 p.m.
Carried from 7/22/14 :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Antonio Grana
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9 Hoboken, New Jersey 07030
10 (201) 659-0403
11 Attorney for the Applicant.

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I N D E X

WITNESS	PAGE
CESAR F. PADILLA, RA	25 & 51 & 85
MICHAEL INSIGNARES	48

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A-1	Photo board	27
A-2	Photo board	27
A-3	Cross Section	32
N-1	Pictures	71

1 CHAIRMAN AIBEL: Ready to go. Why
2 don't we start with 29 Willow.

3 Mr. Matule?

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

6 Robert Matule appearing on behalf of
7 the applicant, 29 Willow Terrace.

8 This is an application. The owner is
9 renovating the existing dwelling, and we are
10 requesting several C variances as part of that
11 renovation. The architect will go through it in
12 more detail, but we are asking for a variance for
13 lot coverage on the second and third floors, a zero
14 front yard setback for the third floor, rear yard
15 depth for the second and third floors.

16 And also, in preparing for tonight's
17 hearing, it appears we will also need -- I am
18 requesting an amendment to the application for a
19 roof coverage variance based on the fact that we are
20 going to have -- we're requesting a deck up on the
21 extension of the second floor, approximately 72
22 square feet, and I think that brings the roof
23 coverage up to about 14 percent versus ten percent.

24 In our public notice, we included
25 omnibus language regarding "any other variances that

1 the Board may deem necessary, so I believe we are
2 covered from the jurisdictional perspective.

3 MR. GALVIN: I am going to agree with
4 that. I think for the de minimis nature of the
5 deck, I think so.

6 MR. MATULE: And I am going to have the
7 testimony this evening. I have the property owner,
8 Mr. Insignares, but also our architect, Mr. Cesar
9 Padilla. He hasn't had the pleasure of appearing
10 before this Board before, so if we could have him
11 sworn, I can qualify him.

12 MR. GALVIN: Sure. Raise your right
13 hand.

14 Do you swear to tell the truth, the
15 whole truth, and nothing but the truth, so help you
16 God?

17 MR. PADILLA: Yes.

18 C E S A R F. P A D I L L A, R.A., having been
19 duly sworn, testified as follows:

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

22 THE WITNESS: It is Cesar Padilla,
23 P-a-d-i-l-l-a.

24 MR. GALVIN: Mr. Padilla, can you just
25 list three Boards that you have appeared before in

1 the not to distant past?

2 THE WITNESS: Sure. North Bergen, many
3 in Bergen County, Ridgewood, also in Wayne, Passaic
4 County, Glen Rock.

5 MR. GALVIN: Okay. And are you an RA,
6 AIA, both, what --

7 THE WITNESS: RA.

8 MR. GALVIN: -- fine. All right.

9 You may proceed.

10 I mean, is that okay?

11 CHAIRMAN AIBEL: That is fine.

12 MR. GALVIN: Sorry.

13 (Laughter)

14 MR. GALVIN: I'm getting ahead of
15 myself just trying to get it moving.

16 MR. MATULE: Thank you, Mr. Galvin.

17 All right. Mr. Padilla, I am going to
18 ask you to describe the existing structure and the
19 surrounding area, and if we are going to refer to
20 any exhibits, let me know, because I need to mark
21 them.

22 I see we have some photo boards there,
23 so why don't we mark them, 8-19-14.

24 THE WITNESS: Sure.

25 MR. MATULE: So they are double sided,

1 but I am just going to mark them A-1 and A-2 for the
2 record.

3 Is that all right, Mr. Galvin?

4 MR. GALVIN: Yes, that will work.

5 (Exhibits A-1 and A-2 marked)

6 MR. MATULE: So if you would, Cesar,
7 just describe the existing structure and the
8 surrounding area.

9 THE WITNESS: The existing structure is
10 a two-and-a-half-story dwelling, very similar to the
11 other homes in the area, small undersized lot. It's
12 50 by 12 foot 9 wide, just like both Willow
13 Terraces, north and south, all of a similar
14 structure. Some have had expansions on them, and
15 most of them it looks like they have expanded in the
16 attic.

17 The side -- both sides of the I guess
18 east and west, very similar also in the fact that
19 the first floor takes up most of the lot coverage as
20 does my client's, about 90-something percent.

21 Towards the rear, that would be the
22 south side, there is a four-story building, and I
23 guess 15 feet of the back portion of it from the
24 second floor on is open on both sides.

25 Our proposal is to minimize the lot

1 coverage on the first floor, the ground floor,
2 take -- create a courtyard in the back from the
3 furthest most south side, and about -- I guess about
4 seven feet or eight feet or so, seven to eight feet.

5 Then on the second floor -- part of
6 this substantial rehab is we are going to upgrade or
7 redo the stairs. Right now they are steep. We are
8 going to bring them up to code as part of the rehab.

9 The first floor, we are going to keep
10 it a living room, dining area, and a small powder
11 room and a kitchen.

12 The second floor, we are going to have
13 two bedrooms and a bath, and on the third floor,
14 attic space. Right now it is a walk-up attic. We
15 are going to expand that and create a master bedroom
16 with a bath. Off of that floor also we will have a
17 deck.

18 The roof line will change, and right
19 now, the condensing units I am showing for the
20 air-conditioning, I am proposing one at the grade
21 level and one up at the deck.

22 MR. MATULE: Let's just go through
23 these exhibits because maybe we could pass them
24 around to the Board members.

25 Could you just describe what they show?

1 THE WITNESS: Sure.

2 The east view is basically some of the
3 open area, the building that is on the second floor
4 actually does expand beyond our client's. We are
5 going to go a little further than that.

6 The same thing on the grade level.
7 They have full lot coverage. There is no open area.

8 MR. MATULE: And these pictures are
9 taken from the existing roof of the property that is
10 the subject of the application looking east?

11 THE WITNESS: That is correct.

12 MR. MATULE: Then you also have a set
13 looking west?

14 THE WITNESS: Yeah.

15 On the west side, the same thing. The
16 owner of that building has full lot coverage on the
17 first floor. He actually has created a deck, 15 by,
18 let's say, 12-9 just similar to the client's lot
19 size on the second floor, and then he also expanded
20 on the attic, raised the roof line. I am not sure
21 how it is developed inside, but that is the west
22 side.

23 MR. MATULE: Okay.

24 THE WITNESS: The west and the east
25 sides are very similar.

1 MR. MATULE: Want me to pass these
2 around?

3 MS. BANYRA: Yes, please.

4 VICE CHAIR GREENE: Yes, please.

5 MR. MATULE: Then the sheet that's
6 marked A-2, could you describe that?

7 THE WITNESS: A-2 is the south side.
8 You will see the full -- you won't see all of it,
9 but you see that there is a large wall, which is
10 basically the four-story building to the south side.

11 You also see the client's roof, where
12 it is mostly covered except for a small portion that
13 is about seven feet off of the south property line
14 that we are going to actually eliminate, close that
15 in, and open up the rear portion of it. But you can
16 see the neighbor to the west. That is his deck on
17 that side also.

18 MR. MATULE: And then the photo on the
19 other side?

20 THE WITNESS: This is, I think it is 31
21 Willow --

22 A VOICE: 31 Willow

23 THE WITNESS: -- 31 Willow. This is
24 the corner. This is right next to the client's
25 home. It is on the west side. You will see his

1 deck towards the rear. It is about 15 foot deep,
2 and you can see how it is squared off on the third
3 floor to create some livable space.

4 MR. MATULE: And if I may, I will just
5 pass this around for the Board members, too.

6 But the extension on our property that
7 we are building, the second floor extension is going
8 to extend beyond the rear wall of 31 approximately 6
9 feet --

10 THE WITNESS: Yeah. A little over six
11 feet, a little shy of seven feet.

12 MR. MATULE: -- and then the top floor
13 will extend less?

14 THE WITNESS: Yes, correct. The top
15 floor will extend less. It is almost in line with
16 this building about, you know, maybe inches, maybe a
17 foot at the most.

18 MR. MATULE: And --

19 CHAIRMAN AIBEL: Mr. Matule, Bob?

20 MR. MATULE: -- you had mentioned
21 that --

22 CHAIRMAN AIBEL: Can I ask you to slow
23 down a minute?

24 MR. MATULE: Sure.

25 CHAIRMAN AIBEL: I will confess I am

1 dense. I am really have trouble understanding, you
2 know, what we are talking about at this point, and I
3 don't see anything on the diagrams, so --

4 MR. MATULE: I will have him go through
5 the floor plans more specifically.

6 CHAIRMAN AIBEL: Do you have any
7 diagram that shows the adjacent buildings?

8 MR. MATULE: I believe they do, yes.

9 I think in the plans one of the
10 drawings shows the outline of the existing building.

11 THE WITNESS: Okay.

12 MR. MATULE: All right. I am just
13 going to mark this Exhibit A-3.

14 (Exhibit A-3 marked.)

15 THE WITNESS: Sure.

16 MR. MATULE: Why don't you describe
17 what it is?

18 THE WITNESS: Exhibit A-3 is a
19 cross-section through the proposed --

20 VICE CHAIR GREENE: I --

21 MR. MATULE: Want me to pass this
22 around?

23 VICE CHAIR GREENE: Oh, no. That is in
24 the plans.

25 THE WITNESS: Well, this one actually

1 outlines also the 31 Willow Court address as well.

2 MR. MATULE: Just let me interrupt for
3 a second.

4 Just to be clear for the record, I
5 believe what the plan shows is the existing outline
6 of our building and the --

7 THE WITNESS: Proposed building.

8 MR. MATULE: -- proposed building
9 overlaying it.

10 This exhibit is showing the proposed
11 building with an overlay of the building at 31, the
12 building to the west, slightly different.

13 THE WITNESS: Yeah. The dark dotted
14 line is the building to the west, okay, and this
15 structure is similar to what you have in your plan,
16 which is the proposed rehab of 29 Willow.

17 MR. MATULE: And if you would, Cesar,
18 why don't you just go through the floor plans page
19 by page and just, you know, explain to the Board
20 exactly what is happening.

21 THE WITNESS: Drawing A-1 that we have
22 includes the existing survey plus the site plan. It
23 could be a little confusing with all of the
24 different layers, different additions on both the --
25 well, on the first, second and third stories.

1 On your left side is the existing first
2 floor plan, which you could see the small open court
3 that is about seven or so feet in from the south
4 property line. And in addition to that is the
5 proposed first floor plan, which as I said, we have
6 about eight feet of open court and then the rest we
7 are filling in.

8 This set of stairs that I show on the
9 proposed is the new set of stairs. It is much
10 larger or longer you can see than the existing
11 stairs on the first floor plan. It does take up a
12 lot of room, but it does meet code.

13 MR. MATULE: And then on A-1, where you
14 show the site plan over here, could you just explain
15 this to the Board, the various gradations there?

16 THE WITNESS: Sure.

17 There is the -- I guess the upper
18 portion of the property of the site plan, that is
19 the first floor area to be removed. I show it as
20 crosshatched and dotted.

21 Right after that is the proposed second
22 floor addition, okay? That is crosshatched to the
23 right.

24 Then crosshatched both ways is the
25 second and third floor additions, okay.

1 And then the last gradation, which is
2 crosshatched to the left, is the third floor
3 additions.

4 What is not hatched is the existing,
5 basically the footprint of the attic.

6 MR. MATULE: All right. Why don't you
7 take us through Sheet A-2?

8 THE WITNESS: Okay. A-2 is the second
9 and third floor plans, both existing and proposed,

10 On the second floor there are two
11 rooms. One is being used as a bedroom. The other
12 one is an office that has access to the full stair
13 up towards the attic.

14 The proposed second floor plan again
15 shows a new stairway. The bedroom is still in the
16 front, adding a second bedroom on the back, and in
17 between those two bedrooms adjacent to the stairwell
18 would be the corridor and a bath, and a laundry
19 closet, a mechanical closet.

20 MR. MATULE: And that new bedroom at
21 the rear is approximately eight feet four and a half
22 inches from the rear property line?

23 THE WITNESS: Correct. And it is --
24 that bedroom is at the most 11 foot 8 and a half.
25 To the linen closet to the bedroom closet, it is

1 probably, you know, about 11 feet two inches.

2 COMMISSIONER MARSH: We are still
3 trying to figure out what are these buildings.

4 COMMISSIONER GRANA: Yes.

5 (Laughter)

6 MR. MATULE: Well, maybe when we get to
7 the cross-section, it will become gel, but if we
8 could just go through the third floor.

9 THE WITNESS: The third floor is a
10 walk-up attic.

11 (Ms. Banyra and Mr. Galvin confer.)

12 MS. BANYRA: Should I do it right now?

13 MR. GALVIN: Yes, let's do it now.

14 MS. BANYRA: Okay.

15 So the question is you want me to
16 explain what is what?

17 MR. GALVIN: Yes, because there is no
18 sense listening to it if it's not -- we are just
19 wasting time.

20 COMMISSIONER MARSH: Well, I have --
21 may I --

22 MS. BANYRA: Okay. So I think the
23 architect --

24 MR. GALVIN: Carol, go ahead, Carol.

25 MS. BANYRA: -- should be able to do

1 that, but --

2 COMMISSIONER MARSH: I can understand
3 what he is building, but what I can't understand is
4 how it relates to this.

5 MS. BANYRA: Okay. So I am not that
6 clear on those pictures either. I saw them for the
7 first time, too, so I think the architect can better
8 explain the pictures, but --

9 MR. MATULE: I can explain.

10 MS. BANYRA: -- if I can just add one
11 thing before you explain the pictures. I just want
12 to say the one question you might have is like
13 where -- you know, he's removing -- this building
14 right now touches the back wall. So when you look
15 at the one that says "south," there's a back wall
16 there. The building extends right now when you look
17 at -- he just went through the existing first floor
18 plan, and he is going to open that up and pull that
19 piece of the building back.

20 COMMISSIONER GRANA: Right, on the
21 first floor.

22 COMMISSIONER MARSH: Okay.

23 MS. BANYRA: Okay. So you guys are on
24 board with that.

25 Okay, Bob, that's all --

1 MR. MATULE: Okay. One of the things
2 that we were asked for in the reports from the
3 professionals was to take pictures showing the
4 conditions in the rear of the building --

5 MS. BANYRA: Yes.

6 MR. MATULE: -- because there is no way
7 to see what is going on back there because of the
8 way that is all enclosed. From Clinton Street,
9 there is a one-story addition with a fence, and
10 there is no way to get around in the back from any
11 of the properties, so these were just merely
12 introduced to give everyone a sense of what is to
13 the east of us and what is to the west of us and
14 what is to the south of us.

15 MR. GALVIN: Look, I am going to say
16 thank you. That is what we want. We just didn't
17 get what we're getting --

18 MR. MATULE: Well, I apologize for not
19 making that clear at the beginning of my
20 presentation.

21 MR. GALVIN: -- because if we don't get
22 pictures in cases like this, we feel like it's hide
23 the ball time, that we don't know what's being
24 asked --

25 VICE CHAIR GREENE: The house is

1 oriented north-south, is that correct?

2 THE WITNESS: Correct.

3 MR. GALVIN: So you are giving it to
4 us, and we just didn't get it.

5 MS. BANYRA: Right. So when you
6 indicate south or west or east --

7 THE WITNESS: That is the rear --

8 MS. BANYRA: -- you are looking east?

9 MR. MATULE: That's the direction one
10 would be looking in standing on the roof of the
11 subject property now.

12 MS. BANYRA: Okay.

13 Did you hear that?

14 COMMISSIONER GRANA: Yes.

15 MS. BANYRA: Carol?

16 MS. MARSH: No, I'm sorry. I didn't
17 hear that.

18 MS. BANYRA: So when you are looking at
19 the pictures, when it says east, west, south, that
20 is the direction you are looking because you are not
21 sure if he is shooting that way or --

22 MR. MATULE: If I might --

23 MS. BANYRA: Yes, go ahead.

24 MR. MATULE: -- just by way of clarity,
25 the building on the corner of, I believe it is 5th

1 and Clinton --

2 MS. BANYRA: Yeah.

3 MR. MATULE: -- which faces 6th Street,
4 it is a four or five-story apartment building, that
5 masonry wall that we are showing in the south
6 elevation is what everybody looks at from their
7 windows, their back windows on Willow Court. It is
8 just a big stucco wall --

9 MS. BANYRA: Right.

10 MR. MATULE: -- no windows in it.

11 MS. BANYRA: And Mr. Matule is correct.
12 We did ask for pictures just for this exact reason.
13 It is just a matter of figuring out when you are
14 looking at the pictures what are you looking at.

15 CHAIRMAN AIBEL: So is part of the new
16 construction going to involve building up along the
17 property line?

18 MR. MATULE: Yes.

19 CHAIRMAN AIBEL: So how far out from
20 the --

21 THE WITNESS: A little less than seven
22 feet.

23 CHAIRMAN AIBEL: -- so we are going to
24 have a building that is going to go up seven feet
25 across the side of their deck right now?

1 THE WITNESS: Right --

2 CHAIRMAN AIBEL: Okay.

3 THE WITNESS: -- and that is just on
4 the second floor.

5 On the third floor it steps back
6 almost, you know, about a foot away from that
7 building line.

8 COMMISSIONER MURPHY: So just how many
9 feet out is this --

10 MR. GALVIN: And we're pointing to the
11 board -- what exhibit is that?

12 COMMISSIONER MURPHY: This is Exhibit
13 A-1. About how many feet is this building out,
14 which is the building to the east?

15 THE WITNESS: That is probably about, I
16 am going to say, about eight feet, seven, seven and
17 a half, eight feet.

18 COMMISSIONER MURPHY: So you are
19 proposing something that would come out just a
20 little shy of that?

21 THE WITNESS: Well, you know what, I am
22 sorry, because I am thinking about the other
23 building.

24 That one actually comes out, I am going
25 to say, probably seven -- maybe six feet. We are

1 going beyond --

2 COMMISSIONER MURPHY: Just a little bit
3 beyond that you are going to go?

4 THE WITNESS: Yeah.

5 COMMISSIONER MURPHY: Okay.

6 COMMISSIONER GRANA: But only on the
7 second floor?

8 THE WITNESS: Correct. Well, yeah,
9 beyond that, though, that would be on the second and
10 third -- yeah, on second floor, and the third floor
11 would be a deck. I am sorry, you are right.

12 COMMISSIONER GRANA: Okay.

13 THE WITNESS: It is the building on 31.
14 The one that you are looking at on the west side
15 that extends into that fence about a little over six
16 feet.

17 COMMISSIONER MURPHY: Right.

18 MR. MATULE: And if I might, Mr.
19 Padilla, how much after the end of our second floor
20 will be open behind us approximately?

21 THE WITNESS: It's eight foot four on
22 the second floor, and on the third floor it would be
23 14, 14-4.

24 COMMISSIONER MURPHY: So the first and
25 second floor would be eight feet?

1 THE WITNESS: Well, on the first floor
2 it is actually even less --

3 COMMISSIONER MURPHY: Less.

4 THE WITNESS: -- yeah, because we have
5 that little -- I am sorry -- no, you're right. It
6 is eight feet. It is going to be a seven foot --
7 eight foot open area --

8 COMMISSIONER MURPHY: Right.

9 THE WITNESS: -- seven foot addition --

10 COMMISSIONER MURPHY: So this would be
11 eight feet. This is open, eight feet.

12 THE WITNESS: Right, yes, so eight
13 feet.

14 COMMISSIONER GRANA: One more question.

15 So when this would be done essentially
16 with the courtyard, the first floor and the
17 extension on the second floor, now make on the first
18 and second floor the same depth and flush?

19 THE WITNESS: Correct.

20 COMMISSIONER GRANA: Thank you.

21 This becomes flush.

22 COMMISSIONER MARSH: Oh, I see. Flush
23 with each other.

24 COMMISSIONER GRANA: Flush with each
25 other, right, yes.

1 MR. MATULE: If you would, why don't
2 you just go through A-3, the elevations? That may
3 help crystallize it.

4 THE WITNESS: That has the same
5 cross-section you are looking at, and it shows the
6 outline of the existing home as well.

7 Again, on the first floor, it extends
8 all the way to the rear property line, the second
9 floor about halfway, and then the attic.

10 The elevations, the proposed
11 elevations, we are raising the roof line more for
12 esthetics keeping the same character of the existing
13 home in the area.

14 Most of the area has just flattened out
15 the roof line. We wanted to keep it shingle style,
16 similar to -- there is another home on the other
17 Willow Court that did raise the ridge line also.

18 Stone in the front, stucco on the
19 second and third floors.

20 The rear would be all stucco. You
21 could see on the third floor, the railing for the
22 balcony, a couple of French doors out to the
23 eight-foot courtyard.

24 MR. MATULE: And that little six-foot
25 deep deck on top of the second floor, that would

1 only be accessible from the master bedroom?

2 THE WITNESS: That's correct.

3 MR. MATULE: I don't know if the Board
4 has any other questions.

5 COMMISSIONER GRANA: I just have one
6 more question.

7 I don't know which exhibit this is, but
8 just to clarify the difference between this set of
9 dotted lines, which shows the new structure versus
10 the dotted lines here.

11 THE WITNESS: The darker set is the
12 property at 31.

13 COMMISSIONER GRANA: Okay. This dark
14 set here is the neighboring property?

15 THE WITNESS: Correct, the neighboring
16 property.

17 COMMISSIONER MARSH: The neighbor to
18 the west or --

19 COMMISSIONER MURPHY: The west.

20 COMMISSIONER GRANA: This lighter
21 dotted line --

22 THE WITNESS: Is the existing --

23 COMMISSIONER GRANA: Structure.

24 Okay. So the third floor will actually
25 be extended from what is this line here --

1 THE WITNESS: Right.

2 COMMISSIONER GRANA: -- it will be
3 straightened out and will be extended this distance?

4 THE WITNESS: Correct.

5 COMMISSIONER GRANA: Okay,
6 The second floor, which is this line
7 here --

8 THE WITNESS: Right.

9 COMMISSIONER GRANA: -- would be
10 extended this distance, and this will be shrunk?

11 THE WITNESS: Correct.

12 COMMISSIONER GRANA: Thank you.

13 VICE CHAIR GREENE: Can I see that just
14 for a second?

15 COMMISSIONER BRANCIFORTE: So we know
16 what the building at 31 looks like compared to this
17 one.

18 What does 27 look like compared to
19 this?

20 THE WITNESS: I didn't do an overlay.
21 It would be similar to 31, I suspect, because it
22 looks like all of them did work on their homes, but
23 they didn't, you know, again, they flattened out the
24 roofs. They put the addition on, but it should be
25 pretty similar or pretty close to this outline as

1 well.

2 COMMISSIONER BRANCIFORTE: And you
3 don't have any pictures that show the rear of 27?

4 MR. MATULE: Actually we do.

5 COMMISSIONER MARSH: The rear of 27 --

6 COMMISSIONER BRANCIFORTE: Here?

7 THE WITNESS: It would be this --

8 MR. MATULE: It would be the wrought
9 iron pieces lying up against it?

10 COMMISSIONER BRANCIFORTE: You know
11 what? I am going to take a minute to digest these,
12 and you can come back to me.

13 MR. MATULE: Sure.

14 VICE CHAIR GREENE: So can I ask one
15 thing?

16 CHAIRMAN AIBEL: Go ahead, Elliot.

17 VICE CHAIR GREENE: Now, this property,
18 did it take a lot of water during Sandy?

19 MR. INSIGNARES: The water level --

20 MR. MATULE: Why don't you come up and
21 get sworn?

22 MR. GALVIN: Do you swear to tell the
23 truth, the whole truth, and nothing but the truth,
24 so help you God?

25 MR. INSIGNARES: I do.

1 M I C H A E L I N S I G N A R E S, having been
2 duly sworn, testified as follows:

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

5 THE WITNESS: Michael Armando
6 Insignares, I-n-s-i-g-n-a-r-e-s.

7 MR. GALVIN: Thank you.

8 You may answer that question.

9 THE WITNESS: The water level on Willow
10 Terrace came up to about three inches below the
11 entry point of the dwelling, so everything was okay.
12 Underneath, there is a crawl space. That crawl
13 space was flooded, but the interior of the structure
14 was intact.

15 VICE CHAIR GREENE: So you have no
16 concerns that you are doing what looks like a very
17 extensive renovation, and yet there is no -- you
18 don't feel any need to do any mitigation against
19 flooding?

20 THE WITNESS: You know, what I would
21 like to do is potentially put in a sump pump, but,
22 you know, I don't know what I could do otherwise. I
23 wouldn't assume I could raise the grade because it
24 wouldn't be consistent with any of the other homes
25 on Willow Terrace.

1 VICE CHAIR GREENE: Okay. Thank you.

2 CHAIRMAN AIBEL: Any other questions,
3 Board members?

4 COMMISSIONER BRANCIFORTE: Yeah. I am
5 kind of formulating my questions here.

6 Okay. So let's go back to this, this
7 east view. This is --

8 THE WITNESS: To clarify: My existing
9 dwelling has the same footprint as 27. What you see
10 there with the white shingles is 25.

11 COMMISSIONER BRANCIFORTE: Right. This
12 is 25.

13 THE WITNESS: Yes, the wrought iron --

14 COMMISSIONER BRANCIFORTE: So this is
15 27. We have two gutters. We have two downspouts
16 here. This downspout belongs to your property, and
17 this downspout one belongs to 27?

18 THE WITNESS: Correct.

19 COMMISSIONER BRANCIFORTE: So you are
20 going to come out and basically kind of match what
21 is here at --

22 THE WITNESS: No, as shown when we --
23 okay. So that white shingle building is consistent
24 with 31, so we are going to go about six foot
25 further.

1 COMMISSIONER BRANCIFORTE: Further out
2 than that, so you will come out further out than
3 that, okay.

4 So these are my concerns right now, and
5 I am throwing them out there, so we can address them
6 and ask questions about them.

7 We have skylights here at your
8 neighbors, and now we are putting a deck above the
9 skylights, so to me, that is kind of problematic
10 that you can see into their skylights, through their
11 skylights into their living room or what it is down
12 here. That is the first thing.

13 The second thing is: I am wondering,
14 you know, what is going to happen with their light
15 and air once we -- I hate to say box them in, but I
16 don't know any other word to use. So that is the
17 second question I need to address, and I suppose
18 those are the only two questions I have. I think
19 other Board members probably --

20 CHAIRMAN AIBEL: Does anybody know
21 whether there are other buildings on Willow Terrace
22 of similar depth?

23 MR. MATULE: As to what we are
24 proposing?

25 CHAIRMAN AIBEL: As to what you're

1 proposing.

2 MR. MATULE: I don't know.

3 THE WITNESS: Yes. Okay.

4 So I am on the south side of Willow
5 Terrace South. On the south side of Willow Terrace
6 South, the buildings that you see adjacent to me, as
7 I said, that is the furthest back anybody goes
8 there.

9 On all of Willow Terrace, there's
10 probably between 12 and 15, it's very hard to give a
11 good visual of some of the back of these properties,
12 but there is about 12 and 15 that are full coverage
13 on the second floor. So about, you know, at least
14 15 to 20 percent of the buildings that are built out
15 beyond where I proposed.

16 CHAIRMAN AIBEL: And on the third
17 floor?

18 THE WITNESS: On the third floor, there
19 are some. I don't know how many there are.

20 CHAIRMAN AIBEL: Thanks.

21 Board members, anybody else have
22 questions for the architect?

23 Professionals?

24 C E S A R F. P A D I L L A, R.A., having been
25 duly sworn, testified further as follows:

1 MS. BANYRA: I have a question.

2 Mr. Padilla, the survey you used for
3 your plan is dated differently than the one that you
4 submitted.

5 Is there anything different about the
6 current survey from the old survey? I posed this in
7 my report, so that you can just confirm that it is
8 either the same or it's different.

9 THE WITNESS: No. I did take a look at
10 that. There is nothing different. There was just
11 one note, where mine read, I think it said three
12 stories, and it really said two and a half stories
13 on the survey. That's the only change.

14 Other than that, the property lines,
15 dimensions, everything was the same. I did revise
16 that, so going forward, you will have the new
17 information --

18 MR. MATULE: If I might --

19 THE WITNESS: -- but it didn't change.

20 MR. MATULE: -- if I might also, one of
21 the primary reasons we had the survey revised was to
22 show all the new flood data that Mr. Marsden
23 requested that we have, you know, amended to show
24 the 1988 NAVD with the BFE as well.

25 MR. MARSDEN: It says 12?

1 MR. MATULE: Yeah.

2 MR. MARSDEN: Mine still says nine.

3 (Board members confer)

4 MR. MATULE: That is the one that was
5 subsequently submitted.

6 MS. BANYRA: I think the question was,
7 it needed to match what was submitted in terms of
8 the site plan --

9 THE WITNESS: The information is the
10 same. The dates may not be the same.

11 MR. MARSDEN: Mr. Matule, yes, I did
12 get that. Okay. I was looking at the wrong one.

13 MR. MATULE: That's okay, Mr. Marsden.

14 (Laughter)

15 MR. MARSDEN: If I may --

16 (Board members confer)

17 MR. GALVIN: Hey, guys, we just have an
18 awful lot of cross-talk.

19 COMMISSIONER GRANA: I'm sorry. We're
20 still trying --

21 COMMISSIONER MARSH: We're still trying
22 to figure out what he is building.

23 CHAIRMAN AIBEL: Professionals, please,
24 go ahead.

25 MR. MARSDEN: Mr. Matule?

1 MR. MATULE: Yes.

2 MR. MARSDEN: Are you in possession of
3 my new letter, dated July 14, 2014?

4 MR. MATULE: I am sure I am. Let me
5 see if I could put my hands on it.

6 MS. BANYRA: You can maybe confirm that
7 you have both of our reports, Mr. Matule.

8 MR. MATULE: Yes.

9 MR. MARSDEN: Okay.
10 Are there any issues as far as anything
11 that I asked that you couldn't address?

12 MR. MATULE: Well, we added a note
13 about the base flood elevation.

14 MR. MARSDEN: Right. Any specific --

15 MR. MATULE: Pavement repair strips --
16 no. I think the architect testified to some of
17 these things, but the short answer is no. We could
18 provide this information, and we also have provided
19 some testimony, as you requested in number ten,
20 about the roof leaders at the rear of the building
21 and things like that. But assuming the Board were
22 to approve this application when we do the revised
23 plans for signature, we could add these items.

24 MR. MARSDEN: The only question is
25 number nine. What percentage of the building is

1 being rebuilt?

2 MR. MATULE: Can you say, Mr. Padilla?

3 THE WITNESS: Being rebuilt --

4 MR. MARSDEN: I mean being modified.

5 THE WITNESS: Oh, being modified?

6 MR. MARSDEN: Right.

7 THE WITNESS: Well, it is a substantial
8 rehabilitation. The first floor by exception is
9 totally being modified. That is almost about 30 or
10 40 percent of the first floor.

11 The second floor, three-quarters of it
12 is being modified, and then the attic, where at the
13 attic, too, pretty much all of the attic is being
14 modified.

15 MR. MARSDEN: On an average, you are
16 saying less or more than 50 percent?

17 THE WITNESS: More than.

18 MR. MATULE: Is that reconstruction or
19 modification?

20 I see in your report, you used the word
21 "reconstruction," and --

22 MR. MARSDEN: Right.

23 MR. MATULE: -- I just want to --

24 MR. MARSDEN: If you are tearing the
25 kitchen out and rebuilding it, is that

1 reconstruction?

2 I would say yes.

3 So what I am going to ask is because of
4 that, I would just like you to get a jurisdictional
5 determination from the DEP, and if they say --

6 MR. MATULE: If that is an issue.

7 MR. MARSDEN: -- if they say you need
8 an IP, the IP will be fairly easy to get, and you
9 might have to show dry flood proofing on the first
10 floor. That was the only thing.

11 And there was one other thing. Oh, I
12 didn't note it here, because I wasn't sure where the
13 elevation was until I got the elevation cert.

14 Show the base flood elevation on the
15 elevation table, so we know where the base flood is
16 because originally they assumed it was nine
17 according to what the old maps were.

18 THE WITNESS: I actually did revise
19 that also, and the plans, too, to just show the
20 14-foot elevation from across.

21 MR. MARSDEN: That should be 12
22 actually.

23 THE WITNESS: 12, I am sorry.

24 (Laughter)

25 MR. MARSDEN: Okay.

1 CHAIRMAN AIBEL: Anybody else?

2 Eileen?

3 MS. BANYRA: I guess my questions are
4 more relevant to probably some of the questions
5 regarding the photographs and then the balcony on
6 the third floor, and what you are looking at from
7 the balcony on the third floor in terms of adjacent
8 properties.

9 Are you looking at a wall, you know, to
10 the west and east, and the wall to the south --
11 north, I guess, right -- south?

12 THE WITNESS: Yeah. To the south, we
13 are looking at, because that's a four-story
14 building, so we are still looking at the wall, so to
15 the east --

16 MR. MATULE: You would be looking at
17 this?

18 THE WITNESS: Well, to the east and to
19 the west, it will be open. You should be looking at
20 open air.

21 MS. BANYRA: You are looking in
22 people's yards, or you're looking down, as Mr.
23 Branciforte said, that maybe you are looking down
24 onto skylights?

25 MR. INSIGNARES: That would be the east

1 view.

2 MS. BANYRA: Okay. But that is from
3 the third floor, though?

4 MR. INSIGNARES: From the second.

5 THE WITNESS: From that height, I mean,
6 you wouldn't be looking directly at it. But if you
7 were at the railing, I mean, you could see anything
8 that is below you, and since that is on the first
9 floor --

10 MR. INSIGNARES: The photograph is
11 taken from the second floor.

12 MR. MATULE: Just so we are clear, the
13 deck would be up here theoretically --

14 MR. INSIGNARES: Right.

15 MR. MATULE: -- above this second floor
16 extension, the six-foot deck would be up here. So
17 if you were looking down from up here, theoretically
18 you could be looking into those skylights?

19 THE WITNESS: If you were sitting on
20 the deck, you wouldn't be looking. But if you were
21 standing up at the railing, looking, you could look
22 down.

23 MS. BANYRA: Mr. Padilla, I mean, the
24 question I think from the Board and the
25 professionals is: What impact is, you know,

1 obviously what you are doing is having on the
2 adjacent properties, so that is really the question
3 of the hour is whether or not you are impacting
4 adjacent properties, you know, either visually,
5 light, air, and you are asking for variances for
6 coverage, so, you know, that is the nature of the
7 question, so --

8 THE WITNESS: I mean one thing we could
9 certainly do, especially up on the third floor, is
10 do some screening on both sides, so that as far as
11 privacy is concerned, if that is a concern, we could
12 certainly block those views.

13 COMMISSIONER MC ANUFF: Where are
14 the -- in relation to the proposed floor plan, where
15 are the neighboring skylights because it looks to me
16 like there is some screening already in place.

17 MR. INSIGNARES: It would be adjacent
18 to my proposed open space.

19 THE WITNESS: So it would be right back
20 here.

21 COMMISSIONER MC ANUFF: On this?

22 THE WITNESS: Well, on this side?

23 COMMISSIONER MC ANUFF: On this plan.

24 THE WITNESS: Right here.

25 COMMISSIONER MC ANUFF: But isn't this

1 a wall over here?

2 THE WITNESS: Well, yeah, again, that
3 would be proposed screening. I mean, I didn't -- we
4 didn't get as far as designing the sides of that
5 deck, but, yes, that could be considered screening.

6 COMMISSIONER MC ANUFF: Okay. They are
7 somewhere over here, correct?

8 THE WITNESS: Right.

9 MR. MATULE: If I may also just make a
10 proffer for the Board, I believe the owner of 27 is
11 here this evening and is going to speak at the
12 public portion --

13 CHAIRMAN AIBEL: Okay. Well, that was
14 going to be my next --

15 MR. MATULE: -- to address some
16 concerns for the Board members.

17 CHAIRMAN AIBEL: Everybody is finished?
18 Board members, are we finished for the
19 moment?

20 COMMISSIONER BRANCIFORTE: Okay. So is
21 that -- I'm sorry --

22 COMMISSIONER MURPHY: For the moment.

23 CHAIRMAN AIBEL: Go ahead, John.

24 COMMISSIONER BRANCIFORTE: Okay. So I
25 may have missed something.

1 Are we proposing privacy screening now?

2 MR. MATULE: Yes, on either side of the
3 deck, if the Board is --

4 THE WITNESS: Which is shown on --

5 COMMISSIONER MC ANUFF: My opinion, it
6 is already shown on A-2. It is just hard to
7 visualize without the neighboring building shown on
8 the plan. It looks to me that the only opening on
9 the balcony is the very rear of it.

10 COMMISSIONER BRANCIFORTE: I don't
11 know. On A-2, it doesn't say -- it doesn't show --
12 I must have missed it.

13 VICE CHAIR GREENE: Here is the wall.
14 Here is the balcony.

15 THE WITNESS: The dark line.

16 COMMISSIONER BRANCIFORTE: It looks
17 like a concrete wall to me.

18 (Board members conferring)

19 CHAIRMAN AIBEL: Board members?

20 COMMISSIONER BRANCIFORTE: I am good.

21 CHAIRMAN AIBEL: How about if we open
22 it up to the public? Let's hear what the neighbors
23 say and come back.

24 COMMISSIONER MARSH: Yes, that would be
25 great.

1 VICE CHAIR GREENE: This is what the
2 neighbors --

3 (Board members confer)

4 CHAIRMAN AIBEL: Let me do this.

5 We are going to hold Board questioning
6 for the moment.

7 Is there anybody in the public who
8 wishes to speak?

9 Now, typically what we do in this
10 portion of the hearing is we ask questions of the
11 architect. It is not the time to give an opinion,
12 but if you can come up and form questions for the
13 architect, you might help us out.

14 Please come forward.

15 Thanks. Come on up.

16 MR. BRENNAN: Thank you.

17 MR. GALVIN: Name and address?

18 MR. BRENNAN: Hi. My name is Chris
19 Brennan. I live at 31 Willow Terrace, which is the
20 property to the east of the applicant.

21 MR. GALVIN: At this point, we just
22 want --

23 VICE CHAIR GREENE: No, the west.

24 MR. BRENNAN: I'm sorry, to the west.

25 MR. GALVIN: Don't worry. We were

1 having that trouble all night long.

2 (Laughter)

3 MR. BRENNAN: It's so confusing.

4 MR. GALVIN: We're going to just ask
5 questions, and you don't have to try to like force a
6 comment out of a question. We are going to have
7 comments later --

8 MR. BRENNAN: Thank you.

9 And I am just a little confused with
10 all of this, so I just had a couple of questions.

11 Just so I am clear, the lot coverage
12 that is being proposed on the second floor is how
13 much?

14 MR. GALVIN: We know that. We know
15 that. We are going to give it to you. It is less
16 than the first floor.

17 THE WITNESS: The lot coverage is 83
18 percent.

19 MR. BRENNAN: Okay. So it is 83
20 percent.

21 And the lot coverage including the
22 balcony on the third floor is how much?

23 THE WITNESS: Including the balcony?

24 MR. BRENNAN: Yes.

25 THE WITNESS: Including the balcony is

1 83 percent.

2 MR. BRENNAN: Okay.

3 Do you know what the max lot coverage
4 of the second and third floor is of the other homes
5 on Willow Terrace?

6 THE WITNESS: No, I do not.

7 MR. BRENNAN: I do.

8 MR. GALVIN: All right. Well, you are
9 going to get your chance, but just not at this
10 point.

11 MR. BRENNAN: Okay. I apologize. I
12 don't have an attorney. I don't know what to do.

13 MR. GALVIN: How about this: "Would
14 you be surprised if?"

15 Why don't you ask him if he would be
16 surprised if?

17 (Laughter)

18 MR. BRENNAN: Would you be surprised if
19 any of the homes have lot coverage on Willow Terrace
20 on the second or third floor that is greater than 70
21 percent?

22 THE WITNESS: I normally would be, but
23 like I just testified, there are a couple of
24 buildings that have full coverage on the second and
25 third floors.

1 MR. BRENNAN: Really? Okay.

2 MR. GALVIN: Okay. That is good.

3 CHAIRMAN AIBEL: You will have a chance
4 later.

5 MR. BRENNAN: Okay. Thank you very
6 much.

7 CHAIRMAN AIBEL: Thanks.

8 VICE CHAIR GREENE: Can I just ask a
9 question?

10 MR. GALVIN: No. He is not under oath,
11 but we are going to bring him back. He'll be back.

12 CHAIRMAN AIBEL: Anybody else from the
13 public wish to ask questions of the architect --

14 MR. MORAN: Yes, I do.

15 CHAIRMAN AIBEL: -- please come
16 forward.

17 MR. MORAN: I am Kenan Moran. I live
18 at 27 Willow Terrace to the east of Mike's property.

19 You spell that: K-e-n-a-n, M-o-r-a-n.

20 And for the architect, I have a
21 question: What kind of screening are you proposing
22 to put up because those are my skylights, and one of
23 them is a bathroom.

24 THE WITNESS: I think we are open, so
25 we have not really proposed anything specific yet,

1 but we are open to --

2 MR. MORAN: Do you know of any
3 screening that would be unobtrusive for light, that
4 would give me the privacy, but not like -- like
5 something other than a fence or, you know, a solid
6 fence? I am just --

7 THE WITNESS: I mean, we could do
8 something, I guess it would be translucent, right,
9 but still have a film on it. I am not sure.

10 We could do maybe some, even I am
11 thinking now, like some rice paper type of screening
12 on like lattice work, something similar to that. I
13 don't know.

14 MR. MATULE: May I?

15 Could you do like either wood strips or
16 like board-on-board type of things, so air would
17 pass through?

18 THE WITNESS: He had mentioned like
19 just a fence, so I am trying to think of something
20 that would be pleasing to the eye and also get the
21 job done.

22 MR. MORAN: Do you think that your
23 proposed extension will block any of my available
24 light?

25 That is a western exposure for me.

1 That is why I am really concerned about it.

2 THE WITNESS: Well, on the western
3 side, yeah, he is on your west side, so there will
4 be some light that's blocked by that second floor
5 addition.

6 MR. MORAN: So, hum, I believe you said
7 it would go out about six feet past Chris' place.

8 THE WITNESS: Correct.

9 MR. MORAN: Do you know that that will
10 actually block two of my skylights, to that extent?

11 THE WITNESS: No, I don't know for
12 sure.

13 Is that what you are saying, it will?

14 MR. MORAN: Yes, it will. I'm just
15 concerned. That is my concern that that is a bit
16 excessive comparatively, and then I am afraid that
17 that is going to block two of my three skylights, so
18 I guess that is all of my questions.

19 COMMISSIONER BRANCIFORTE: You know, I
20 hate to ask this gentleman a question --

21 MR. GALVIN: No. Let me do this. Let
22 me jump in. We are going to do something a little
23 different.

24 Mr. Matule, do you have any other
25 witnesses?

1 MR. MATULE: No, I don't.

2 MR. GALVIN: Do you mind if I put these
3 gentlemen under oath?

4 MR. MATULE: No.

5 MR. GALVIN: Is there anybody else that
6 is going to want to be speaking on this matter?

7 I think it would be help us to put
8 these guys under oath and let them just flat out
9 talk to us, okay?

10 CHAIRMAN AIBEL: That would be great.

11 MR. GALVIN: One at a time.

12 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. BRENNAN: I do.

17 MR. GALVIN: State your name again.

18 MR. BRENNAN: My name is Christopher
19 Brennan.

20 MR. GALVIN: Okay.

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

24 MR. MORAN: Yes, I do.

25 MR. GALVIN: State your name again.

1 MR. MORAN: Kenan Moran.

2 MR. GALVIN: All right. Why don't you
3 go first, and you go second, and you guys just tell
4 us what you have to tell us.

5 MR. BRENNAN: So this is where I
6 came -- is this all right?

7 MR. GALVIN: Yes, yes, yes. I'm doing
8 it because --

9 MR. BRENNAN: It's B, as in boy,
10 r-e-n-n-a-n.

11 MR. GALVIN: -- the rules are getting
12 in the way.

13 Go ahead.

14 MR. BRENNAN: So as I mentioned, I live
15 at 31 Willow Terrace, which is the property to the
16 west. I live there with my wife, who is pregnant
17 with our second child, and my son who is two years
18 old.

19 My property is built out 70 percent on
20 the second floor and 70 percent on the third floor,
21 as they pointed out in their diagrams, and my deck
22 is on the second floor. And to the points that sort
23 of came up before from the line of sight perspective
24 when we look at the second floor, I have an exhibit
25 that I -- I marked it as A. I just scratched on it

1 because I figured you guys ---

2 MR. GALVIN: Let's see if Mr. Matule --
3 Mr. Matule has to look at it first.

4 MR. BRENNAN: Yeah. He can have a
5 copy.

6 MR. GALVIN: No, no. He has to tell me
7 if he has any objections.

8 MR. BRENNAN: Okay.

9 MR. MATULE: No, not really, I mean for
10 whatever it is worth.

11 MR. GALVIN: All right. Then we are
12 going to revise the designation from A to N for
13 neighbor, okay?

14 MR. BRENNAN: Okay.

15 MR. GALVIN: So we have a little sticky
16 there. We will put a little sticky on one of
17 them --

18 MR. BRENNAN: Sure. I just started --

19 MR. GALVIN: -- and give us the rest of
20 them, and we will just pass them out to the Board.

21 MR. BRENNAN: Sure. So --

22 MR. GALVIN: Mr. Matule will do it.

23 MR. BRENNAN: -- so what I did for the
24 Board, because this is a bit confusing --

25 MR. MATULE: No. You only need one.

1 MR. BRENNAN: Okay. Sorry, guys.

2 MR. MATULE: That's okay.

3 (Exhibit N-1 marked)

4 MR. BRENNAN: I will pass this around.

5 There are three pictures here. One is from Goggle
6 Earth, and it shows the line of sight of the Willow
7 Terrace.

8 The second picture is I am on my roof,
9 and it is facing east, and it shows that no property
10 is out 70 percent.

11 The third picture shows that same
12 direction. So all three pictures is showing the
13 fact that when you look east from my property, there
14 is not a building that is built out more than 70
15 percent on the second or third floor.

16 I actually made a couple of requests of
17 Pat a couple of weeks ago, but unfortunately, our
18 records are incomplete here in the city, so I
19 resorted to taking pictures and using Google Earth.
20 But you can clearly see in the pictures that there
21 is not a single building, unlike the testimony that
22 was given, on the second or the third floor that
23 comes out more than 70 percent.

24 MR. INSIGNARES: Just to clarify, my
25 testimony was on Willow Terrace as the street, I

1 said that many of the buildings are built a hundred
2 percent on the second floor.

3 I also included in my testimony that on
4 our south side of Willow Terrace South, the existing
5 property line of my neighbor is the length. But on
6 the north side of our street, there are buildings
7 that are built out completely.

8 COMMISSIONER BRANCIFORTE: To be honest
9 with you, half of your testimony was lost on me
10 anyway, so we are having a back and forth here
11 anyway.

12 MR. BRENNAN: So if I couldn't speak
13 during his testimony, can he speak during mine?

14 MR. GALVIN: Don't do that. You are
15 fine.

16 Go ahead.

17 Do you have anything else you want to
18 tell us?

19 MR. BRENNAN: Yeah, a couple of things.

20 COMMISSIONER MARSH: Wait. May I ask a
21 question?

22 MR. GALVIN: Yes.

23 COMMISSIONER MARSH: Can you just tell
24 me which way north, south, east and west is on this?

25 MR. BRENNAN: The north is to your --

1 when you look at this, this is north. This is
2 south. This is west, and this is east.

3 North is the left-hand side of the
4 picture.

5 COMMISSIONER GRANAN: North, south,
6 east, west.

7 MR. BRENNAN: So when you are looking
8 down, this second picture here, I am on the roof of
9 my building, 31 Willow Terrace, and I am looking
10 east -- I am sorry -- no, I am looking --

11 VICE CHAIR GREENE: No. You're looking
12 east.

13 COMMISSIONER BRANCIFORTE: You're
14 looking east.

15 COMMISSIONER MARSH: You are looking
16 east, okay.

17 MR. BRENNAN: I am looking east.

18 MR. GALVIN: All right. Everybody,
19 take it easy.

20 MR. BRENNAN: This third picture, I am
21 on my deck. I am also looking east. So you can see
22 in this picture and in the previous picture when you
23 look at every building there, they are all in line
24 from the perspective on the second and third floors,
25 they do not exceed 70 percent.

1 MR. GALVIN: Okay. Cool.

2 COMMISSIONER MURPHY: Can I ask a
3 question?

4 So in the distance there is a yellow
5 building --

6 MR. BRENNAN: Yes.

7 COMMISSIONER MURPHY: -- is that in
8 Willow Terrace, but the other side --

9 MR. BRENNAN: No. That is the back
10 lot.

11 COMMISSIONER MURPHY: Not on your
12 block --

13 MR. BRENNAN: It is not Willow Terrace,
14 correct.

15 COMMISSIONER MURPHY: Okay.

16 COMMISSIONER MARSH: Is that this
17 building?

18 MR. BRENNAN: Yeah, I think so.

19 MS. BANYRA: Which building are you
20 pointing to?

21 MR. BRENNAN: I believe she is
22 referencing this yellow one here.

23 COMMISSIONER GRANA: That would either
24 be -- if you're looking east, wouldn't that be the
25 back end of --

1 VICE CHAIR GREENE: That would be this
2 building right here.

3 COMMISSIONER MARSH: Oh, that's --

4 MR. BRENNAN: That's on Willow.

5 COMMISSIONER MARCH: -- on Willow --

6 COMMISSIONER GRANA: The yellow
7 building is on Willow.

8 COMMISSIONER MARSH: Willow, looking --
9 it faces Willow.

10 CHAIRMAN AIBEL: Any other questions
11 for these witnesses, Board members?

12 MR. GALVIN: No, no. Mister --

13 CHAIRMAN AIBEL: I'm sorry. The other
14 gentleman hasn't testified yet.

15 Any questions for this gentleman?

16 COMMISSIONER MARSH: He wasn't done.

17 MR. BRENNAN: Yeah. I just have a
18 couple of points, if it is okay.

19 MR. GALVIN: Go ahead.

20 CHAIRMAN AIBEL: Go ahead.

21 MR. BRENNAN: Okay.

22 I am very concerned with the scale of
23 this variance request. It is not in line with the
24 district's zoning plan or ordinance, which is a max
25 lot coverage of 60 percent.

1 It is going to have a significant
2 impact on the adjacent properties, mine in
3 particular. And it is my understanding that the
4 intent and purpose of the zoning ordinance is to
5 provide light, air and privacy to the adjoining
6 properties.

7 Coming out 83 percent on the second
8 floor as proposed will actually intrude 8.37 feet on
9 to my property line, unlike the five or six feet
10 that is being cited. It is 8.37. I am surprised
11 the architect doesn't know that.

12 And then candidly, I feel like a
13 precedent has been set that nothing has gone out
14 more than 70 percent on the second and third floor,
15 and what I would ask the Board is if this is
16 approved, does that impact the scale of the
17 neighborhood, and then will further variances be
18 granted going forward at 83 percent or greater?

19 So the last point I want to make is
20 that I don't object to the applicant improving his
21 home. I think it is a fantastic thing for Hoboken
22 and for Willow Terrace. I have been a Hoboken
23 resident for 14 years. I think it is a great thing
24 that properties get improved in Hoboken.

25 What I object to is that the applicant

1 on the second and third floor is building out so
2 far.

3 If the applicant were proposing no more
4 than 70 percent, including balconies on the second
5 or third floor, I would have no objection because
6 that is in line with my building, as well as that is
7 not built out any further than any other building on
8 the terrace.

9 So, you know, thanks for your time and
10 consideration when you vote on this.

11 That is my position.

12 MR. MATULE: I have a couple of
13 questions.

14 MR. GALVIN: Yes. You're under oath.

15 He is allowed to ask you questions.

16 MR. MATULE: Mr. Brennan, how long have
17 you been residing in this property?

18 MR. BRENNAN: For a year.

19 MR. MATULE: Did you do the build-out
20 of this building --

21 MR. BRENNAN: No, I didn't.

22 MR. MATULE: -- or was it that way when
23 you bought it?

24 MR. BRENNAN: It was like that when I
25 bought it.

1 MR. MATULE: And your rear deck is
2 approximately 15 feet by --

3 MR. BRENNAN: It's exactly 15 feet long
4 because my building is built out 70 percent. The
5 lot is 50.15 feet, and that leaves 15 feet for the
6 deck.

7 MR. MATULE: And that is what,
8 approximately 180 square feet?

9 MR. BRENNAN: If you take 15 by 12
10 point -- no, it is bigger than that. I could get
11 out a calculator and give it to you.

12 MR. GALVIN: No, no. That is okay.

13 MR. MATULE: Do you know if any
14 variances were approved for that?

15 MR. BRENNAN: I actually had asked Pat
16 for that, and she didn't have any record of it,
17 because -- you know what I mean.

18 (Laughter - everyone talking at once.)

19 MR. MATULE: I will take that as a no.
20 And your 70 foot lot coverage goes up
21 all three stories, correct?

22 MR. BRENNAN: That is correct.

23 MR. MATULE: Okay. Thank you.

24 MR. BRENNAN: Yup.

25 CHAIRMAN AIBEL: Sir, do you wish to

1 comment?

2 MR. MORAN: Yes.

3 THE REPORTER: Can you just state your
4 name again?

5 COMMISSIONER BRANCIFORTE: Well, I
6 actually just wanted to ask you a quick question
7 before you comment.

8 MR. MORAN: Sure.

9 COMMISSIONER BRANCIFORTE: Do you have
10 a -- up top, I guess it's on your top floor, there
11 are two windows here. One is an air-conditioner --

12 MR. MORAN: Yeah.

13 COMMISSIONER BRANCIFORTE: -- and that
14 is your building?

15 MR. MORAN: Yeah. It's dormered. The
16 roof line isn't raised.

17 COMMISSIONER BRANCIFORTE: So what's up
18 here right now?

19 Is that your bedroom or --

20 MR. MORAN: Yes. It's the master
21 bedroom.

22 COMMISSIONER BRANCIFORTE: That is all
23 I need to know from you.

24 Thanks.

25 MR. MORAN: My name is Kenan Moran,

1 K-e-n-a-n, M-o-r-a-n.

2 I reside at 27 Willow Terrace to the
3 east of Mike.

4 I guess a lot of my concerns are kind
5 of Mary's and Chris'. I absolutely was overjoyed to
6 hear that Mike was renovating the building, and you
7 know, the building needs it. It is in disrepair.
8 It is definitely, you know, something that could be
9 helped out and expanded, and I think that is good
10 for our block as well as the community.

11 But also bearing what Mary and what
12 Chris said, I am concerned about the extent of the
13 extension, simply because I am east of Mike, that is
14 going to swallow a considerable amount of my western
15 exposure.

16 I don't have a problem if precedent
17 were followed, if it was 70 percent lot coverage,
18 but I think that going beyond that might just really
19 kill any of the light that goes into my two
20 skylights.

21 As you can see in the photographs that
22 Mike presented, I have three skylights. My building
23 covers -- my second and third floors cover only 35
24 percent of the lot. The three skylights actually
25 cover the first floor, which is a hundred percent of

1 the lot. This was all built before I lived there.

2 The skylights were put in before I
3 lived there, but they are vital for light for my
4 ground floor, which is my living room, dining room,
5 kitchen, and master bathroom, because this is
6 Hoboken, and that is how they did it back then.

7 So, you know, I am just wondering if my
8 air, light and privacy is being compromised by the
9 extent of the renovation or not.

10 My other concern is that an ad hoc
11 solution to my privacy by putting up some kind of a
12 screen on a balcony, you know, what does that mean?

13 I don't know how you could ever do
14 anything that would give anybody privacy and not
15 block light in that regard. I understand the
16 concept of diffusion because I am a film maker, but
17 I am not sure I am sold on a privacy screen being
18 built for me in that regard.

19 That being said, you know, I do hope
20 that Mike is able to renovate his building. I am
21 just fearful that the extent that this will occur at
22 this point is going to compromise my real estate
23 value.

24 I did speak to my real estate broker,
25 Patrick Southern, and he felt that --

1 MR. MATULE: Wait. Let's not --

2 MR. GALVIN: No. You can't say that.
3 That's hearsay testimony.

4 MR. MORAN: I'm sorry. Strike it from
5 the record.

6 MR. GALVIN: But you could say --
7 exactly, strike that from the record.

8 (Laughter)

9 You could say that you are worried
10 about your property values.

11 MR. MORAN: I am worried about my
12 property values in that regard --

13 MR. GALVIN: Okay. That's good.

14 MR. MORAN: -- but Mike is a great guy.

15 (Laughter)

16 MR. GALVIN: You do know they don't air
17 this.

18 (Laughter)

19 MR. MORAN: You know, it's a difficult
20 situation, because we are a good neighborhood.
21 Everybody gets along in our neighborhood, and this
22 isn't really about anything except for making sure
23 that we continue to have a good neighborhood.

24 CHAIRMAN AIBEL: Thank you.

25 Any questions for the witness?

1 COMMISSIONER MURPHY: I don't know if
2 this is like a generic question, but even though we
3 are talking about south, does anybody know what the
4 percentage of coverage is generally on Willow
5 Terrace North, which we saw a little bit ago, which
6 is the same kind of housing, it is just north of
7 here. We saw an application a few weeks ago --

8 MR. MATULE: I can submit an aerial
9 photograph.

10 MR. GALVIN: No, that's not going to
11 help.

12 I don't know that you need it
13 necessarily for the purposes of this --

14 COMMISSIONER MURPHY: I understand that
15 the whole --

16 MR. GALVIN: -- because even if --
17 whether they were totally compliant or a hundred
18 percent, they are giving you a special perspective
19 about the adjacent properties.

20 MR. MORAN: The unique thing about the
21 back side or the south side of the Willow Terrace
22 South is that it is quite private because we
23 actually don't have any buildings facing us and
24 abutting us except for the wall that they pointed
25 out. Then there is a lot of open space that looks

1 at the church and then it is backyards.

2 MR. BRENNAN: It's a corridor.

3 MR. MORAN: So where as Willow Terrace
4 North is looking at Willow Terrace South, so they
5 are really jammed up against each other in that
6 regard.

7 I think that is very different from an
8 esthetic point of view as well as privacy.

9 CHAIRMAN AIBEL: Thank you very much.

10 Mr. Matule?

11 MR. MATULE: If I could, just based on
12 some of the comments and testimony that was made, I
13 would just like to recall the architect to ask him a
14 couple of questions because I think it is relevance.

15 VICE CHAIR GREENE: We have to close --

16 MR. GALVIN: You guys can sit down.

17 Thank you.

18 VICE CHAIR GREENE: -- do we have to
19 close the public portion before he does that?

20 CHAIRMAN AIBEL: Yes. Let me close the
21 public portion.

22 Anybody else from the public wish to
23 make a comment?

24 VICE CHAIR GREENE: Seeing no one, I
25 move to close the public portion.

1 COMMISSIONER BRANCIFORTE: Second.

2 CHAIRMAN AIBEL: All in favor?

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

5 CHAIRMAN AIBEL: Thank you, Elliot.

6 Thanks, Mr. Matule.

7 C E S A R F. P A D I L L A, R.A., having been
8 duly sworn, testified further as follows:

9 MR. MATULE: In your prior testimony,
10 you testified that because of the extent of the
11 renovation that's being done in the building, you
12 have to bring the building up to current code
13 requirements, correct?

14 THE WITNESS: Correct.

15 MR. MATULE: And as part of that
16 meeting the current code, you have to put in a much
17 larger stairway?

18 THE WITNESS: Correct. It is much
19 longer.

20 MR. MATULE: That is because it
21 requires a certain tread and riser?

22 THE WITNESS: Right, yes.

23 MR. MATULE: The bedroom that you are
24 proposing on the second floor, the rear bedroom is
25 approximately 11.75 feet deep?

1 THE WITNESS: Right, at the deepest.

2 MR. MATULE: Is that a reasonable sized
3 bedroom?

4 Could you make it substantially smaller
5 and still a functioning bedroom?

6 THE WITNESS: Not substantially
7 smaller. I mean, you could make it a little
8 smaller, but what is driving that second floor is
9 that stair, the run of that stair.

10 We really can't push the bedroom back,
11 you know, the seven feet. You know, we would have
12 basically a four foot four or five foot eight
13 bedroom at that point.

14 MR. MATULE: And as far as -- you have
15 also heard comments and testimony raising concerns
16 about the deck, the proposed six-foot balcony on the
17 third floor?

18 THE WITNESS: Yes.

19 MR. MATULE: Is that something that's
20 critical to the plan, or is that something that
21 could be deleted?

22 THE WITNESS: We have spoken to the
23 client, and they can be deleted.

24 MR. MATULE: And you are also opening
25 up the ground floor approximately eight and a half

1 feet?

2 THE WITNESS: About eight feet, yes.

3 MR. MATULE: All right. Eight feet.

4 So would it be fair to say that if you
5 are going to bring the house up to code and have
6 that kind of stair configuration in there, then
7 basically you have to have the bedroom pretty much
8 as it is set now or eliminate it completely?

9 THE WITNESS: Correct.

10 MR. MATULE: I have no further
11 questions.

12 MR. BRENNAN: I would like to ask a
13 question regarding that, if that's okay.

14 MR. GALVIN: Yes. New testimony. Ask
15 him questions.

16 MR. BRENNAN: Thank you.

17 So at 31 Willow Terrace, the second
18 floor bedroom that's in the rear, do you know what
19 the dimensions are of that?

20 THE WITNESS: No.

21 MR. BRENNAN: Okay.

22 THE WITNESS: You have a new set of
23 stairs there --

24 MR. BRENNAN: What's that?

25 THE WITNESS: You have a new set of

1 stairs there?

2 MR. BRENNAN: Yeah. So I have stairs
3 that are to code, and my rear bedroom is 11 feet by
4 9 feet, and I have 70 percent lot coverage on the
5 second floor, so --

6 THE WITNESS: Do you have a front
7 bedroom also?

8 MR. BRENNAN: I do.

9 MR. GALVIN: Wait a minute. Wait a
10 minute.

11 How do you get to ask questions?

12 (Laughter)

13 MR. MATULE: I understand. I
14 apologize.

15 MR. GALVIN: No. I am not mad at you.
16 It is just the way it is going.

17 MR. BRENNAN: So this sounds to me like
18 a self-imposed hardship. You can move the staircase
19 back --

20 MR. GALVIN: We are just asking
21 questions. We will be able to determine that.

22 MR. BRENNAN: Okay.

23 MR. GALVIN: Thank you.

24 MR. BRENNAN: I guess -- do you know
25 how big my first floor bedroom or the bedroom on the

1 second floor in the front is?

2 THE WITNESS: No.

3 MR. BRENNAN: It is 11 by 9, so both
4 bedrooms are on the second floor are 11 by 9.

5 MR. GALVIN: The Board will disregard
6 those statements -- no, I'm kidding.

7 (Laughter)

8 MR. MATULE: You are not an architect,
9 right?

10 COMMISSIONER BRANCIFORTE: I'm sorry,
11 Mr. Matule. I don't want to interrupt.

12 Are you asking more questions?

13 MR. MATULE: I was asking Mr. Brennan
14 if he was an architect.

15 COMMISSIONER BRANCIFORTE: No, no. I
16 mean, are you asking your architect any questions?

17 MR. MATULE: No. I have no further
18 questions.

19 MR. GALVIN: Mr. Brennan, you are not
20 an architect, are you?

21 MR. BRENNAN: No, I am not.

22 MR. GALVIN: Okay.

23 COMMISSIONER BRANCIFORTE: I thought he
24 was still asking questions.

25 MR. BRENNAN: But I can use a tape

1 measure.

2 COMMISSIONER BRANCIFORTE: But, you
3 know, Mr. Matule, you asked the architect, is it a
4 reasonable sized bedroom or relatively -- you said
5 is it -- to make the bedroom shorter --

6 MR. GALVIN: Why don't you keep that
7 for deliberations?

8 COMMISSIONER BRANCIFORTE: Okay.

9 MR. GALVIN: You don't have another
10 question that comes off of it.

11 COMMISSIONER BRANCIFORTE: I kind of
12 do.

13 I mean, you're asking if shortening the
14 bedroom would make it still a reasonable sized
15 bedroom.

16 Isn't the word "reasonable" kind of
17 relative to where you live, if you live in Short
18 Hills, or if you live in Hoboken?

19 MR. MATULE: I don't know. Beyond a
20 certain point, though, you know, and an
21 eight-by-twelve bedroom, I don't think is reasonable
22 anywhere, but I guess that is a matter of opinion.

23 COMMISSIONER BRANCIFORTE: That's fine.

24 MR. MATULE: And the whole point of
25 where I am going --

1 COMMISSIONER BRANCIFORTE: I just
2 wanted to know --

3 MR. MATULE: -- and I'll address it in
4 my summations --

5 COMMISSIONER BRANCIFORTE: -- if you
6 agreed -- I just wanted to know if you agreed. That
7 is really a matter of opinion about bedroom sizes
8 and stuff in this town.

9 So you agreed, it's a matter of
10 opinion.

11 MR. MATULE: Yes.

12 COMMISSIONER BRANCIFORTE: Thank you.

13 MR. GALVIN: It is ultimately the
14 Board's decision what is reasonable or is not
15 reasonable.

16 COMMISSIONER BRANCIFORTE: Right.

17 CHAIRMAN AIBEL: Let's go to
18 summations. Is that where we are?

19 MR. MATULE: Unless the Board has no
20 questions --

21 COMMISSIONER COHEN: One question.

22 Did I understand correctly that you are
23 dropping the deck from your plan? I just want to
24 understand --

25 MR. MATULE: Yes, yes.

1 COMMISSIONER COHEN: So how would that
2 affect the extension?

3 Without the deck, what percent are we
4 going into the yard on that floor?

5 MR. MATULE: On the third floor?

6 COMMISSIONER COHEN: Yes.

7 MR. INSIGNARES: The third would be
8 consistent with my neighborhood.

9 Do you know --

10 MR. MATULE: 70 percent.

11 (Everyone talking at once.)

12 COMMISSIONER COHEN: So it's 70
13 percent, and it would be equal to your neighbor at
14 the third floor?

15 MR. INSIGNARES: Correct.

16 COMMISSIONER COHEN: Okay.

17 CHAIRMAN AIBEL: Now, Mr. Matule.

18 MR. MATULE: Okay.

19 I certainly appreciate the comments
20 from the neighbors. One of the issues, and I think
21 one of the hardships that I was trying to bring out
22 with the question to the architect is the fact that
23 in order to bring the house up to the current code,
24 which maybe is different from the code when Mr.
25 Brennan's house was renovated, since we don't know

1 when it was renovated, it requires a certain sized
2 staircase, which if you look at the cross-section of
3 the exhibit, you know, takes up a big chunk of the
4 second and third floor, and that that bedroom is
5 only 11.75 feet wide -- I mean deep, and I don't
6 think, you know, a 12-by-12 bedroom is overly
7 opulent.

8 I realize that is a matter of opinion,
9 but the reality is to pull it back to the point
10 where it was on line with the neighbor's wall to the
11 west would, you know, make it six feet or five feet
12 by 12 feet. It can't function as a functional room
13 back there, you know, with having to have the
14 stairway take up as much of the floor plan as it
15 takes up.

16 What I am suggesting is that based on
17 the fact that these are terribly undersized lots,
18 that it is a hardship to meet the code and also have
19 a viable space.

20 You know, could you take two feet off?

21 Yes. I guess you could take two feet
22 off, but really nothing more significant than that,
23 because that would be a 10-by-12 bedroom, which
24 certainly is a functional bedroom, but it is not
25 luxurious or opulent or unreasonable.

1 The fact that we have stepped back the
2 third floor to try to, you know, address some of the
3 lot coverage concerns, I think it is -- we are
4 trying to balance what is a reasonable expansion of
5 the house vis-a-vis the code requirements and the
6 impact on the neighbors. I realize it is a tough
7 decision for the Board to make, but that is the
8 reality of the situation.

9 VICE CHAIR GREENE: The existing
10 structure as I see it was two bedrooms?

11 MR. MATULE: Hum --

12 VICE CHAIR GREENE: There are currently
13 two bedrooms?

14 MR. INSIGNARES: Arguable, the space --
15 what might be considered a second bedroom on the
16 second floor is the walk-through to get to the
17 attic.

18 VICE CHAIR GREENE: But there are two
19 functioning bedrooms currently?

20 MR. INSIGNARES: There are.

21 VICE CHAIR GREENE: And you are
22 proposing adding a bedroom?

23 MR. INSIGNARES: Correct.

24 VICE CHAIR GREENE: When this house was
25 built, it was built as a two-bedroom probably

1 because it was an undersized lot and probably
2 couldn't --

3 MR. INSIGNARES: It's been there since
4 1890 --

5 VICE CHAIR GREENE: -- squeeze a
6 three-bedroom in it. Okay.

7 Thank you.

8 CHAIRMAN AIBEL: Can we end
9 deliberations now?

10 VICE CHAIR GREENE: Well, no. Don't
11 you have to open it up to the public again?

12 MR. GALVIN: No.

13 CHAIRMAN AIBEL: This is summation, so
14 we are ready.

15 I would like to open it up for
16 deliberations.

17 MR. MORAN: Can I ask a question?

18 MR. GALVIN: Of what was just testified
19 to?

20 MR. MORAN: Yes.

21 Is there a possibility of you moving
22 the staircase north, so that you could have a code
23 staircase, as well as access to the second floor?

24 THE WITNESS: Then the front bedroom
25 gets shorter.

1 MR. MORAN: What is the -- I didn't
2 really see the plan. I am sorry.

3 MR. MATULE: Here.

4 THE WITNESS: The floor plan.

5 Well, this one is almost ten feet now,
6 so if we move that stairwell to the front, you know,
7 either one, we -- it is substantially shorter.

8 VICE CHAIR GREENE: You could put a
9 circular staircase in.

10 MR. GALVIN: All right, guys.

11 MR. MORAN: Yeah. I just don't
12 understand. Is it imperative that it is a
13 two-bedroom upstairs, or is that just none of my
14 business?

15 MR. GALVIN: No. We don't look at it
16 that way. We look at it that they are supposed to
17 be, you know, what percentages are permitted on the
18 lot and how many feet it is supposed to be set back,
19 and they are making an argument that they need to be
20 bigger than the norm because they are trying to make
21 a bedroom work, and the Board is going to have to
22 decide if that is necessary or not.

23 MR. MORAN: Are you aware that number
24 11 was just recently completely renovated, and they
25 have a third floor, and it's all to code, and they

1 have a staircase going up to the third floor with it
2 only covering 70 percent of the lot?

3 THE WITNESS: I do not --

4 MR. GALVIN: With all due respect, I
5 think the Board is ready to make their decision, so
6 I appreciate the input that the public has given in
7 this case.

8 CHAIRMAN AIBEL: Okay. Let me open it
9 up to the Board.

10 Anybody want to start off?

11 Any takers?

12 COMMISSIONER BRANCIFORTE: I will dive
13 in and take a shot at it.

14 Look, I appreciate that we are trying
15 to renovate a home here. Willow Terrace to me has
16 really been a little cool part of town. You know, I
17 have been inside a few of those houses. I know how
18 small they can be, but, you know, we can't be just
19 expanding homes at the expense of our neighbors.

20 You know, I don't know your work as an
21 architect. I think this is probably the first time
22 you have been in front of our Board --

23 THE WITNESS: This Board.

24 COMMISSIONER BRANCIFORTE: -- this
25 Board, yes.

1 I am sure you could work something out.
2 I mean, I am looking at a walk-in closet that is ten
3 and a half feet long, and, you know, we are trying
4 to take a lot that was built to hold ten pounds of
5 potatoes and maybe you are trying to put 15 pounds
6 of potatoes in it, so I am not saying it is
7 unreasonable.

8 I am going to leave it at that. I am
9 just going to leave it at that. I am sure you can
10 work something out in the footprint.

11 CHAIRMAN AIBEL: Anybody else wish to
12 comment?

13 VICE CHAIR GREENE: Yes, I'll comment.

14 Of everything that was presented as
15 evidence, to me the most telling aspect was the
16 neighbor's photo from his balcony where it actually
17 shows a semblance of a mini donut where the corridor
18 exists from east to west from Clinton to Willow.

19 The question for me is: Do we want to
20 interrupt that to accommodate what in fact would be
21 a third bedroom in a two-bedroom house.

22 But I think this photo, N-1, speaks for
23 itself.

24 CHAIRMAN AIBEL: Thank you.

25 Anybody else?

1 COMMISSIONER MARSH: Yes.

2 CHAIRMAN AIBEL: Ms. Marsh?

3 COMMISSIONER MARSH: Yes.

4 First off, I have long felt that there
5 should be a prevailing rear wall rule. I don't even
6 know if that is legal, but from a personal
7 perspective, I always thought that was important
8 because if you build one out, then the only way to
9 compensate everybody else is to let them build out,
10 and that doesn't seem quite right to me.

11 The second thing is: My
12 granddaughter's bedroom is, I would say, six by ten,
13 and they think they are in heaven. They live in
14 Manhattan, but still, you know, she thinks it is
15 great.

16 I forgot the third thing.

17 I just don't see how you interrupt that
18 rear -- that line.

19 I agree with the other comments.

20 CHAIRMAN AIBEL: Anybody else?

21 Diane?

22 COMMISSIONER MURPHY: So I concur. I
23 feel like that. It is pretty -- thanks to Mr.
24 Brennan's photo, that 70 percent is as far as out as
25 everyone else has built, and I think that it just

1 has to be reworked within the footprint, and so I
2 would vote against this.

3 CHAIRMAN AIBEL: Mr. Cohen?

4 COMMISSIONER COHEN: Yes.

5 First, I want to thank the applicant
6 for scaling back the third floor to 70 percent. I
7 think that recognizes the reality and addresses the
8 concerns about being able to peer into the
9 neighbor's skylights and the rest. I think that was
10 a good thing that you have done.

11 I think that the donut that was
12 referred to is really a second floor donut. I don't
13 think we have ever seen a second floor donut before.
14 But I think that is what this is, and that the only
15 issue that I think the Board has is the second
16 floor.

17 I think the first floor expansion, I
18 don't think anybody has a problem with it. It
19 matches up with the neighbor.

20 The third floor at 70 percent, I don't
21 think anybody has a problem with that, so it is just
22 the second floor, an extension beyond the 70 percent
23 mark, which I think is creating the issue. I don't
24 think that's a complicated issue. I think it is an
25 architectural challenge for you, and you know, I

1 think that that is the concern that the Board has.

2 I want to thank the neighbors for their
3 testimony and Mr. Brennan for the pictures, which
4 were very helpful.

5 CHAIRMAN AIBEL: Anything else, Board
6 members?

7 COMMISSIONER MC ANUFF: I think the --
8 although I am not a voting member tonight, I think
9 the second floor could be reworked to accommodate
10 the program and fit within the 70 percent footprint.
11 I think there is a lack of information tonight on
12 this.

13 COMMISSIONER GRANA: I could add what
14 would be similar.

15 Everything is context when you look at
16 these things often in terms of their context on the
17 block. It is a unique block and, you know, it is
18 great that people are improving that, but it is a
19 unique block, and this particular exhibit here, it's
20 a unique setting, which is the donut, so it seems to
21 me this particular context and the building out of,
22 you know, two and three, I understand the adjustment
23 on there, you know, moves into that space and then
24 that space is gone, so I would not support the
25 application.

1 CHAIRMAN AIBEL: I would only add that
2 I was not persuaded by the proofs on the hardship.

3 How about a motion?

4 COMMISSIONER GRANA: Motion to deny the
5 application.

6 CHAIRMAN AIBEL: Second?

7 COMMISSIONER BRANCIFORTE: Second.

8 CHAIRMAN AIBEL: Pat?

9 MS. CARCONE: Okay.

10 Commissioner Greene?

11 VICE CHAIR GREENE: Yes.

12 MS. CARCONE: Commissioner Cohen?

13 COMMISSIONER COHEN: Yes.

14 MS. CARCONE: Commissioner Grana?

15 COMMISSIONER GRANA: Yes.

16 MS. CARCONE: Commissioner Marsh?

17 COMMISSIONER MARSH: Yes.

18 MS. CARCONE: Commissioner Murphy?

19 COMMISSIONER MURPHY: Yes.

20 MS. CARCONE: Commissioner Branciforte?

21 COMMISSIONER BRANCIFORTE: Yes.

22 MS. CARCONE: Commissioner Aibel?

23 CHAIRMAN AIBEL: Yes.

24 Thank you, gentlemen.

25 COMMISSIONER COHEN: Let's take a short

1 break.

2 MR. GALVIJN: Does anybody not need
3 that picture?

4 COMMISSIONER MARSH: This picture?

5 MR. GALVIN: That one, yes. I would
6 like to keep that.

7 (Board members confer.)

8 CHAIRMAN AIBEL: Mr. Matule, we are
9 taking five minutes.

10 Five minutes, everybody, please.

11 (Recess taken)

12 (The matter concluded at 8:30 p.m.)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 8/21/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: 74 MADISON STREET, BLOCK 16, LOT 32:
Applicant: Ann O'Brien : August 19, 2014
C & D Variances : Tuesday 8:40 p.m.
Carried from 7/22/14 :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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

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

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I N D E X

WITNESS	PAGE
FRANK MINERVINI	109 & 169
KENNETH OCHAB	141

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A-1	Photo Board	115
A-2	Photo	116
A-3	Building elevations	119
A-4	Photo Board	142

1 CHAIRMAN AIBEL: Okay. We are back on
2 the record.

3 Thanks, everybody. We are back on the
4 record.

5 (Audience continues to talk in the
6 background)

7 MR. GALVIN: Hello.

8 Thank you.

9 (Laughter)

10 CHAIRMAN AIBEL: So now we are back on
11 the record.

12 Mr. Matule, 74 Madison Street?

13 MR. MATULE: Yes.

14 Good evening, Mr. Chairman, and Board
15 Members, Robert Matule appearing on behalf of the
16 applicant.

17 This is an application with respect to
18 property located at 74 Madison Street to construct a
19 new four-story, four-residential unit building.

20 I will have the testimony of Mr.
21 Minervini, our architect, and Mr. Ochab, our
22 planner.

23 So with no further adieu, if we could
24 have Mr. Minervini sworn, and I would request that
25 we waive his qualifications.

1 MR. GALVIN: Has he ever appeared here
2 before?

3 (Laughter)

4 Raise your right hand.

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

8 MR. MINERVINI: I do.

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

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

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

15 CHAIRMAN AIBEL: Yes.

16 THE WITNESS: Thank you.

17 MR. MATULE: All right.

18 Mr. Minervini, if you would please
19 describe the existing site and surrounding area.

20 THE WITNESS: 74 Madison is a 2500
21 square foot site, 25 foot wide by 100 deep on the
22 west side of Madison Street just about the center of
23 the block between Observer Highway and First Street.

24 Until a few months back, there was a
25 three-story wood frame building on the site, but

1 because of oil contamination, the entire site had to
2 be remediated, and the existing building had to be
3 razed. That was done by the previous owner, not by
4 this applicant.

5 In terms of context, although our
6 drawings on Sheet Z-1 show a building adjacent to us
7 on the left of the drawing, which would be to the
8 north -- south, there is actually an empty lot to
9 our south because that building suffered fire damage
10 and was razed, so right now there are two empty
11 lots.

12 We are proposing a four-unit,
13 four-story above the base flood elevation
14 residential building.

15 In this case, the base flood
16 elevation -- the advisory base flood elevation,
17 pardon me, is at about six feet five inches above
18 the sidewalk.

19 Our first floor residential would then
20 have to be seven feet five inches above sidewalk
21 because our first residential floor must be 12
22 inches above the base flood elevation.

23 We are proposing to increase that
24 height by an additional 12 inches, so as to have
25 what would have been a completely void space and an

1 outdoor stair required, we are going to propose to
2 use that space as our lobby and stairs up to the
3 other floors. It will make more sense when I get to
4 the floor plans.

5 Each of the floors at two, three, four,
6 and five will have one apartment. The unit sizes
7 range on the -- what we are calling on our drawings,
8 the first floor, Z-4, which is actually the second
9 floor above grade, the apartment size is 1260 square
10 feet. It is a two-bedroom, two-bath.

11 On floors two, three, and four, there
12 are also two-bedroom, two-bath apartments at 1330
13 square feet. The reason for the difference in
14 square footage is because, again, we are in the
15 flood plain. We also have to raise our electric,
16 gas and water meters to that second floor.

17 So if you look at what we are calling
18 on Z-4 our first floor plan, there is a meter room
19 there.

20 What is slightly different about this
21 building relative to similar projects that this
22 Board has approved in terms of a four-story building
23 is we are proposing an elevator.

24 You have heard testimony from another
25 architect stating that it is not required on a

1 building this size. I am telling you that it is
2 required on a building this size. I have had some
3 correspondence with Mr. Banyra, the planner, showing
4 that we have spoken to the DCA, Division of Consumer
5 Affairs -- Department of Consumer Affairs, which
6 regulates codes in New Jersey, and at four stories
7 and four units, we are required to have an elevator.

8 The reason I bring that up is --
9 there's a couple of reasons:

10 One: To describe how this is different
11 from previous projects that this Board has approved
12 in terms of its layout.

13 And, two: To explain why we are asking
14 for an additional four percent lot coverage on the
15 main portion of the building.

16 If you look at the drawings, you are
17 seeing that we are proposing a 64-foot deep building
18 where 60 feet is permitted.

19 The reason for that additional four
20 feet is simply to make up the difference in the
21 square footage that is required by the elevator, so
22 an additional four feet by -- multiply that by 25
23 feet is 100 square feet additional we are asking for
24 per floor, virtually the same as our elevator.

25 And also to maximize the amount of

1 living space within this volume, we are proposing to
2 have our second means of egress at the rear of the
3 building. That will only be six feet in depth. It
4 won't be for any outdoor space usage, other than
5 means of egress, and you will still be maintaining a
6 30-foot rear yard, so we don't need that variance.

7 So I will go through the drawings.
8 Sheet Z-1, the drawing at the bottom of our -- it's
9 a street elevation. At the bottom of the sheet it
10 describes nicely what the heights and difference in
11 heights of all of the buildings on the lot are.

12 As you can see, the majority of the
13 buildings are four and five stories. The adjacent
14 building to our north is three stories -- two to our
15 north is three stories. The one as shown here is
16 two and a half stories to our south, and that's
17 actually been razed and demolished.

18 Where we are showing the void, it's
19 actually another two-and-a-half-story building, but
20 it's set back from the street, so we thought to show
21 that as a void just to be accurate.

22 From that point on, all the buildings
23 to the south are either five, five and a half, four
24 stories with the exception of one, which is three
25 and a half stories, so our building is not out of

1 context in this street scape in terms of the type.

2 It looks like a five-story building.

3 It is in essence a five-story building, but that is
4 a requirement. The height is given to us because we
5 have to raise that first floor above base flood
6 elevation.

7 What is permitted in this zone is a
8 three-story building above that base flood elevation
9 and 40 feet, so we are within that volume with the
10 exception of an additional 12 inches, which I
11 already described, which allows us to use that lobby
12 space -- that ground floor space as a lobby.

13 So going through the plans, Sheet Z-2,
14 which is the site plan based on a property survey by
15 the Caulfields here in Hoboken, here is our
16 building, 64 feet in depth. That's the hatched
17 area. Our six foot egress stair, the site is 100
18 feet.

19 The adjacent building to the south
20 where it says two-story frame, fire damaged, has
21 actually been razed, so that is an empty lot.

22 The building to the north is a
23 three-story frame at the majority of the property
24 and back to about the 80-foot point, it's a
25 one-story block, so there is a deck on top of that

1 one-story section, and there is a deck on top of the
2 three-story frame.

3 That is relevant because we were
4 actually on the agenda for the last month's meeting.
5 There was an objector who lives in 76 Madison. That
6 person --

7 MR. MATULE: Wait a minute. Let me
8 just mark that A-1.

9 THE WITNESS: Yes. It's a photo board
10 that's been prepared by my office. Some photographs
11 from the internet, and some taken by us.

12 MR. MATULE: I marked that as A-1.

13 (Exhibit A-1 marked.)

14 THE WITNESS: So a three-story
15 building, 74 Madison, the owner of this apartment
16 has a deck right above.

17 We pulled our application last meeting.
18 We spoke with that owner who is here tonight, and we
19 came to an accommodation, but his concern was, of
20 course, light and air, but also the esthetics of our
21 wall, because he's got a front deck, what it would
22 be like, what he would see from his deck.

23 So we have -- he has proposed, and we
24 are agreeing to, of course, if the project is
25 approved, a wood screen on the side of our wall, and

1 this was given to me today by that owner.

2 MR. MATULE: Can we just mark that A-2?

3 (Exhibit A-2 marked.)

4 THE WITNESS: In terms of that meeting,
5 it was at my office a week and a half ago, myself,
6 the property owner, and the applicant were there, so
7 we have come to an accommodation that they are okay
8 with our project, of course, they can speak for
9 themselves, with the, again, provision that this is
10 built.

11 VICE CHAIR GREENE: That would be the
12 north wall?

13 THE WITNESS: This would be the north
14 wall of our building from their deck looking south.

15 So Sheet Z-3, Z-3 shows our ground
16 floor plan. As I mentioned, we are proposing to
17 raise our first residential floor 12 inches, which
18 allows then what would have been a complete empty
19 space, other than stories because of the ceiling
20 height, allows us then to have a lobby, general
21 storage for the property owners, as well as trash
22 recyclables, and a second means of egress.

23 So what this allows is to make that
24 space usable. It is a requirement that it has to be
25 there with the raising of this second floor an

1 additional 12 inches, it actually makes it usable.

2 MR. MATULE: So if I could, Mr.
3 Minervini, just for the record, your proposed height
4 above ABFE is 41 feet ten inches as opposed to 40
5 feet, correct, one foot ten inches above the ABFE?

6 THE WITNESS: Two feet, yes.

7 MR. MATULE: Two feet?

8 THE WITNESS: This -- and I mentioned
9 this last time, the zoning code has not yet caught
10 up to the regulations, because we're -- the zoning
11 code imagines our first residential floor at the
12 base flood elevation, but we are required to have
13 our residential floor at 12 inches above that, so
14 that two feet is divided by -- well, 12 inches of it
15 is because we are trying to raise the lobby. The
16 other 12 inches is because we have to raise our
17 residential floor 12 inches above the base flood
18 elevation. I think perhaps hopefully some day the
19 zoning code here will change, so that the base flood
20 elevation, plus 12 inches, is then the starting
21 point for our height.

22 So I have already described the ground
23 floor plan. The first floor, second floor, third
24 and fourth are all similar, two-bedroom, two bath.
25 It could be a three-bedroom, if somebody wanted to,

1 and be slightly resigned. 1260 square feet at the
2 first floor, which is the second above grade. 1330
3 square feet for the other floors.

4 Then that difference is simply because
5 the meter room has to be raised above that base
6 flood elevation and not be in the lobby space or
7 that storage area has to be on the second floor.

8 Z-5, we're to the roof plan. No
9 outdoor space is proposed to be used by the building
10 occupants. We are proposing an extensive green
11 roof, so we got an elevator, bulkhead, elevator
12 stair -- excuse me -- stair bulkhead, condensing
13 units, which are required approximately in the
14 center of the building, and all of the remaining
15 roof area with the exception of some access space
16 will be an extensive green roof.

17 We have prepared a three-dimensional
18 roof plan, which is on the bottom corner of Z-5,
19 showing how we have also limited the height of the
20 stair bulkhead. Where often these are twice the
21 size in width, we limited it to three feet in width,
22 four feet in depth, and then the angle back at the
23 stair follows the angle of the stair, so what that
24 does is it visually makes it less intrusive.

25 Z-6 are the building elevations. We

1 prepared a colored elevation, if I could pass this
2 around.

3 MR. MATULE: I'll mark that A-3.

4 (Exhibit A-3 marked)

5 THE WITNESS: It's a contemporary
6 building, simple in design. We used a lot of glass,
7 and the brick, although shown here is a bit darker,
8 will be Hudson River red, giving some historical tie
9 back to the buildings in Hoboken. We meet the
10 ordinance requirements for masonry and windows.

11 If anybody likes, I can pass this
12 around.

13 VICE CHAIR GREENE: Yes, please.

14 COMMISSIONER GRANA: Yes, please.

15 MR. MATULE: While you are on Z-6, Mr.
16 Minervini, you have a detail of the proposed wood
17 screens for the rear exits there?

18 THE WITNESS: Yes. I should go back to
19 the floor plan to show that initially.

20 So our rear egress stair, which, again,
21 is not a deck. It is no -- there's no room or
22 accommodation for chairs or anything. It is just
23 egress, and that is what the widths show. It is six
24 feet total in depth.

25 We are proposing on the two sides, so

1 in this case, it would be the north side and the
2 south side, a small privacy screen, so the detail
3 Mr. Matule is referring to, Z-6, it is a wooden
4 privacy screen, which would just give privacy to the
5 adjacent properties, if this stair is to be used in
6 emergencies. That is really the only time the
7 stairs should be used.

8 Back to the rear elevation, this is the
9 adjacent heights of the adjacent buildings relative
10 to ours.

11 Ground floor, one, two, three, and
12 four, and glass, metal -- excuse me -- cement
13 composite panels. It will be a clean, neat,
14 maintenance free appearance.

15 The building will be fully suppressed.
16 It will be ADA compliant. The elevator requires
17 that. Once we propose an elevator, the entire
18 building is ADA compliant, which means the hallway
19 sizes are different within the apartment, which
20 means the bathrooms are laid out differently within
21 the apartment. They are a bit larger, which means
22 that the kitchens are a bit different.

23 We're proposing new sidewalks, curbs, a
24 street tree, so I think given what was there before,
25 given what is permitted, given the restraints that

1 we got by the flood regulations, it is a perfectly
2 appropriate building for this location.

3 MR. MATULE: And you did receive Mr.
4 Marsden's letter originally dated May 27th, revised
5 July 14th?

6 THE WITNESS: Yes.

7 MR. MATULE: And have you addressed or
8 can you address the issues raised?

9 THE WITNESS: Some have been, and he
10 has not seen them yet, but we can address all of his
11 comments.

12 MR. MATULE: Thank you.

13 I have nothing further of Mr. Minervini
14 at this time.

15 VICE CHAIR GREENE: May I?

16 CHAIRMAN AIBEL: Sure.

17 VICE CHAIR GREENE: Mr. Minervini, a
18 couple of questions.

19 One, I know we are not usually
20 concerned about interior layout, but I am asking
21 these questions because it may lead to another.

22 THE WITNESS: Okay.

23 VICE CHAIR GREENE: If you go to your
24 second floor plan on Z-4 --

25 THE WITNESS: Okay.

1 VICE CHAIR GREENE: -- can you describe
2 how you contemplated the areas that you
3 delineated --

4 THE WITNESS: Well, I probably should
5 not have, and there is a reason why we don't often
6 give these layouts, but I think in this case we
7 showed them because we wanted you to see that two
8 bedrooms worked easily, and three can work.

9 But to that point, as designed here
10 and, again, this is very flexible --

11 VICE CHAIR GREENE: I understand.

12 THE WITNESS: -- two bedrooms in the
13 front, two bathrooms, kitchen, living and dining
14 room towards the rear.

15 VICE CHAIR GREENE: And the space that
16 is the meter room on the first floor plan, is
17 that --

18 THE WITNESS: That is accessed only
19 by -- from within the stair hall, common area.

20 VICE CHAIR GREENE: Okay.

21 So now I want to address the 64 foot
22 lot coverage. I understand your explanation that it
23 compensates for the elevator, so my question to you
24 is: Do you really have to compensate for the
25 elevator?

1 If you took back the four feet, would
2 shrinking these units by four feet by 20 feet, and
3 it's a hundred square feet and making them 1230
4 square foot units, would that really in your mind
5 diminish them?

6 THE WITNESS: Well, it does diminish
7 them in a major respect, that I don't think we will
8 have then the option or the purchasers or renters
9 will have the option to make it into a
10 three-bedroom.

11 Right now it is on the cusp of being
12 able to be a smaller three-bedroom or an average
13 sized two-bedroom or a larger two-bedroom. I think
14 that 100 feet makes that difference.

15 The elevator is substantial, and I am
16 sorry this Board has seen plans similar, but without
17 an elevator, because I testified that it is a
18 requirement.

19 But the answer is yes, four feet can be
20 taken off. That will then make it almost impossible
21 for the apartment to be laid out as a three-bedroom.

22 VICE CHAIR GREENE: Thank you.

23 Then the other question is on the front
24 elevation on Z-6, the right side of the building,
25 where I guess you marked them metal screen colored

1 black, what is the purpose of those screens?

2 THE WITNESS: They are in essence
3 railings. That is a small -- it's not a balcony.
4 It doesn't project really. It is glass, and the
5 doors will open in.

6 VICE CHAIR GREENE: Are these sliders?

7 THE WITNESS: They are swing doors.

8 VICE CHAIR GREENE: So they will swing
9 in --

10 THE WITNESS: Yeah.

11 VICE CHAIR GREENE: -- and so that is
12 really a safety measure?

13 THE WITNESS: Exactly.

14 VICE CHAIR GREENE: Okay. Thank you.

15 COMMISSIONER BRANCIFORTE: Well, going
16 back to the same question about the elevator, so you
17 are saying because you have the fourth story, you
18 need the elevator?

19 THE WITNESS: Four stories or four
20 units.

21 COMMISSIONER BRANCIFORTE: Okay. So if
22 you lose the fourth story, you don't need the height
23 variance?

24 THE WITNESS: Correct.

25 COMMISSIONER BRANCIFORTE: If you lose

1 the fourth story, you don't need the height
2 variance. If you lose the fourth story, you don't
3 need the elevator.

4 THE WITNESS: Uh-huh.

5 COMMISSIONER BRANCIFORTE: If you lose
6 the elevator, then you don't need the lot coverage.

7 THE WITNESS: Yes, if you frame it that
8 way, but I will remind you that -- I won't say
9 anything.

10 (Laughter)

11 COMMISSIONER BRANCIFORTE: So I mean,
12 this extra story that you are asking for is kind of
13 triggering all of these other variances, lot
14 coverage, height --

15 THE WITNESS: I don't -- yes, but
16 remember that --

17 COMMISSIONER BRANCIFORTE: -- even
18 density I guess to a point.

19 THE WITNESS: -- I'm sorry. Bob is
20 telling me not to speak at the same time as you.
21 I apologize.

22 COMMISSIONER BRANCIFORTE: No, that's
23 okay.

24 THE WITNESS: But remember that we are
25 permitted 40 feet in height, so we could -- anybody

1 could, if there is any empty lot on this street or
2 any streets within the R-3 zone, build a three-story
3 building in this same volume minus one foot, because
4 as I mentioned, we raise it, and we wouldn't need
5 that variance. It doesn't seem --

6 COMMISSIONER BRANCIFORTE: But then you
7 are still triggering the density variance because
8 you're only allowed --

9 THE WITNESS: Certainly. If you do the
10 math, it is 3.79 units. We must now round down, so
11 it is three units.

12 COMMISSIONER BRANCIFORTE: Got you.

13 I don't have any questions right now,
14 Mr. Chairman.

15 Thank you.

16 CHAIRMAN AIBEL: Okay. Anybody else?

17 COMMISSIONER MARSH: I have a couple of
18 questions.

19 First off, when you are talking about
20 these bedrooms, what size -- you know, what are the
21 dimensions of these bedrooms?

22 THE WITNESS: They're not shown. We
23 are not required to show them, and the reason we
24 don't is because it gives us some flexibility
25 depending on who the purchaser may be.

1 COMMISSIONER MARSH: But you are making
2 an argument that this extra four feet allows you a
3 two-bedroom or a small three-bedroom --

4 THE WITNESS: Correct.

5 COMMISSIONER MARSH: -- I'm trying to
6 gauge what you think is a small bedroom.

7 THE WITNESS: Well, you can gauge
8 that just by the square footage. I can scale the
9 bedrooms here, but I don't think it would help you
10 really.

11 COMMISSIONER MARSH: It would -- give
12 me an estimate.

13 THE WITNESS: Yes, I'll do that for
14 you.

15 But the square footage is what I can
16 tell you is the difference.

17 So if we are proposing with that
18 additional 100 square feet, a 1330 square foot
19 bedroom -- I mean unit, and that is what is
20 proposed, if we reduce it by the four, as you're
21 suggesting, now we are down to 1230 square feet. I
22 am testifying that that is now not possible for a
23 three-bedroom relative to -- there are code
24 requirements that weren't mentioned in the last -- a
25 bedroom cannot be as small as in the last -- there

1 are code requirements of how big a bedroom can be --

2 COMMISSIONER MARSH: How big does it
3 have to be?

4 THE WITNESS: 70 square feet. So no
5 dimension can it be smaller than ten, and no
6 dimension can be smaller than seven, that's 70
7 square feet, so that is a requirement.

8 COMMISSIONER MARSH: No dimension can
9 be smaller than seven feet?

10 THE WITNESS: Ten in one direction, and
11 seven in the other --

12 COMMISSIONER MARSH: So seven by ten --

13 THE WITNESS: -- so we're at 70 feet.

14 COMMISSIONER MARSH: -- just let me --
15 so I can understand --

16 THE WITNESS: Certainly they are
17 larger --

18 THE REPORTER: Wait a second. Just
19 talk once at a time, please.

20 COMMISSIONER MARSH: You said the
21 smallest bedroom is seven by ten?

22 THE WITNESS: Correct.

23 COMMISSIONER MARSH: Thank you.

24 THE WITNESS: Pardon. I tend to speak
25 over people, and I didn't mean to.

1 COMMISSIONER MARSH: It's okay.

2 THE WITNESS: Now, that is not
3 necessarily relevant here, because these are
4 still -- even if that hundred square feet is taken
5 off, it is still 1230 square feet, which would be a
6 very nice two bedroom.

7 I only made the case -- I am not a
8 lawyer -- I only made the argument that that
9 additional 100 square feet compensates for the
10 elevator and allows us a three-bedroom, and that is,
11 of course, for you to decide if it is worth it or
12 not.

13 COMMISSIONER MARSH: Okay.

14 My next question, and this is a genuine
15 question, and I really don't mean it sarcastically,
16 but --

17 (Laughter)

18 THE WITNESS: It's going to sound
19 sarcastic.

20 COMMISSIONER MARSH: -- every time
21 somebody says, you know, about the two feet above
22 base flood elevation, they say, well, they wish the
23 governing body would, you know, compensate them.

24 Is there anything that says they can't
25 compensate by making it two less?

1 THE WITNESS: They cannot make it two
2 less.

3 COMMISSIONER MARSH: If you said the
4 building has 38 feet, then the height of the
5 building over the ground level would then be 40
6 feet.

7 If the aim of the regulation was to
8 make the height of the building 40 feet above grade,
9 then they could solve your problem, not in a way
10 that would make you happy, but is there any reason
11 they couldn't solve your problem by saying, okay,
12 the height is now 38 feet?

13 THE WITNESS: Sure, yeah.

14 The answer is simple, that when that 40
15 foot number is contemplated and given to us by
16 planners, it considers a 12-inch floor thickness,
17 that's the standard floor thickness, which then
18 allows you approximately nine feet in height per
19 ceiling.

20 To do what you are suggesting would
21 compress the ceiling heights where they are not
22 really comfortable.

23 COMMISSIONER MARSH: Well, I mean, or
24 you could make it three stories.

25 THE WITNESS: Of course.

1 COMMISSIONER MARSH: Okay.

2 My other question is I don't know what
3 category question this is, but I have spent many
4 very uncomfortable hours on another Board with the
5 neighbors whose building that elevator abutted.

6 What happens to the building that gets
7 built next door to this?

8 THE WITNESS: Because of the elevator?

9 COMMISSIONER MARSH: Because of the
10 elevator.

11 How noisy is it? How much does it
12 shake? How --

13 THE WITNESS: Thank you.

14 You are leading me into a whole
15 discussion I forgot.

16 COMMISSIONER MARSH: Sorry.

17 THE WITNESS: The building will have a
18 LEED certification. We are not sure yet what. But
19 that elevator will be, not a hydraulic type, it will
20 be an electric motor type, which is more efficient,
21 almost vibration proof.

22 What that allows us is to keep all of
23 the mechanicals out of the flood plain, so it is a
24 small electric motor that is in essence attached to
25 the side of the cab that controls it, very, very

1 quiet, vibration free.

2 We are all used to hydraulic elevators,
3 which has a big piston, which makes noise and causes
4 vibration, and that's where that concern comes from.

5 That is not the case with this elevator
6 or almost every elevator that this Board will see in
7 the future because we are required to have all of
8 our mechanicals above.

9 COMMISSIONER MARSH: Is there a decibel
10 rating?

11 THE WITNESS: I don't know what it is.
12 Anecdotally, I'm telling you that it's much less, I
13 don't know what the decibel ratings are, just by
14 virtue of its design.

15 COMMISSIONER MARSH: Unfortunately, I
16 have been reading up on decibel levels, but I am
17 still curious what --

18 THE WITNESS: Nevertheless, I get the
19 point. Any building that is four stories and, of
20 course, you are suggesting that it doesn't have to
21 be, but where we need one, the elevators that will
22 be proposed will be quiet.

23 COMMISSIONER BRANCIFORTE: Are any
24 mechanicals for the elevator attached to that common
25 wall?

1 THE WITNESS: Attached to the cab.

2 COMMISSIONER BRANCIFORTE: I mean, you
3 know, is anything attached to the shared wall
4 between your building and the building next to it,
5 so, you know, when the elevator moves up and down,
6 is it going to shake the wall at all?

7 THE WITNESS: There is a rail system
8 that is attached to the wall. The actual motor is
9 attached to the cab, which propels the elevator up
10 and down, so there is no motor attached to the wall.
11 The motor moves with the cab.

12 COMMISSIONER BRANCIFORTE: Yeah. I am
13 not so much concerned about that. I am concerned
14 when the cab moves up and down, you know, is it
15 going to end up shaking the common area wall. If
16 your ear is next to the -- if you're near that wall,
17 that elevator in the next building, you are not
18 going to hear the motor or the elevator engine. You
19 might just hear the cab itself running up and down
20 the wall?

21 THE WITNESS: It is possible. I don't
22 think it is likely. We have a 12-inch masonry wall
23 that is at our property line. The next building
24 will have to have the same.

25 COMMISSIONER BRANCIFORTE: 12 inches?

1 THE WITNESS: Yes. It could be eight
2 depending on what height you're at. Ours is 12, but
3 it will be minimally eight inches. So my answer to
4 you is that the mass there will conceal any sounds
5 or vibration.

6 COMMISSIONER COHEN: How does your rear
7 property line align with your neighbors?

8 THE WITNESS: The property line itself?

9 COMMISSIONER COHEN: Well, to what you
10 are building out to.

11 THE WITNESS: I will go back to our
12 site plan.

13 So Sheet Z-3 shows our site plan atop
14 of a survey.

15 The building to our north, the
16 three-story frame, I don't know if you can see where
17 I am pointing at. That line is the back of the
18 building, and then the other section is a one-story,
19 so it's a continuation, and there is a vacant lot to
20 our south.

21 COMMISSIONER COHEN: So the lot to your
22 north, the three-story frame and the one-story
23 block, that's a hundred percent coverage there?

24 THE WITNESS: It's not quite. There is
25 a small rear yard that looks, based on the survey,

1 and let me look at the photographs as well.

2 Yes. It doesn't go all the way back,
3 so that is accurate.

4 COMMISSIONER COHEN: But there is no
5 wall behind that?

6 THE WITNESS: The owners of the
7 building -- I mean of the upper apartment is here.
8 I would imagine that there is some outdoor space. I
9 think if it's left over, it probably would be.

10 COMMISSIONER COHEN: And are there any
11 windows on the one-story block that --

12 THE WITNESS: There aren't. At that
13 one-story there's a window at the main portion of
14 the building that will be blocked up.

15 COMMISSIONER BRANCIFORTE: What -- I'm
16 sorry, Phil, are you done?

17 COMMISSIONER COHEN: When you say that
18 the one window would be blocked up, can you show
19 where on the map that is?

20 THE WITNESS: Approximately. It is
21 approximately here. Let's see if the photographs
22 show it.

23 No, the photographs don't help us.

24 COMMISSIONER COHEN: Okay. Thanks.

25 THE WITNESS: Okay.

1 CHAIRMAN AIBEL: John, do you have
2 something?

3 COMMISSIONER BRANCIFORTE: I answered
4 my own question. I am good, thanks.

5 CHAIRMAN AIBEL: Anybody else have
6 questions for Mr. Minervini?

7 COMMISSIONER MURPHY: I just want to
8 reclarify that the two-and-a-half-story building to
9 the south is gone?

10 THE WITNESS: Yes. That was fire
11 damaged, and it was razed since.

12 CHAIRMAN AIBEL: Okay. Professionals?

13 MS. BANYRA: I just had one question.

14 Mr. Minervini, in my report I had
15 indicated that, and I put it as a footnote, I think
16 your calculations for the coverage are wrong on the
17 first page, so maybe you can just look at that, and
18 it is to your, I guess, benefit. I think it is less
19 than. I think Footnote 4, so I think right in
20 there, so maybe if you could recalculate that, I
21 think your coverage is less, so just recalculate.

22 THE WITNESS: Okay. As I am sitting
23 down, I will correct it.

24 MS. BANYRA: Because I think you made
25 some changes back there pursuant to I think

1 conversations earlier, so I think that that is
2 changed.

3 THE WITNESS: Thank you.

4 MS. BANYRA: Did you talk about the
5 flood panel system on the first floor?

6 THE WITNESS: I haven't, and they are
7 part of every project, certainly that we are
8 proposing, that all architects have to, if it is a
9 new structure.

10 Sheet Z-3 shows the flood panel system.
11 DEP requires now for any new construction or even
12 substantial renovation, that up to that 12-foot
13 level, base flood elevation, not 12 inches above, a
14 12-foot level, we propose a flood panel system, so
15 that is a photograph and some details of the flood
16 panel system. Basically they are manually installed
17 prior to a flood.

18 MS. BANYRA: Did you -- from the street
19 in terms of visibility of bulkhead, you know,
20 sometimes the Board asked you before about that,
21 what it looks like from the street in terms of the
22 elevation?

23 THE WITNESS: On Sheet Z-5, we showed a
24 three-dimensional view of that, not from the street
25 necessarily, but showing how it's diminished in

1 height.

2 Back to this elevator, this particular
3 kind of elevator only needs a four-foot --
4 five-foot, excuse me, penthouse, unlike the previous
5 ones, which needed an entire thing, so that's
6 another benefit of that type of elevator, and that
7 is shown here, so this section is that lower
8 elevator.

9 MS. BANYRA: Thank you.

10 CHAIRMAN AIBEL: Mr. Marsden?

11 MR. MARSDEN: You have my letter?

12 THE WITNESS: Yes.

13 MR. MARSDEN: And you have no problem
14 with proceeding with any of the items?

15 THE WITNESS: Yes.

16 CHAIRMAN AIBEL: Let me open it up to
17 the public.

18 Anybody have questions for the
19 architect?

20 Seeing none --

21 MR. EVERS: No, I do.

22 CHAIRMAN AIBEL: Do you have a
23 question?

24 MR. EVERS: Yeah, yeah.

25 CHAIRMAN AIBEL: Okay. Please come

1 forward.

2 MR. GALVIN: Name and address.

3 MR. EVERS: Michael Evers, 252 Second
4 Street, Hoboken, New Jersey.

5 Hum, the allowable density on the site
6 is how much?

7 THE WITNESS: Three units.

8 MR. EVERS: And you are asking for how
9 many?

10 THE WITNESS: Four.

11 MR. EVERS: What percentage increase in
12 the density on that site would that be?

13 THE WITNESS: I have to think about
14 that.

15 THE REPORTER: What did you say?

16 THE WITNESS: Percentage increase?

17 THE REPORTER: No, what did you say?
18 Wait a second. What was your answer?

19 THE WITNESS: I didn't give him an
20 answer yet. That's a one-third.

21 (Laughter)

22 MR. EVER: I would compliment you on
23 not taking out your calculator like some architects
24 to make that answer.

25 Is there some compelling need that

1 causes a fourth unit to be necessary on the site?

2 THE WITNESS: There is no compelling
3 need, other than we are proposing four nicely sized
4 apartments. You know, these are apartments -- the
5 answer would be: These are apartments that are
6 smaller than what this Board has seen recently.
7 There had been some comments at this Board that some
8 of the units have been too big. This allows us, and
9 allows people in Hoboken to buy something that is
10 not overly sized or overly priced.

11 MR. EVERS: How many square feet
12 roughly would each unit have?

13 THE WITNESS: As proposed, they're 1330
14 and then 1230.

15 MR. EVERS: Would you care to venture a
16 guess to what the anticipated market price is?

17 THE WITNESS: I wouldn't guess.

18 MR. EVERS: The developer didn't share
19 with you how much he wants?

20 THE WITNESS: Typically not, typically
21 not.

22 MR. EVERS: "Typically not," that's
23 very instructive.

24 Thank you very much. I don't have any
25 other questions.

1 CHAIRMAN AIBEL: Thank you.

2 Anybody else have questions for the
3 architect?

4 VICE CHAIR GREENE: Seeing no one, I
5 move to close public portion.

6 COMMISSIONER GRANA: Second.

7 CHAIRMAN AIBEL: All in favor?

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

10 THE WITNESS: Thank you.

11 (Witness excused)

12 MR. MATULE: At this time I would like
13 to call Kenneth Ochab.

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

16 Do you swear to tell the truth, the
17 whole truth, and nothing but the truth, so help you
18 God?

19 MR. OCHAB: I do, yes.

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

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

24 THE WITNESS: Ken Ochab. That's
25 O-c-h-a-b.

1 MR. GALVIN: Mr. Chairman, do you
2 accept Mr. Ochab's credentials?

3 CHAIRMAN AIBEL: Yes.

4 MR. GALVIN: Are you going to mark
5 that, Mr. Matule?

6 MR. MATULE: I'm sorry. I'm falling
7 down on the job.

8 MR. GALVIN: You didn't have to say
9 that.

10 (Laughter)

11 MR. MATULE: A-4.

12 MS. CARCONE: 4.

13 MR. MATULE: A-4.

14 MR. GALVIN: Do you have two of those
15 or just one?

16 THE WITNESS: Just one.

17 (Exhibit A-4 marked.)

18 MR. MATULE: Mr. Ochab, just if you
19 would, we just marked an Exhibit A-4. Could you
20 describe what it is?

21 THE WITNESS: Yes. A-4 is a series of
22 photographs, photographs of the site and the
23 surrounding area. These photographs were taken by
24 me actually in the winter, because there is a little
25 snow on the ground, but I have been there several

1 times since then, including last week, and the
2 conditions are pretty much the same, so I didn't
3 bother to take fresh photographs as it were.

4 MR. MATULE: You are familiar with the
5 zoning ordinance and the master plan?

6 THE WITNESS: Yes, I am.

7 MR. MATULE: And you are familiar with
8 the proposed project?

9 THE WITNESS: Correct, yes.

10 MR. MATULE: And you prepared a
11 planner's report, dated February 9th, 2014?

12 THE WITNESS: February 9th, yes.

13 MR. MATULE: And there have been some
14 changes in the plan since then. Are you aware of
15 that?

16 THE WITNESS: Yes.

17 MR. MATULE: Could you go through your
18 report for the Board and as necessary address any
19 changes that have occurred since you prepared your
20 report?

21 THE WITNESS: Okay.

22 So we are in the R-3 zone, and we are
23 proposing four units, five-stories, or four over
24 one, as we're describing it, the one being storage
25 as opposed to parking, and so we have a density

1 variance in this case, which is a D.

2 We have a height variance, which is a
3 D.

4 We also have a physical height variance
5 because we are at 41 feet ten inches, where 40 feet
6 is allowable, so that is a C variance, but it's
7 still a height variance.

8 We have a front yard variance because
9 we are proposing the building to be on the front
10 line as opposed to five to ten feet behind the front
11 line, and we also have a roof coverage variance for
12 the mechanicals on the roof, which is at 15.7
13 percent, where ten is permitted.

14 So a number of variances, most
15 important obviously are the two D variances, which
16 is the density and the height variance, so let's go
17 to the photographs and then we can discuss those,
18 too.

19 I will say that notwithstanding the
20 conversation that just took place in the last
21 half-hour, the argument here is more one of context
22 than perhaps anything else.

23 So in the upper left photograph, we
24 have a photograph of the properties in the general
25 area. The property with the wooden fence out front

1 is the property that we are discussing. That is 74.

2 76 is just to the north of us. That is
3 a three-story building with a deck on the roof of
4 that building. Okay.

5 And then 70 is to the south, which at
6 the time I took the photograph, there was sort of a
7 half a story of a burnt-out building, and some of
8 that still remains today. Some of it is gone.

9 Then to the south of that, we have a
10 three-story building, but it is set way back off of
11 Madison to the rear property line, so that is the
12 context of the immediate area.

13 The upper right photograph shows a
14 little bit more to the south. We again have the
15 site in question. You can see the three-story house
16 set back, which is two lots away. You have the
17 vacant site, and then the house set back two sites
18 away, okay?

19 Then we have next to that a five-story
20 building, which is actually four over one. It is a
21 newer building constructed there.

22 To the north of the site, here again we
23 have the adjacent building, again, three stories.
24 And as we move further to the north, we have a
25 combination of three-story, four-story and

1 five-story buildings.

2 It seems to me, if I had to look at
3 this in terms of the impression of development, it
4 seems like the newer buildings are taller. The
5 newer buildings are certainly four stories, and this
6 one particularly is five stories again with parking
7 at the lower level.

8 And to the south actually we have
9 actually again the same type of effect, where we
10 have -- of course -- oh, here is the burnt out
11 building, so that building to the immediate south,
12 the vacant lot. And then we have a series of
13 five-story buildings, all of which are four above
14 parking to the south of us, so that is the general
15 context that we are in.

16 Particularly in our discussion of
17 density and height, which is that with respect to
18 height, certainly we are in a mixed area, but
19 clearly the trend has been with the most recent
20 development to be four stories, and in most cases
21 four stories over parking, so we have five-story
22 buildings being constructed there.

23 So it is an issue of context, and that
24 is both what the Grasso case and the Grubbs case
25 with respect to the densities and height are saying

1 to us, that we need to look at the context of the
2 neighborhood, determine what that context is, not
3 only is today, but what it is evolving into, and so
4 that is generally why we think there is support here
5 for the four-story building -- I mean a five-story
6 building and for the density.

7 On the height itself, it is four
8 stories over storage, and that is somewhat new to us
9 because of the new flood elevation requirements.

10 We are certainly used to four stories
11 over parking because that is obvious what we have
12 seen that for quite a while, but now we are seeing
13 four stories over storage or some miscellaneous use
14 on that lower level, because we can't use it for
15 residential use or any other use, so it becomes
16 storage. And on a 25-foot lot, there can't
17 obviously be parking because the parking doesn't
18 work on a 25-foot lot.

19 When you have more than 25 feet, it
20 does start to work because then you can maneuver
21 inside of the building, and that is what the
22 buildings basically to the north and also to the
23 south have. They have 50-foot lot widths, which
24 then would allow you to actually do a parking layout
25 inside of the building, so that is the nature of the

1 height issue.

2 With respect to the density, it is
3 always an issue of we calculate the density, and it
4 comes out to be 3.79 units. We can't do point 79
5 units, so we, by regulation, have to drop it down to
6 three, but the raw numbers are basically 3.79.

7 We can't round up because of the case
8 that says we can't round up. So here we are looking
9 at again a four-story building, four units, one on
10 each floor, which is fairly typical for most of the
11 applications that come before you with respect to
12 that.

13 Can that be supported within the
14 context of the neighborhood?

15 And, you know, my report goes through a
16 calculation of the densities within the
17 neighborhood. And, again, we are finding that newer
18 developments, particularly the development to the
19 south, is at densities of 40 percent to 70 percent
20 above the allowable density in this case. We used
21 the 3.79.

22 Our excess density is basically five
23 and a half percent over the allowable density, so it
24 is within the context of what has happened to the
25 south in terms of the development on this side of

1 Madison and also to the north.

2 Are there several lots here which meet
3 the density requirement?

4 Yes, absolutely. If you took the
5 three-story and -- well, the three-story and three
6 over one story buildings that do meet the density
7 requirements, but again, an analysis of what has
8 happened here, the evolution of this particular side
9 of the street on Madison leads one to conclude, and
10 I certainly have concluded that the trend is to go
11 to four stories and four units, again within the
12 context of what we are looking at here.

13 So with that being said, what is the
14 impact of the four stories and the height variances
15 as well as the lot coverage variance?

16 The most significant impact comes from
17 our impact to this building to the north on the
18 lower right photograph. It is a three-story
19 building, but the Board should understand that this
20 building has come in, is in, an expansion for a
21 four-story expansion on this building keeping the
22 front deck area intact and building a four-story
23 expansion above.

24 And unbeknownst to the -- in the annals
25 of Hoboken planning, the neighbors have actually

1 discussed the issue and have come to an arrangement
2 of what will take place there. Frank has worked
3 those agreements into his design for the north wall
4 of our building, which will face the deck, the
5 existing deck area.

6 So that being said, you know, the Board
7 should understand that this is not a static
8 condition here, that this will -- well, it is
9 proposed to change. Whether it ever does is going
10 to be up to you ultimately, of course. So with
11 respect to that, I think we are okay with respect to
12 the impact on the front deck.

13 As far as the rear is concerned, I
14 don't have a good photograph of it, but you can just
15 barely see a one-story addition on the property to
16 the north, which comes to back of the property.
17 That one-story addition comes back to within 15 feet
18 of the rear line, so we have a building essentially
19 at the first story that is 85 feet in length. And
20 on top of that roof of that first story building is
21 again a sitting area that is out there for those
22 folks.

23 My coverage calculation, actually I had
24 61.66 percent, I think at the last meeting we were
25 calculating that, as opposed to 64, so I think

1 Eileen was right in that respect, but I will look
2 for Frank to correct that.

3 In any case, what we are talking about
4 is the distance between our building, which is at
5 60 -- I think it was 64 feet --

6 MR. MATULE: 64 feet.

7 THE WITNESS: -- 64 feet, and their
8 deck, which is 85 feet, so it is basically 21 feet.
9 There is 21 feet of deck area in their rear yard,
10 which will not be affected in any way by the
11 proposed construction of the building.

12 So with respect to the negative
13 criteria, is that a substantial impact or a
14 substantial detriment to the neighboring properties?

15 I would say that based on the
16 discussions they've had and an analysis of where
17 their outdoor areas are, you know, my conclusion
18 would be no, it is not substantial.

19 Given the fact that there is always
20 some impact on every property, because that is just
21 the way it is, I don't think that that is a
22 significant issue with respect to this.

23 And, of course, with respect to the
24 front yard setback, again, we are putting the
25 property -- we are putting the building on the front

1 line consistent with the street scape of all of the
2 other buildings on that street with the exception of
3 the vacant lot next door to us to the south, so I
4 always project that when that comes in, it will also
5 be on the front line.

6 With respect to roof coverage, again,
7 the additional mechanicals, in my discussion with
8 Frank are due to the elevator equipment, which needs
9 to be up on the roof area, so that takes us over the
10 ten percent by about five percent in addition to.

11 So this would be, I would certainly
12 say, a hardship case in terms of roof coverage and a
13 C-2 variance with respect to the benefits of having
14 the building up on the line with respect to the
15 front yard setback.

16 I think that is going to be it, Mr.
17 Chairman, so I will be happy to answer your
18 questions.

19 CHAIRMAN AIBEL: Thank you.

20 Board?

21 MR. MATULE: I just have one question
22 of Mr. Ochab.

23 CHAIRMAN AIBEL: Go ahead.

24 MR. MATULE: Mr. Ochab, you testified
25 that in your professional opinion, the impact of the

1 lot coverage variance was not substantial.

2 If the applicant reduced the depth of
3 the building by the additional four feet and brought
4 it back to 60 feet, would it be even less of an
5 impact?

6 THE WITNESS: Well, that would meet the
7 lot coverage requirements, so it would be --

8 MR. MATULE: Well, for the principal
9 structure.

10 THE WITNESS: -- for the principal
11 structure, yes.

12 MR. MATULE: Thank you.

13 VICE CHAIR GREENE: Correct me, if I am
14 wrong, but there are three contiguous vacant lots
15 now, right?

16 The lot to the north, where the fire --
17 where the burnt building was torn down, and there is
18 a vacant lot next to that. Is that correct?

19 THE WITNESS: No. There's one
20 vacant --

21 VICE CHAIR GREENE: Oh, it's not
22 vacant. It's set back, okay.

23 THE WITNESS: Ours is vacant, and there
24 is a vacant lot to the south of the burned out
25 building, and to the south of that there is a

1 building on that site, but it is set way back off
2 the road like the Park Avenue buildings that are
3 built all the way in the back of the lot with
4 parking --

5 VICE CHAIR GREENE: So I will revise my
6 question then.

7 Would the two lots combined make a
8 better development site than the two lots
9 individually?

10 THE WITNESS: I don't know if it makes
11 all of that much difference here.

12 VICE CHAIR GREENE: We are not dealing
13 with a width variance, so it is not relevant as if
14 we were.

15 THE WITNESS: Either way, I think in my
16 view, we would still be dealing with a four-story
17 building over a base level except that base level
18 might be parking instead of storage, because then we
19 would have 50 foot of frontage.

20 It seems like all of these buildings
21 along side and on the other side as well, all have
22 that -- not all -- but all of the most recent have
23 parking at that lower level.

24 VICE CHAIR GREENE: Okay.

25 Thank you.

1 CHAIRMAN AIBEL: Board members?

2 COMMISSIONER MARSH: Can I see the
3 pictures? I can't really see them from here.

4 Can you pass the pictures around?

5 Are they the same?

6 VICE CHAIR GREENE: They are slightly
7 different.

8 COMMISSIONER GRANA: Mr. Ochab, just
9 for the record, you covered the negative prongs, the
10 negative criteria.

11 Are there any other specific elements
12 of the positive criteria that we should address for
13 the record?

14 THE WITNESS: The positive criteria
15 revolve around what is called the Coventry case,
16 which is it is not special reasons or the typical
17 use variance criteria. It is criteria which asks
18 you to look at the context of the neighborhood and
19 then judge whether the site and the neighborhood can
20 accommodate any problems associated with the
21 requested variance, so that is why it was important
22 for me to talk about the context of the
23 neighborhood, but also what the impacts of the
24 proposed request is.

25 COMMISSIONER GRANA: Thank you.

1 COMMISSIONER BRANCIFORTE: So why is
2 four living units, four apartments, better than
3 three apartments for the neighborhood?

4 THE WITNESS: Well, I didn't testify
5 that it was better.

6 I testified that when you look at the
7 neighborhood in terms of what is happening in that
8 neighborhood with respect to height and density, it
9 seems as if the four proposed units would be more
10 adaptable or more in concert with that context than
11 the three units.

12 COMMISSIONER BRANCIFORTE: I mean, you
13 say it is a trend. This is the trend.

14 Don't trends change over time and go in
15 different directions?

16 I mean, just because the trend is, you
17 know, towards higher density, does that mean you
18 have to continue?

19 Is there any logical explanation to
20 continue on that trend, and we can't move away from
21 it and still be reasonable in planning?

22 THE WITNESS: I don't see a reverse
23 trend in this area. I mean, I see certainly a trend
24 going to, you know, a little bit higher densities
25 and a little bit on the height issue, and to some

1 extent it is the 40 foot physical height that also
2 dictates what you are seeing in terms of your
3 applications --

4 COMMISSIONER BRANCIFORTE: But we've
5 seen, and we brought this up before, and I think
6 maybe our planner can talk to it more, the fact that
7 the city keeps downsizing, lowering the densities
8 and lowering the densities kind of tells us that the
9 trend should be going that way, to lower rather than
10 higher.

11 THE WITNESS: Well, I mean, there had
12 been a zoning revision many years ago. But if you
13 look at -- I think it is very hard from a planning
14 perspective to take an emerging, an evolving trend
15 of four stories and four units, which is, you know,
16 how many years have we seen that, and then through
17 regulation reduce that.

18 I think that is very, very difficult
19 unless some clear economic conditions change, which
20 then would make that more palatable. I just don't
21 see that happening.

22 CHAIRMAN AIBEL: Board members, anybody
23 else?

24 COMMISSIONER MURPHY: So in this view
25 of photo four, is that yellow three-story directly

1 across from it, or is that across or don't you know?

2 THE WITNESS: Yes. The yellow
3 three-story is across and just to the north.

4 COMMISSIONER MURPHY: Okay. Do we have
5 any idea what is to the south of that?

6 THE WITNESS: To the south of that, we
7 have -- oh, boy. I am not going to remember too
8 well.

9 I think there is -- no, I don't want to
10 say because I might be wrong.

11 Certainly I know there is parking at
12 the base level to the south. It may be two or three
13 stories above that. To be honest, I can't recall.

14 COMMISSIONER MURPHY: Okay.

15 THE WITNESS: I don't want to lie.

16 (Laughter)

17 CHAIRMAN AIBEL: So, Mr. Ochab, you
18 have spent a good deal of time talking about the
19 height and density on the Madison Street side, but
20 you didn't spend a lot of time on the rear yard, and
21 densities and heights on Monroe. Do you have any
22 evidence that you can give us about that?

23 THE WITNESS: Yes. I actually have --
24 I didn't do a photograph of it, but -- I had
25 photographs, but I just didn't print them out.

1 Just a second.

2 The photographs are gone.

3 (Laughter)

4 CHAIRMAN AIBEL: Do we have
5 photographs --

6 THE WITNESS: To the rear of the
7 property are --

8 MR. MATULE: Will this help at all?

9 THE WITNESS: Yes, there you go.

10 To the rear of the property, we have
11 again some older development. There is four and
12 five-story buildings. Five-story buildings to the
13 north.

14 Directly opposite is a four-story
15 building. It looks like an older vintage
16 construction, and with, you know, a significant rear
17 yard, you know, typical 30-foot rear yard back
18 there.

19 So with respect to our height, again, I
20 didn't think that we were going to severely impact
21 that area because we are providing a 30 feet rear
22 yard, and then there is 30 feet on the opposite side
23 as well.

24 This building, the red -- I don't know
25 if you can see the red building there. The red

1 building is significantly back towards the rear
2 yard, so just to the north of us we have a building
3 that, again, it is hard for me to get back there
4 sometimes, but through the aerial photographs it
5 comes back to near the rear property line.

6 I didn't think that the rear was an
7 issue, so I didn't concentrate on it too much.

8 CHAIRMAN AIBEL: Are any of the other
9 properties on the Madison Street side in excess of
10 the 64 percent or whatever it is, 62 percent
11 coverage, that your project is proposed to be?

12 THE WITNESS: Yes.

13 CHAIRMAN AIBEL: I am talking about the
14 four and five-story buildings, not necessarily the
15 two-stories.

16 THE WITNESS: You know, I didn't do a
17 calculation of them, but just by eyeballing it, it
18 looks like the newer construction to the extreme
19 north might be slightly over the 60 percent
20 coverage, and there is one building, which is,
21 again, it is one, two -- four lots -- three lots to
22 the north, which looks like it is about, again,
23 about 80 percent coverage including the adjacent
24 property to us to the north, which is 85 percent
25 coverage.

1 CHAIRMAN AIBEL: But we don't know on
2 that whether it is built a four or five-story, 80
3 percent lot coverage?

4 THE WITNESS: One, two, three, four, so
5 it would be this building, which is a five-story
6 building. Again, new construction. It goes back,
7 it looks like about 85 feet or so about the same as
8 the building to our north.

9 It looks like there might be a garage
10 door there, so there may be parking there, which
11 would explain the 85...

12 CHAIRMAN AIBEL: Any other Board
13 members?

14 Professionals?

15 MS. BANYRA: Just for a point of
16 clarification, so I think the building coverage is
17 correct. I think the dimensions that we are talking
18 about is 64 percent building coverage, and it's
19 totalled at 67.7. I think that the only thing
20 that's -- the egress stairs, I think that
21 calculation I think maybe just needs to be
22 revisited. So I think what they are indicating,
23 it's 68.8, and the calculation that I come up with
24 is more like 67 percent, but I think the building
25 coverage is correct at 64 percent.

1 THE WITNESS: 64.

2 MS. BANYRA: Yeah, I think that is
3 correct.

4 (Mr. Marsden and Ms. Banyra confer)

5 MS. BANYRA: There is an additional
6 square footage for the egress stairs at around 93
7 square feet. I think the plan wasn't revised when
8 they did it, so I think it ends up being 67.7.

9 Is that what you are coming up with?

10 MR. MATULE: Well, I am discussing that
11 with Mr. Minervini now. I was waiting for Mr. Ochab
12 to finish his testimony, because we are going to
13 make a request for an amendment based on the
14 comments from the Board before we open it up to the
15 public. If you want, I will do that now, so maybe
16 we can get to a final number.

17 MS. BANYRA: Well, the Chairman had
18 asked if we had any questions, so I was just
19 clarifying that, so let me just check to see if
20 there's anything else.

21 CHAIRMAN AIBEL: Jeff, do you have any
22 questions?

23 MR. MARSDEN: I don't think so.

24 MS. BANYRA: I think I'm okay after
25 that.

1 CHAIRMAN AIBEL: Let me open --

2 MR. MATULE: I think before that, it
3 would be more appropriate to request the amendment
4 we want to request before you open it up to the
5 public.

6 CHAIRMAN AIBEL: For questions?

7 MR. MATULE: Oh, I'm sorry, not for Mr.
8 Ochab.

9 CHAIRMAN AIBEL: Let me just finish
10 with him.

11 Does anybody in the public have a
12 question for Mr. Ochab?

13 Seeing none --

14 MR. EVERS: I do.

15 CHAIRMAN AIBEL: Oh, Mr. Evers, come on
16 up.

17 COMMISSIONER MURPHY: I'm sorry, one of
18 you --

19 MR. GALVIN: Mr. Evers was about to ask
20 a question.

21 COMMISSIONER MURPHY: Oh, I'm sorry.

22 MR. GALVIN: Don't be sorry, just
23 let's --

24 COMMISSIONER MURPHY: Yes.

25 MR. GALVIN: -- go ahead, Mr. Evers.

1 MR. EVERS: Mr. Ochab, did I hear you
2 say that in that part of Hoboken the densities of
3 many of these buildings have been approved, as you
4 said, were fairly typical I believe is what you
5 said, were 40 to 70 percent above the densities
6 allowed by the zoning code in that area?

7 THE WITNESS: I said that the buildings
8 to the south on Madison, the new buildings that were
9 constructed, the four over one buildings were 40 to
10 70 percent above the allowable densities.

11 MR. EVERS: Okay. So you are saying
12 that in effect, the Zoning Board has been approving
13 buildings in that area or south of that area that
14 are 40 to 70 percent above the zoning -- what is
15 permitted in the zoning code, is that correct?

16 THE WITNESS: That would be a correct
17 way to describe it, yes.

18 MR. EVERS: And you apparently draw
19 that as justification why this particular project
20 should request a 33 percent increase in density for
21 its site?

22 THE WITNESS: Let me --

23 MR. MATULE: I am going to object to
24 the form of the question because I think his
25 testimony was we were at 7 percent --

1 THE WITNESS: Five and a half.

2 MR. MATULE: -- five and a half percent
3 over what is permitted.

4 MR. EVERS: All right. In terms of
5 density on that site, sir?

6 MR. MATULE: I will let him explain it.

7 THE WITNESS: Well, the way I
8 calculated the other densities was by using the raw
9 number. In other words, if I wound up with a
10 fraction like 3.75, I used that density on all of
11 the properties because then it would be skewed, if I
12 just dropped everything down to its whole number,
13 whether lower or higher.

14 MR. EVERS: How many units can you
15 build on this site without a density variance?

16 THE WITNESS: Three.

17 MR. EVERS: How many units are you
18 requesting?

19 THE WITNESS: Four.

20 MR. EVERS: That is one-third more than
21 the allowable amount on that site, correct?

22 THE WITNESS: Yes, but when you are
23 calculating density for the purposes of my
24 recording, I am not required to drop that number
25 down to the lowest whole number.

1 MR. EVERS: I'm just talking about the
2 site that you are advocating for right now.

3 THE WITNESS: Right, and the Board
4 understands that, because they have seen my reports,
5 and I have fractions in my density calculation, and
6 I compute the percentage above or below that based
7 on that fraction on all of the properties, so it
8 is --

9 MR. EVERS: Good. But on this
10 particular site, you are asking for a density
11 increase of one-third, 33 percent.

12 MR. MATULE: I think he asked that
13 twice now.

14 CHAIRMAN AIBEL: Yes.

15 MR. EVERS: And one of the things that
16 you used to justify that in your presentation is the
17 fact that it is fairly typical in that area for the
18 Zoning Board of Adjustment to grant significant
19 density variances, or I shouldn't say "significant"
20 because you said --

21 MR. MATULE: I think this was asked and
22 answered.

23 MR. EVERS: -- 40 to 70 percent above
24 that allowable in the district. Is that correct?

25 THE WITNESS: No. I never said it in

1 those terms.

2 MR. EVERS: You didn't use the terms 40
3 to 70 percent?

4 THE WITNESS: Well, those terms I used,
5 but all of the other terms, I didn't.

6 MR. EVERS: I see.

7 But you didn't cite that as
8 justification in your report or in your testimony?

9 THE WITNESS: I cited it as
10 justification in terms of the context of the
11 neighborhood, not in terms of what the Board of
12 Adjustment has or has not done in the past.

13 MR. GALVIN: Time out, everybody.

14 Any other questions, Mr. Evers?

15 MR. EVERS: Yes, just one.

16 So you are saying that the Zoning Board
17 of Adjustment, since you were talking about just for
18 the neighborhood, rather than this specific site,
19 that they should disregard the 40 to 70 percent
20 above the allowable code density grants when
21 considering this application?

22 MR. MATULE: Objection. That is not
23 what he's saying.

24 THE WITNESS: I'm not saying that at
25 all.

1 MR. GALVIN: You don't have to answer.

2 MR. EVERS: I have no further
3 questions.

4 MR. GALVIN: Thank you.

5 CHAIRMAN AIBEL: Ms. Murphy?

6 COMMISSIONER MURPHY: I just need
7 clarification on the masonry, glazing. There seems
8 to be a little bit of a discrepancy. So on one of
9 them it says 76 masonry and 53 glazing?

10 CHAIRMAN AIBEL: Is that going to be
11 subject to an amendment?

12 MR. MATULE: Well, we will recall Mr.
13 Minervini to answer that question and maybe while he
14 is up there, I could request the amendment.

15 MR. GALVIN: Okay. Because I was going
16 to say, Mr. Ochab, don't go anywhere, because the
17 question of the masonry goes to the variance.

18 THE WITNESS: I thought we had resolved
19 that. I don't think there's --

20 MR. GALVIN: No. Well, Ms. Murphy has
21 a question.

22 COMMISSIONER MURPHY: I am confused,
23 because one thing says that you are asking -- the
24 numbers are different in different places, so I just
25 want to know what the numbers really are.

1 THE WITNESS: I agree.

2 F R A N K M I N E R V I N I, having been
3 previously duly sworn, testified as follows:

4 MR. MINERVINI: And you're comparing
5 the zoning chart on the cover sheet to Z-6?

6 COMMISSIONER MURPHY: Well, I have the
7 application --

8 MR. MINERVINI: On the application,
9 okay. I don't have the application, and my drawings
10 are consistent.

11 COMMISSIONER MURPHY: How much masonry
12 is there and how much glazing is there?

13 (Board members conferring)

14 MR. GALVIN: There you. We got the
15 questions.

16 How much masonry and how much glazing?

17 THE WITNESS: 75.9 percent.

18 COMMISSIONER MARSH: How much glazing?

19 MR. GALVIN: And how much glazing?

20 THE WITNESS: The glazing -- well,
21 remember it is 52 and change percent, but remember
22 the glazing is -- you take that percentage after
23 removing already the masonry. You don't just add 75
24 and 52.

25 What is on here is correct.

1 COMMISSIONER MURPHY: Okay. Thank you.

2 THE WITNESS: I don't know about the
3 application. I haven't seen it.

4 COMMISSIONER MURPHY: That's okay.

5 (Witness and counsel confer)

6 MR. GALVIN: Since there is no change
7 in the numbers, your testimony is fine, so can we
8 close the public portion as to Mr. Ochab.

9 VICE CHAIR GREENE: Move to close
10 public portion.

11 COMMISSIONER GRANA: Second.

12 CHAIRMAN AIBEL: All in favor?

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

15 MR. MATULE: While we have Mr.
16 Minervini up here, in case it generates any other
17 questions, while Mr. Ochab was testifying and based
18 upon comments made by the Board, Mr. Minervini had a
19 conversation with the applicant, and the applicant
20 is willing to reduce the building depth from 64 feet
21 to 60 feet, which would then bring the main building
22 to 60 percent lot coverage.

23 And as I understand it, Mr. Minervini,
24 can you just please confirm this then, that with the
25 egress stair, the total lot coverage we would be

1 asking for would be 64.8 percent rather than 68.8
2 percent?

3 THE WTINESS: That's correct.

4 If I may, I did some research for
5 Commissioner Marsh on this particular elevator.

6 It is 30 decibels to the adjoining room
7 within the building, and that is with a dry wall and
8 metal stud construction.

9 The reason I say that specifically is
10 because on the other side of the adjacent building,
11 you have our masonry wall plus their masonry wall,
12 just for reference. So we are proposing to bring
13 the building to 60 feet in depth. The stair will in
14 essence stay as it is, just an egress, and bringing
15 the lot coverage down to 64.8.

16 MR. MATULE: That would also increase
17 the size of the rear yard by four feet?

18 THE WTINESS: Correct, by four feet.

19 MR. MATULE: Thank you.

20 CHAIRMAN AIBEL: Thank you.

21 (Board members confer)

22 MR. GALVIN: Open it up to the public
23 for comments.

24 CHAIRMAN AIBEL: Anybody in the public
25 wish to comment on this application?

1 MR. GALVIN: Seeing no one.

2 VICE CHAIR GREENE: Seeing no one, I
3 move to close the public portion.

4 COMMISSIONER BRANCIFORTE: Second.

5 CHAIRMAN AIBEL: All in favor?

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

8 CHAIRMAN AIBEL: Mr. Matule?

9 MR. MATULE: I really don't think I
10 have anything to add. It is a very handsome
11 building. We are asking for a minor height variance
12 of two feet.

13 Obviously, the flood regulations
14 generate the one floor of the five floors, the
15 fourth floor is to accommodate the fourth unit, but
16 it is still within the permissible volume, and in
17 light of the fact that the building has now been
18 pulled back to 60 feet, we think it is a good zoning
19 proposal for the site and for the neighborhood.

20 CHAIRMAN AIBEL: Thank you.

21 Board members, anybody want to kick it
22 off?

23 COMMISSIONER MC ANUFF: I'll go.

24 Although I am not voting tonight, I
25 will put my two cents in.

1 I think the project is well thought
2 out. It is a very nice design. I don't have a
3 problem with the lot coverage or the building
4 height. However, I do have a problem with the
5 density. I don't think that the fourth unit
6 benefits the community in any way. It only benefits
7 the building owner.

8 I have no problem with the building, if
9 it were three stories, three units, rather than four
10 stories proposed.

11 CHAIRMAN AIBEL: Thank you.

12 VICE CHAIR GREENE: May I?

13 CHAIRMAN AIBEL: Go ahead.

14 VICE CHAIR GREENE: I actually think
15 that the density variance is de minimis. I mean,
16 it's barely a rounding-up to four. I think this
17 building would not have the stature if it was only
18 three residential stories. I think the fourth makes
19 it.

20 The fact that elevators are being put
21 in answers a question that we often ask particularly
22 Mr. Branciforte, about is it really family-friendly,
23 if you have to drag a stroller up three or four
24 stories.

25 So I think the elevator is a big plus.

1 It makes it a much better building. I appreciate
2 the reduction in the density because it was the one
3 area -- not the density, the lot coverage, that I
4 did have some issue with. I think it is a very
5 handsome building and a project that should be a
6 plus to the neighborhood and to the town.

7 CHAIRMAN AIBEL: Anybody else want to
8 speak?

9 MR. GALVIN: Mr. Cohen does.

10 CHAIRMAN AIBEL: Mr. Cohen?

11 COMMISSIONER COHEN: I agree with
12 Commissioner Greene. I think that to go from 3.75
13 to three is really silly.

14 I mean, I think Hoboken is unique based
15 on the decision of Judge Garibaldi with respect to
16 this scenario. I don't think any other municipality
17 in New Jersey has that kind of ridiculousness to say
18 that 3.79 is not really close to four and requires a
19 D variance, but that is what we have. But with all
20 due respect to the Court, I think that this is
21 appropriate to grant the fourth floor.

22 I actually didn't really have a big
23 concern about going the extra four percent lot
24 coverage, given the fact that the neighbor is much
25 further extended in this situation, and the property

1 three blocks to the north was much further extended,
2 but I appreciate the applicant's willingness to do
3 it.

4 I also think it is a good looking unit.
5 It is handicapped accessible, and it is -- the
6 planner's testimony that this is the trend of the
7 neighborhood is accurate. This is what really this
8 block looked like, and I think it is very likely
9 that the vacant lot will probably look a lot like
10 it, and the one to the north of it is going to be at
11 the same height or at least there is going to be an
12 application like it, which we can expect.

13 And finally, I commend the neighbors
14 for working together to come up with a deck
15 scenario, where they're looking at a wall that they
16 actually want to look at together. That's the best
17 kind of application, where the neighbors are working
18 together and coming up with something that they can
19 live with side by side, so I support the project.

20 COMMISSIONER MARSH: First, I want to
21 say 30 decibels is really quiet.

22 A dishwasher at 40 decibels is
23 virtually non-hearable. That's what I learned over
24 the weekend. I need a dishwasher.

25 (Laughter)

1 As far as the density goes, I think
2 there are a lot of people living in Hoboken, and I
3 am concerned about it. But if you have two
4 apartments that are two units, you are actually --
5 you are actually creating fewer bedrooms because you
6 have to have two kitchens instead of one and an
7 extra bedroom. So although I know it counts as
8 density legally, I never really understood why
9 that -- that doesn't really translate into more
10 people.

11 I actually did object to the four feet
12 partly because I think we need to be really
13 conscious of impervious coverage. It is a flood
14 zone. Every time you cover up a piece of land, it
15 flows into somebody else's yard.

16 You know, I hope the building comes out
17 looking like the picture or at least like what I
18 imagine, because I like it.

19 Thanks.

20 CHAIRMAN AIBEL: I actually also feel
21 that the lot coverage issue is significant for
22 another reason, and that is because I think it bares
23 on the overall bulk and size of the building, so I
24 think it was a good accommodation and a good
25 amendment.

1 Anybody else?

2 COMMISSIONER TREMITIEDI: Jim?

3 CHAIRMAN AIBEL: I'm sorry, chief?

4 COMMISSIONER TREMITIEDI: Even though I
5 can't vote tonight, I think this is a good addition
6 to the city and its neighborhood and
7 family-friendly.

8 That is it.

9 COMMISSIONER BRANCIFORTE: What's that?
10 I'm sorry.

11 VICE CHAIR GREENE: Nothing.

12 COMMISSIONER BRANCIFORTE: No. I
13 wanted to hear what everybody else had to say before
14 I spoke.

15 You know, Mr. Cohen brought up a point
16 that we may very likely see another maybe two
17 applications, and if I think about it that way, and
18 I think, well, given an extra unit of density here,
19 and then we are going to see maybe two more
20 applications possibly, and if they come forward and
21 ask for the extra density of two more units, that
22 means we just added three more units to this block
23 of density.

24 I don't see how you can say yes to
25 this, and then say no to the next two applications

1 without being arbitrary or capricious, so we are
2 setting a standard here by saying it is okay to go
3 with the extra density, and as I mentioned before, I
4 think the density trend isn't, you know, to go the
5 way it was with more units. The trend is actually
6 going the other way. People are saying they have
7 had enough and they want less density, so that is
8 where I stand on it.

9 CHAIRMAN AIBEL: I'm sorry that I
10 jumped the line here.

11 COMMISSIONER GRANA: I believe that the
12 positive and negative criteria have been satisfied,
13 and I would support the project.

14 COMMISSIONER MURPHY: And I want to
15 just say that, you know, we talk about elevators for
16 family-friendly, but I think that we have to think
17 about also that people are getting older who might
18 not want to live in a massive building and can't do
19 brownstone steps any more, so elevators are a good
20 thing for older people as well.

21 VICE CHAIR GREENE: I didn't think
22 about that.

23 COMMISSIONER MURPHY: Pardon?

24 (Laughter)

25 VICE CHAIR GREENE: I didn't think

1 about that.

2 COMMISSIONER MURPHY: I applaud the
3 fact that they wanted to cut back on the lot
4 coverage.

5 I am a little concerned also with the
6 idea that in the middle of this block, everything is
7 a little bit lower, and we probably will be setting
8 a precedent if we say yes to this, and so I am a
9 little undecided at the moment.

10 You know, if everything stays three
11 stories down there, it would just kind of be this
12 little -- you know, the block would just kind of go
13 like that, and it is more authentic to what Hoboken
14 has been like, but things have been changing, so...

15 COMMISSIONER BRANCIFORTE: Well, along
16 those lines, you know, if they go to three units
17 versus four, there is no reason that they can't just
18 have a duplex in there, one duplex, or --

19 COMMISSIONER MC ANUFF: Or just higher
20 ceiling heights or whatever --

21 VICE CHAIR GREENE: Right. If they
22 have a duplex, they are likely to have more
23 bedrooms, so you're not really solving the density
24 issue.

25 COMMISSIONER BRANCIFORTE: Well, you're

1 probably putting two less cars on the street at that
2 point when you knock out one unit.

3 COMMISSIONER MARSH: Maybe one less
4 car.

5 COMMISSIONER BRANCIFORTE: One less car
6 at least.

7 I'm sorry to jump out of turn.

8 COMMISSIONER MARSH: No, that's okay.

9 CHAIRMAN AIBEL: I guess to close it
10 out, we have been instructed that each application
11 gets looked at on its own merits, so I am not sure,
12 you know, precedent is necessarily an issue,
13 although it is a concern that I have raised from
14 time to time as well.

15 Counsel, any conditions?

16 MR. GALVIN: Yes. I have four
17 conditions.

18 I need help with that exhibit. Mr.
19 Minervini, I'm sorry. I need the exhibit number for
20 the one that shows the wall.

21 Is that A-2?

22 MR. MATULE: Yes.

23 MR. GALVIN: Okay.

24 The applicant agreed to build the north
25 wall as shown to the Board on Exhibit A-2.

1 Two: The rear stairs are not to be
2 used as a deck. There is be no storage or seating
3 of any kind on the rear stairs.

4 Three: The applicant is to obtain LEED
5 certification for this building.

6 Four: The elevator is not to utilize a
7 hydraulic system.

8 Mr. Minervini said it would be a LEED
9 certified building.

10 MR. MATULE: That's correct.

11 MS. BANYRA: Revised plans, and then
12 proper coverage and variances requested.

13 MR. GALVIN: The applicant is to submit
14 a revised plan that conforms with the hearing and
15 the reports of the Board's professionals.

16 Is that okay?

17 Mr. Matule, is that all right?

18 MR. MATULE: Yes.

19 MR. GALVIN: Okay.

20 CHAIRMAN AIBEL: I guess we are ready
21 for a motion.

22 COMMISSIONER GRANA: I make a motion to
23 approve with the said conditions.

24 COMMISSIONER COHEN: Second.

25 CHAIRMAN AIBEL: Pat?

1 MS. CARCONE: Commisisoner Greene?
2 VICE CHAIR GREENE: Yes.
3 MS. CARCONE: Commissioner Cohen?
4 COMMISSIONER COHEN: Yes.
5 MS. CARCONE: Commissioner Grana?
6 COMMISSIONER GRANA: Yes.
7 MS. CARCONE: Commissioner Marsh?
8 COMMISSIONER MARSH: Yes.
9 MS. CARCONE: Commissioner Murphy?
10 COMMISSIONER MURPHY: Yes.
11 MS. CARCONE: Commissioner Branciforte?
12 COMMISSIONER BRANCIFORTE: No.
13 MS. CARCONE: Commissioner Aibel?
14 CHAIRMAN AIBEL: Yes.
15 MR. MATULE: Thank you,
16 CHAIRMAN AIBEL: Thank you, Mr. Matule.
17 Don't sit down.
18 (The matter concluded at 10 p.m.)
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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 8/21/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: 120-122 PARK AVENUE, Block 34, :
Lots 24 and 25 :
Applicant: RB Holdings 2 Corp : August 19, 2014
C & D Variances : Tuesday 10 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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

- Eileen Banyra, Planning Consultant

- Jeffrey Marsden, PE, PP
Board Engineer

- Patricia Carcone, Board Secretary

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I N D E X

WITNESS	PAGE
FRANK MINERVINI	187
EDWARD KOLLING	212

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A-1	Photo Board	188
A-2	Rendering	192

1 CHAIRMAN AIBEL: Mr. Matule, we have
2 120-122 Park.

3 MR. MATULE: Thank you, Mr. Chairman.
4 Good evening, Board members.

5 Robert Matule, appearing on behalf of
6 the applicant, RB Holdings 2 Corp.

7 This is an application with respect to
8 property at 120-122 Park Avenue. The applicant is
9 seeking to remove the two preexisting nonconforming
10 structures on the property and erect a new
11 four-story, four-residential building over one-story
12 of parking.

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

16 We have already submitted our
17 jurisdictional proofs, so we can call Mr. Minervini.

18 MR. GALVIN: Raise your right hand.

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

22 MR. MINERVINI: I do.

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

25 MR. GALVIN: State your full name for

1 the record and spell your last name.

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

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

6 CHAIRMAN AIBEL: Yes.

7 MR. MATULE: Mr. Minervini, if you
8 would, could you please describe the existing site
9 and the surrounding area, and if we are going to
10 refer to any photo boards, let's mark them.

11 We will mark this A-1.

12 THE WITNESS: Yes.

13 (Exhibit A-1 marked.)

14 MR. MATULE: If you would just for the
15 record describe what A-1 is.

16 THE WITNESS: A-1 is a board with
17 photographs taken by my office as well as the
18 internet site.

19 I will probably start with this.

20 As Mr. Matule mentioned, 120-122 Park
21 is a 37.17 foot wide by 100 foot deep lot on Park
22 Avenue between First and Second Streets.

23 And looking at this board, what is
24 unique about this area of town and what, although it
25 is becoming less unique, is that this area, the

1 existing buildings were set back on the street, so
2 even though the lots were smaller, there were
3 parking spaces and driveways at the front of the
4 building. So at our site, which is two lots, the
5 buildings are in the back with the parking in front
6 and curb cut. That was a similar condition to 124
7 Park, which this Board has approved and has been
8 constructed.

9 A similar condition to the building to
10 our -- of 118 Park, to our south, as well as one and
11 two other buildings on the street.

12 So although we are in the R-1 zone,
13 where parking is not permitted, and although the
14 lots were more narrow than required to have parking,
15 there was historically parking on this section of
16 the street, and one, two, three, four, five lots
17 still had it. Two of those lots we are here to
18 speak about today.

19 I mention that specifically because the
20 building we are proposing is four residential
21 stories above one story of parking.

22 Generally, parking works best when the
23 lot is 50 feet in width. We haven't got 50 feet.
24 We've got 37 feet.

25 What we have done that's unique on this

1 project, and I will certainly get to all of the
2 units and those facades and those other things, but
3 what we have done that is unique with this project
4 is proposed an installation of a vehicular carousel,
5 a turntable in essence.

6 Typically a lot of this width is
7 difficult to park. You can pull in nose front, and
8 you have to back it out. That is where the danger
9 is, and that is why this requirement of 50 feet in
10 width is needed to provide parking.

11 In this case, we are proposing a
12 vehicle carousel, so a car would come in, and there
13 is four parking spaces, and you would not have to
14 back out, but like a more traditional parking,
15 garage, you would drive out the natural way, nose
16 front.

17 So what you do is you park -- you
18 temporarily park on top of this carousel. It has
19 got sensors on all of the walls as well as on its
20 edges, so it knows whether the car above will hit
21 the wall, or if the car above has a wheel that is
22 not on this. If that is the case, it won't work.

23 So this will turn any of these cars
24 around. So, for example, you pull in, park in the
25 back in this right corner, that rear right corner,

1 you would just then back out to this carousel. It
2 would turn you around, and you would drive out nose
3 front.

4 It is certainly a first in Hoboken, not
5 the first to be used. They are relatively common in
6 Europe.

7 One of the first things when this was
8 proposed, because this idea came up between us in
9 conversations with the developers, is it -- what
10 will happen in case of a flood, and of course, in
11 Hoboken that is something that we have to worry
12 about, so I will tell you that all of the
13 mechanicals and its own electric motor are
14 submersible, and flood or not, this will work,
15 assuming there is electricity. So this is all
16 waterproof, all made to work if it were below low
17 water or not, so that concern I am hoping to
18 alleviate for this Board.

19 The rest of the building, we have got
20 four units above. The developers of this building
21 are also the developers of the adjacent building to
22 our north.

23 Although it is a bit out of order, I
24 will show the proposed rendering now, and some of
25 this will make more sense.

1 MR. MATULE: Can you mark that A-2?

2 THE WITNESS: Yes, and this is a
3 rendering prepared by my office.

4 (Exhibit A-2 marked.)

5 THE WITNESS: About two years ago,
6 maybe a bit more, this building was approved, five
7 stories, at 124 Park, four above parking, and that
8 is the same developers as this property.

9 So what we have done in terms of the
10 visual and the esthetics, the architectural
11 esthetics, we kept the theme going, so they are not
12 copies of each other, but they are certainly
13 complimentary buildings.

14 With that in mind, we were
15 complimentary in terms of its mass. So where we
16 have parking on the first floor in our proposed
17 building, you also got that on the adjacent
18 building. That is existing and successful.

19 So this building, and you can look at
20 your street elevation on Z-1, matches nicely with
21 the building that's already built.

22 And in terms of height, it matches with
23 the building that is under construction a bit
24 further to our north, already approved and under
25 construction.

1 These particular developers are also
2 developing a reputation for a green building that
3 124 Park is, and our engineer is here, if the Board
4 needs to speak to him. It will be -- had geothermal
5 heating, and it was about to be one of the first
6 platinum certified LEED condo buildings in the
7 state. All of those same ideas will be applied to
8 this building.

9 So our building as proposed, and we are
10 going to guarantee a gold certification with the
11 hope that a platinum will come.

12 Now is probably a good time to go
13 through the context, as well as the floor plans.

14 So Sheet Z-1, as I already described,
15 the street elevation, right now we have two
16 three-story buildings set to the rear of the
17 property line. Those as part of this proposal they
18 will be demolished, and this five-story building
19 proposed, which is four stories above parking to
20 match the adjacent building, and we have done some
21 other things that are complimentary that I will get
22 to as we get further into the floor plans.

23 Relative to the last application, this
24 drawing, the properties under 200 feet, is a pretty
25 good one, and it shows the backs and the spaces of

1 all of the buildings on the block. So if there is a
2 question you want to know, perhaps where the
3 adjacent rear yards are, or the adjacent back walls
4 of the buildings, these are accurate drawings to use
5 just for a reference, so is that Z-1.

6 Z-2 shows existing conditions, so there
7 are two separate three-story buildings, both set
8 back to the rear property line, and in both cases
9 there is a curb cut and parking in front of the
10 building.

11 Of course, we are proposing to knock
12 that building down and move it to the front with the
13 exception of five feet. We are proposing a
14 five-foot setback, and that is purely contextual.
15 It's in keeping with the new building at 124 Park,
16 which is also a five-foot setback.

17 To that point, our proposed site plan
18 shows that with a five-foot front yard setback, a
19 rear egress deck, which is ten feet, which gives us
20 25 feet in the rear yard, and we are asking for a
21 variance there.

22 As we get up into the fifth floor plan,
23 you will see that there is a five-foot setback, so
24 we respected the building to our north, where they
25 have got a setback, about a seven-foot setback on

1 that property line. We are proposing a five-foot
2 setback, and again, I will describe that in more
3 detail.

4 In terms of the vehicular entry and
5 residential entry, the residential entry is at the
6 southern portion of that facade.

7 We have a planter, a green area, which
8 is 12 and half feet. Part of that is because of our
9 setback. The other seven and a half feet matches
10 the adjacent property, and then to the north of that
11 is our driveway and curb cut, new curb cut, which
12 accesses the garage with the vehicular carousel.

13 Z-3 shows that carousel, as I
14 mentioned, so the ground floor will have a lobby
15 elevator towards approximately the center of the
16 building. This building just as the last, will be
17 ADA compliant.

18 An elevator there, and then one, two,
19 three, four parking spaces. The parking garage will
20 work. You drive in, and either you turn prior to
21 parking, you do the carousel upon leaving the
22 building. So in any case, the idea is if the
23 carousel is used, and it will be used, that the
24 danger of backing out of a garage is alleviated, so
25 no pulling out nose front, just as any other garage,

1 just as in the adjacent garage.

2 Z-4, a similar plan, proposing a fully
3 landscaped rear yard as well as a location for our
4 water detention system.

5 The second, third and fourth floors,
6 this developer was really the first in this town to
7 be a proponent and be successful with selling larger
8 apartments.

9 This trend -- this design trend has
10 continued, so we have got 1944 square feet on the
11 second, third and fourth floors, three-bedroom
12 units, large, again to use an overused term,
13 friendly-family. They got an office and all of the
14 things that meet the checklist, the imaginary
15 checklist requirement for family-friendly. It has
16 an elevator, has parking, and that's a
17 three-bedroom, and an outdoor space, so that leads
18 me to we are proposing a rear egress deck, as well
19 as outdoor space.

20 So the property is 37.17 feet in width
21 versus the two in width, and we are proposing a
22 building that is five feet off the property line, 60
23 feet in depth with a ten foot rear egress stair that
24 is set off the two property lines two feet, so this
25 egress stair is 33 feet in width. It accommodates

1 outdoor space, as well as stairs. That is the same
2 design for the second, third and fourth floors.

3 The fifth floor plan is unique, because
4 we have set back the north wall five feet off the
5 property line. That allows us to put windows on
6 that north wall.

7 There is a privacy screen separating
8 the two properties, and I got it detailed in two
9 different places, and I will get into it, but that
10 also respects the same design feature on the
11 building directly to our north, which is 124 Park.

12 So 124, which received about two and a
13 half or three years ago approvals from this Board,
14 has outdoor space at their setback. We are
15 proposing a privacy screen and roofing, and no
16 outdoor space at that point, just a visual buffer,
17 and a buffer for mass.

18 In terms of the elevation, it is
19 complimentary to the adjacent modern, call it a
20 contemporary building, brick, metal panels, lots of
21 glass. It certainly looks like a sister building,
22 but not a copy of the adjacent building, so it
23 continues a theme that's already been started by
24 this building, which is almost 100 feet in depth at
25 124 Park.

1 The privacy screen that I mentioned,
2 Z-7, at the bottom corner.

3 The rear facade continues the clean
4 modern theme, lot of glass. There are large folding
5 doors that allow the living room to open completely
6 onto that outdoor space, so that outdoor deck that
7 we are proposing will feel when weather is right as
8 if it were part of the living room, something else
9 that makes this building meet one of the checklist
10 family-friendly items.

11 I want to find my roof plan, which I
12 might be missing. But we're proposing -- the roof
13 plan shows -- oh, I'm sorry, here it is. It's Z-6.

14 Again, these particular developers, who
15 have specialized in the larger apartments,
16 family-friendly apartments and very green buildings
17 continued that, so we got solar panels taking up a
18 majority of the upper roof. The solar panels are
19 complimentary to the adjacent panels, the same
20 designers, the same outfit that constructed them
21 there will construct them here.

22 The building, as I mentioned, will be
23 minimally gold LEED certified. For the engineers
24 here, we are shooting for platinum. It will have
25 many of the features, which he can talk about, but

1 an obvious one, as I go through the plans, is the
2 solar panels.

3 So two more things: The building will
4 be ADA compliant. We've got an elevator, ADA
5 compliant apartments, and as in the last application
6 I described, that makes the apartment different in
7 the bathroom layouts, in kitchen design, as well as
8 hallways and doors. All of those things must be
9 bigger and to accommodate barrier-free requirements.

10 The building will be cast-in-place
11 concrete, which is important to mention because it
12 is not flammable, and of course, the building will
13 be sprinklered, but also because it is probably the
14 best construction method to deal with noise
15 attenuation between apartments and floors.

16 Often, too often in the past, buildings
17 were built with forced systems that many of us have
18 lived in, and sound travels through wood, and
19 concrete is much, much, much better in terms of
20 attenuation.

21 And finally, we have continued the
22 theme of what has already been approved and
23 successful at 124 Park.

24 What is exceptionally unique about this
25 building is the parking carousel, which has its own

1 teams of mechanical designers whom we have spoken
2 to. The Building Department, of course, will want
3 more information on that, but it is a successful
4 system. If the sensors aren't for some reason
5 working because of electricity, the unit shuts down.
6 In no case can somebody turn around a car and make a
7 mess, for lack of a better term.

8 So I think the building is perfectly
9 appropriate for its location. In terms of height it
10 is exactly the same as the adjacent building to the
11 north.

12 It also removes two nonconforming
13 buildings that were set to the rear of the property
14 line and were both half of this size in width in
15 terms of slot, but yet still had parking, so we are
16 proposing parking where there was parking just in a
17 much safer fashion, and I think that is it.

18 MR. MATULE: Did you receive Mr.
19 Marsden's letter of May 20th, which was revised
20 advised on June 12th and August 6th?

21 THE WITNESS: I have, yes.

22 MR. MATULE: And if you have not
23 complied with everything in there, do you have any
24 issues complying with any of those items?

25 THE WITNESS: I don't.

1 MR. MATULE: Okay. I don't have any
2 other questions.

3 CHAIRMAN AIBEL: Board members?

4 VICE CHAIR GREENE: I think Phil has
5 one.

6 CHAIRMAN AIBEL: Mr. Cohen?

7 COMMISSIONER COHEN: A question about
8 the carousel parking.

9 So if you're parking head-on from the
10 street and turning the carousel, and then be facing
11 the wall, and then when leaving, would back out onto
12 the carousel, and then the carousel would spin, so
13 that the person would head out, is that right?

14 THE WITNESS: That is one way.

15 The other way is to use the carousel
16 right-of-way and back into your parking space.
17 Either way will achieve the same thing that you are
18 driving nose out with the car.

19 COMMISSIONER COHEN: Yes. I was just
20 thinking if you are backing onto the carousel, that
21 sounds, I don't know, that sounds a little hard to
22 do. I mean --

23 THE WITNESS: It is hard to describe,
24 but visually it is delineated in terms of color. We
25 can do any material we want here. It has really

1 been engineered in a very safe way. If the Board
2 wanted, I guess we could -- I don't know how else I
3 could do it to show you how this works, but it is a
4 very effective system, and we have spoken to the
5 mechanical engineers from the particular company,
6 which is Carousels USA.

7 COMMISSIONER COHEN: Okay.

8 The other question that I had, I recall
9 the adjacent building that we approved a few years
10 ago, that we asked that the fifth floor be set back
11 so that it was not flush, if my memory is correct,
12 and it looks like this one lines up with that one.
13 I don't think you addressed that.

14 THE WITNESS: Let me get back to my top
15 floor plan. You are correct.

16 We are not proposing at this point to
17 set back that front facade. There is a slight
18 setback here. You can see the corner of the
19 adjacent building. This one is not, and actually
20 this section of wall is what is set back.

21 Here we are -- with the exception of
22 this cornice that projects, we are flush with the
23 front wall.

24 COMMISSIONER COHEN: Okay. But my
25 memory was correct that the adjacent was --

1 THE WITNESS: It was set back. I don't
2 recall if it was part of our initial plan or the
3 Board suggested --

4 COMMISSIONER COHEN: I think it was a
5 modification.

6 Okay. Thank you.

7 VICE CHAIR GREENE: Frank, going back
8 to the carousel, is the carousel flush with the
9 floor?

10 THE WITNESS: Yes.

11 VICE CHAIR GREENE: Okay. That is one
12 question.

13 The second question is: You are
14 assuming that 50 percent of the vehicles are going
15 to be compacts, because it won't work unless there
16 are at least two compacts.

17 THE WITNESS: It still works. It is 16
18 feet, but that 16 feet is --

19 VICE CHAIR GREENE: No. I'm not
20 talking about the carousel. I'm talking about the
21 logistics of parking a vehicle, in parking four
22 vehicles in a fairly confined space, particularly
23 spots, two, three, and four.

24 THE WITNESS: Yeah, correct. That is
25 what we are proposing. But even a compact space at

1 seven feet six by 16 works with a standard sized
2 car.

3 Will an SUV work there?

4 It will not.

5 VICE CHAIR GREENE: I think you
6 testified -- I think that you stated that the
7 building at 124 utilized geothermal?

8 THE WITNESS: Yes.

9 VICE CHAIR GREENE: This building, that
10 is not part of this proposal?

11 THE WITNESS: It's not part of this
12 proposal, but we will still achieve gold
13 certification.

14 Tom Chartier, our LEED engineer, is
15 here to discuss it, if needed.

16 One of the problems that occurred, and
17 it was sorted out with the adjacent building was it
18 was at the cusp of size where the geothermal is
19 effective. A building of this size, it's not.

20 VICE CHAIR GREENE: Will this building
21 have a generator?

22 THE WITNESS: I don't think we have
23 shown it, but it will have a generator. It will
24 have a generator. I think almost every building
25 that we are proposing has a generator on the roof

1 and yes, the answer is yes, as I look back at the
2 developer -- at the property owner.

3 VICE CHAIR GREENE: I would like to see
4 where that is going to be placed.

5 THE WITNESS: Yes.

6 VICE CHAIR GREENE: Okay. Thank you.

7 COMMISSIONER GRANA: A couple of
8 questions.

9 Just to understand the drawing, do the
10 elevators open directly into the units?

11 THE WITNESS: Yes, they do.

12 COMMISSIONER GRANA: And considering
13 the footprint of the building and the egress rear
14 deck, what is the lot coverage?

15 I am looking on Z-5.

16 THE WITNESS: Yeah. I will go right
17 from the zoning chart.

18 Our lot coverage for the principal
19 building is 60 percent. The egress, that adds
20 another 8.9 --

21 COMMISSIONER GRANA: So the total is --

22 THE WITNESS: -- so the total is 68.9.

23 COMMISSIONER GRANA: Thank you.

24 COMMISSIONER BRANCIFORTE: Frank, when
25 cars pull out, can you tell us about the safety

1 designs?

2 THE WITNESS: We are proposing, and
3 this was another one submitted after some
4 discussions here. We are proposing a visual light
5 warning, a visual warning. I will amend --

6 COMMISSIONER BRANCIFORTE: That's
7 standard, I mean.

8 THE WITNESS: Yes, that's standard.

9 I will amend the drawings to include
10 the mirror system that we discussed at this Board
11 just to make it a bit easier, you are egressing to
12 see people walking.

13 Commissioner Branciforte, I will tell
14 you that I have done some research on this subject.
15 I have not found anything other than we are
16 proposing.

17 COMMISSIONER BRANCIFORTE: Yes, I
18 agree. I mean, I have been looking at it myself
19 trying to find it, thinking there must be something
20 out there. This has come up before, and I think we
21 were the first people ever to discuss it.

22 THE WITNESS: Yes.

23 MR. GALVIN: Did you say sound --

24 VICE CHAIR GREENE: No. He didn't say
25 sound.

1 COMMISSIONER BRANCIFORTE: Are there
2 electrical chargers there in the garage? They are
3 not shown on the plan.

4 THE WITNESS: If they're not on the
5 plans, we will absolutely amend it, because the
6 building will be built as was the adjacent building
7 by the same developer with electric charging
8 stations.

9 I don't have them, and I am surprised I
10 don't.

11 COMMISSIONER BRANCIFORTE: I don't see
12 them.

13 THE WITNESS: No. I will absolutely
14 revise it, if this project, of course, is approved.
15 I don't know how I missed that.

16 MR. GALVIN: That's okay. Easily
17 fixed.

18 THE WITNESS: Okay. Thank you.

19 CHAIRMAN AIBEL: I may have missed your
20 testimony.

21 Are we gaining any street parking?

22 THE WITNESS: We are gaining, and I
23 didn't mention it, we are gaining one parking space
24 because of our width of the drive aisle is at 12
25 feet, as I recall, and right now this entire

1 frontage is all depressed curb, so there is one
2 parking space being given back to the neighborhood,
3 not part of this project, but it's in essence a
4 curb.

5 CHAIRMAN AIBEL: On your rear balcony,
6 is there any reason you need to have a ten foot rear
7 deck when the adjoining building looks like it is at
8 eight feet?

9 THE WITNESS: Hum, I thought we
10 actually were consistent with the building, which
11 was ten, right?

12 No. The answer is that we are
13 proposing ten. The adjacent is eight.

14 And is there a reason why this is
15 bigger?

16 No, other than more space outdoors
17 seems to be better.

18 CHAIRMAN AIBEL: Commissioners,
19 anything else for the architect?

20 VICE CHAIR GREENE: I assume there is a
21 water detention system.

22 THE WITNESS: Yes. I think I mentioned
23 it is shown automatically in the rear yard, beneath
24 the rear yard. Yes, sheet -- probably several
25 places, but on Z-3 it's shown as well as Z-4.

1 Yes, on Z-4 as well.

2 COMMISSIONER BRANCIFORTE: Next door,
3 the building Red Bridge did a couple years ago, how
4 many -- there is just one garage. There's one
5 garage for in and out.

6 THE WITNESS: One door, one garage
7 door.

8 CHAIRMAN AIBEL: Okay.

9 Professionals, anything for the
10 architect?

11 MR. MARSDEN: Yes.

12 Frank, on the carousel, I am just
13 thinking there could be little kids, you know,
14 trying to load in one car while another car is
15 spinning. Is there going to be an emergency stop,
16 an emergency cutoff?

17 THE WITNESS: It has infrared sensors
18 all around it, so if it's not the car, and someone
19 else walks on or off, it stops.

20 MR. MARSDEN: Yeah. But I am saying if
21 somebody is walking around it or near it or
22 something --

23 THE WITNESS: In that same dimension.
24 Pardon me. It knows -- it is interesting or not
25 interesting -- it knows how big that particular car

1 is. It senses how big the car is, and it does in
2 its computer head --

3 MR. MARSDEN: He is trusting a
4 computer.

5 (Laughter)

6 THE WITNESS: -- so it has many
7 failsafe features and all of the research I could
8 find and in speaking to the company, that is not a
9 concern.

10 MR. GALVIN: Now, when it spins, does
11 it play the Batman theme song?

12 (Laughter)

13 VICE CHAIR GREENE: No. But you get
14 your choice. You can ride on a horse or a giraffe.

15 (Laughter)

16 CHAIRMAN AIBEL: Anything else?

17 MS. BANYRA: Frank, you have a
18 different survey on the plan.

19 Does this plan represent what is
20 accurate then relative to the survey?

21 THE WITNESS: Yes.

22 CHAIRMAN AIBEL: Let me open it up to
23 the public.

24 Does anybody have questions for the
25 architect?

1 A VOICE: I don't have a question, but
2 I wanted to say something.

3 CHAIRMAN AIBEL: No. You will have a
4 chance later to make a statement.

5 CHAIRMAN AIBEL: Okay. Seeing no
6 questions from the public...

7 COMMISSIONER COHEN: Motion to close
8 the public portion for this witness.

9 CHAIRMAN AIBEL: Can I have a second?

10 COMMISSIONER MARSH: Second.

11 CHAIRMAN AIBEL: Thank you.

12 All in favor?

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

15 THE WITNESS: Thank you.

16 MR. MATULE: Mr. Chairman, I have our
17 LEED engineer, Mr. Chartier, here. He's testified
18 before. The representation was it was going to be
19 at least gold. I am happy to put him on. I'm
20 looking at the hour --

21 MR. GALVIN: I'm going to tell you
22 plainly, I think that we have heard this type of
23 testimony before. We appreciate Mr. Chartier, but
24 if we are being told it is going to be LEED
25 certified, it is going to happen after the fact.

1 There's no special systems that you have to tell us
2 about, but --

3 MR. MATULE: Just solar panels, but
4 again, I am just proffering that he is here, if
5 there are questions. But in the sense of
6 expediency, I think it would be better to bring up
7 the planner.

8 CHAIRMAN AIBEL: I think that would be
9 great.

10 MS. BANYRA: Can I clarify?

11 I thought that the testimony was LEED
12 platinum, and then I think that Frank corrected it
13 and said LEED gold.

14 MR. MATULE: Minimum of gold. I think
15 he said we were going to try for platinum, but the
16 minimum would be gold.

17 MR. MATULE: Mr. Kolling?

18 MR. GALVIN: Raise your right hand.

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

22 MR. KOLLING: Yes, I do.

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

25 MR. GALVIN: State your full name for

1 the record and spell your last name.

2 THE WITNESS: Edward Kolling,
3 K-o-l-l-i-n-g.

4 MR. GALVIN: Do we accept Mr. Kolling's
5 credentials?

6 CHAIRMAN AIBEL: We do.

7 MR. GALVIN: You may proceed, Mr.
8 Matule.

9 MR. MATULE: Thank you, Mr. Galvin.

10 Mr. Kolling, you are familiar with the
11 zoning ordinance and the master plan of the city?

12 THE WITNESS: Yes, I am.

13 MR. MATULE: You are familiar with the
14 proposed project in the surrounding area?

15 THE WITNESS: Yes, that's correct.

16 MR. MATULE: You prepared a report,
17 dated February 14th, 2014, in support of the
18 requested variance relief, right?

19 THE WITNESS: Correct.

20 MR. MATULE: Could you go through your
21 report for the Board and give them your professional
22 opinion regarding the requested variance relief?

23 THE WITNESS: The architect covered a
24 lot of the property location and surrounding area,
25 the proposed development and all of that sort of

1 stuff, so I don't think I have to go into that in
2 much detail.

3 I would point out that in the past,
4 this block had very many buildings in the back
5 pushed to the back of the lot. It was sort of like
6 really a real anomaly, and so the antithesis of the
7 Hoboken donut, and as the block has been
8 redeveloped, that has been changing, and this is
9 another step in that same direction.

10 The existing buildings have a hundred
11 percent lot line to lot line curb cut. There is
12 parking in front. It's very unsightly. It's not
13 pedestrian friendly.

14 The zoning is R-1. The intent there is
15 to preserve the architecture, scale and grain of
16 residential blocks and tree patterns, and to
17 reinforce the residential character of the district,
18 which I think that this project does accomplish.

19 We are looking for several variances.
20 One is the height. We are asking for the additional
21 four or five stories, actually four over parking. I
22 believe it is only 43 feet, though, of base flood
23 elevation.

24 It is important to keep in mind that
25 although we are asking for the extra floor, we're

1 not asking for any extra density. We actually have
2 less units than permitted. I think it's 5.6.
3 Rounding then down to five, we are asking for four,
4 so we are not looking for anything in terms of
5 density.

6 What we are looking for in a use area
7 is parking, because parking is not permitted in the
8 R-1 district. I think the intent there or the
9 rationale behind that is that the lot area is a
10 little bit smaller than the R-1. It's 2000 square
11 foot. It is a 20 foot wide lot. If you put parking
12 on every lot, or if everybody had a curb cut, there
13 would be no on-street parking whatsoever. You would
14 have a lot of curb cuts. It would not be pedestrian
15 friendly, so that is why I think that is the intent
16 behind the zone plan.

17 In this case, I think because this lot
18 is a little bit larger, I think we can accommodate
19 the parking with the carousel technology, and I
20 still think we meet the intent of the zone plan.
21 Instead of having curb cut after curb cut, we are
22 able to reduce it to one twelve-foot wide curb cut,
23 and we are able to put more parking on the street.

24 So notwithstanding that the fact it is
25 not permitted in the area, I think we still can meet

1 the intent of the zone plan to reduce the number of
2 curb cuts, to provide on-street parking, and to
3 increase pedestrian safety, as well as creating a
4 more pedestrian-friendly environment by eliminating
5 the parking that is there now, and putting in a more
6 traditional residential building with the entrance
7 right there on the sidewalk.

8 So I think we meet the positive
9 criteria because of the enhancement to pedestrian
10 safety, because of accomplishing the intent and
11 purpose of the zone plan, and without substantial
12 detriment to either that intent or to the --
13 actually not only detriment to the general welfare,
14 but it's a real improvement to the general welfare.

15 I think the project also promotes
16 compatibility in scale, density and design and
17 orientation between new and existing development.
18 The building is five stories. It is taller than
19 some of the buildings on the block, but it's the
20 same height as others.

21 Walking around the block, Willow, right
22 behind the property, are all five-story buildings,
23 so I think we are within the same scale. I think
24 that goes to the context. As you heard earlier this
25 evening, that is really what you look at in terms of

1 determining whether or not the building can
2 accommodate the additional height without
3 substantial detriment, so I think it does fit into
4 that context.

5 The other thing that this accomplishes
6 is that it provides open space on the interior of
7 the block, the Hoboken donut, and that is a
8 recommendation of the master plan to provide open
9 space on the interior of the blocks by providing and
10 protecting rear yards. In this case there are no
11 rear yards on this particular property. There will
12 be a rear yard.

13 Notwithstanding that we are looking for
14 that rear yard variance, we are still providing 25
15 feet to the deck and 35 feet to the building, so
16 that is a substantial rear yard. It will be
17 landscaped, and there will be trees in it, so I
18 think that in terms of granting that variance, it's
19 a C variance, the benefits would outweigh the
20 detriment because of the way we are able to provide
21 that interior open space, where none exists today.

22 Also, the provision of rear yard trees
23 is another recommendation of the master plan, as
24 well as street trees, which will we are doing.

25 The family-friendly argument, you know

1 that very well. These units are being constructed
2 in that manner. That's a recommendation of the
3 master plan. The outdoor space on the decks also
4 helps to contribute to that family-friendliness.
5 That is what results in the coverage requirements.
6 So here, too, the coverage variance -- I am sorry --
7 so here, too, I think the granting of the variance,
8 the benefits outweigh the detriment.

9 Yes. We are then exceeding the
10 coverage by the 8 percent or so, but we are
11 providing the outdoor living space. It is not
12 enclosed space, so I think the impact is limited.
13 So, again, the benefits would outweigh the
14 detriments, and the additional benefit obviously is
15 the green architecture, which is also recommended by
16 the master plan.

17 So I think on the whole, that we have
18 met our positive criteria. In terms of the D-1
19 variance for the parking, I still think that
20 notwithstanding the fact that we need the variance,
21 that we have shown that we still comply with what
22 the intent of the zone plan is. I think by
23 advancing the purposes of the master plan and the
24 zone plan, that that meets the positive criteria,
25 and that the detriments are limited to none, you

1 know, in terms of the impacts on the zone plan or
2 the community, in terms of the bulk variances, the
3 lot coverage, the rear yard, and that we have, that
4 the benefits outweigh the detriments.

5 We do have facade materials deviation,
6 which is more of a design criteria, but I think if
7 you look at this building and how it is designed, it
8 is still using very quality materials, and I really
9 think that the intent of that facade requirement was
10 for the masonry is such, that you didn't want facade
11 materials that were vinyl or stucco or something
12 along these lines.

13 Yes, these materials are more
14 contemporary with the masonry, but they still meet
15 the standard of quality that I think Hoboken is
16 looking for, and it is also consistent and
17 compatible with the other building that has been
18 recently approved and constructed on the block, so I
19 think here, too, we meet the intent of the zone
20 plan, and that the benefits of granting the variance
21 would substantially outweigh any detriment, so I
22 think that, again, we meet the criteria of both the
23 D and the C variances.

24 MR. MATULE: Okay.

25 CHAIRMAN AIBEL: Thank you.

1 Board members, questions for Mr.

2 Kolling?

3 COMMISSIONER MC ANUFF: I don't have
4 any questions.

5 CHAIRMAN AIBEL: Okay.

6 Tired or --

7 (Laughter)

8 -- all right. Seeing no questions, let
9 me open it up.

10 MR. GALVIN: Thorough.

11 CHAIRMAN AIBEL: Professionals,
12 anything?

13 MR. MARSDEN: I have just one question.
14 I think it is for Mr. Minervini because I was
15 looking at the plans.

16 Frank, the --

17 CHAIRMAN AIBEL: Jeff, I'm sorry.

18 Mr. Kolling, let's finish up. My
19 apologies.

20 MR. MARSDEN: Oh, I am sorry.

21 CHAIRMAN AIBEL: No. Let me open it up
22 to the public. Anybody have questions for Mr.
23 Kolling?

24 Seeing none.

25 COMMISSIONER COHEN: Motion to close

1 public portion for this witness.

2 COMMISSIONER MURPHY: Second.

3 CHAIRMAN AIBEL: All in favor?

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

6 CHAIRMAN AIBEL: Thank you.

7 MR. GALVIN: Go ahead.

8 MR. MARSDEN: I mean, the roof plan
9 shows everything, drainage where the center drain is
10 underneath the solar panels, and I'm a little
11 concerned about that clogging.

12 Why was it designed that way and not
13 off the edges?

14 MR. MINERVINI: It is much safer in
15 terms of water filtration to pitch it towards the
16 center as opposed to the parapet walls.

17 And if you look at our detail, I have a
18 section detail that is solar. There is quite of bit
19 of a room. The panels are raised above, so it is
20 very easy to clean under them, if there was debris.

21 MR. MARSDEN: Okay. I just, you
22 know --

23 MR. MINERVINI: Yeah. This exact
24 system we used in the adjacent building, again, I'm
25 sorry I keep mentioning it, successfully, and it's

1 working very well.

2 COMMISSIONER BRANCIFORTE: Actually now
3 that you have Mr. Minervini up, I just have a quick
4 question, if it's all right.

5 CHAIRMAN AIBEL: Go ahead.

6 COMMISSIONER BRANCIFORTE: To the north
7 of the building that's existing already, the Red
8 Bridge building, there's two houses set back.

9 Have you had any -- been approached by
10 the owners or anyone about the design of those two
11 things?

12 Was Red Bridge in negotiation with
13 those two people?

14 MR. MINERVINI: No. But I think
15 there's an approval there already.

16 (Board members confer.)

17 So there's one left, and as far as I
18 know --

19 COMMISSIONER BRANCIFORTE: There's one
20 house set back left.

21 MR. MINERVINI: There's been no
22 discussion with that property owner.

23 MR. GALVIN: I was just talking to the
24 owner of 134. He appeared here, I guess last year,
25 and then Mr. McFarland is here who is doing 136.

1 They are both up to the front now, so there is just
2 one nonconforming lot left. The house that sits way
3 back, that's immediately to the north of the big
4 building at 124.

5 MR. MINERVINI: At 124.

6 COMMISSIONER BRANCIFORTE: Okay.

7 Because on Z-1, you show two of the those small
8 houses and just one big house. I don't know if
9 it's --

10 THE WITNESS: But that is correct.

11 This was done prior to I think that approval.
12 There's two approvals now. I was aware of one, and
13 now there is a second approval.

14 COMMISSIONER BRANCIFORTE: Got you.

15 Okay.

16 MR. MINERVINI: Thank you.

17 CHAIRMAN AIBEL: Okay. We can open it
18 up to the public for comment. It's your opportunity
19 to come and make a comment.

20 MR. GALVIN: Raise your right hand.

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

24 MR. KESSLER: Yes, I do.

25 MR. GALVIN: State your full name for

1 the record and spell your last name.

2 MR. KESSLER: Arron Kessler,
3 K-e-s-s-l-e-r.

4 MR. GALVIN: Street address?

5 MR. KESSLER: 408 Court Street.

6 MR. GALVIN: Okay.

7 MR. KESSLER: All I can say is that
8 from personal experience, I have been in Hoboken for
9 four years, but I have been an owner of 408 for
10 about a year. It took a year and a half to find a
11 downtown property with outdoor space and parking,
12 and I wasn't going to give up on that because that
13 was specifically what I wanted, and I couldn't find
14 it. I actually talked to the realtor about it, and
15 they said "Good luck. You know, if you find
16 something let me know."

17 So anything that can have parking in a
18 downtown location with outdoor space, and I know my
19 friends, people that are looking to move to Hoboken,
20 that is what is important. That's what they are
21 looking for, so I think the project should go
22 forward.

23 CHAIRMAN AIBEL: Thank you.

24 Anybody else wish to comment? Come up.

25 MR. GALVIN: Raise your 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. RADLIN: Yes, I do.

5 MR. GALVIN: State your full name for
6 the record and spell your last name.

7 MR. RADLIN: My name is David Radlin.
8 Last name is R-a-d-l-i-n.

9 MR. GALVIN: Okay. Street address?

10 MR. RADLIN: I'm sorry?

11 MR. GALVIN: What street do you live
12 on?

13 MR. RADLIN: Oh, I'm sorry. 115 Park
14 Avenue, two doors down. I have been a resident and
15 a landlord of that address for the last 14 years.

16 MR. GALVIN: Please proceed.

17 MR. RADLIN: I just am not very good at
18 public speaking.

19 MR. GALVIN: You are doing all right so
20 far. Just keep going.

21 MR. RADLIN: No. Just in my experience
22 of living on the block, like I said, for 14 years,
23 I'm very familiar with all of the buildings on the
24 block.

25 What was existing there was not a very

1 attractive buildings, that you know, they did
2 have -- I think took up about eight parking spots.
3 To lose that would be devastating I think for my
4 street. I sincerely believe granting the parking is
5 absolutely crucial, the underground parking simply
6 because obviously -- I am losing it -- it is -- it
7 is just needed. We are downtown. It is very
8 congested.

9 Every Tuesday at one o'clock, you are
10 going to have the same -- more cars going around
11 chasing the street sweeper. It is the way it is
12 being developed as family-friendly, obviously it is
13 a lot safer. The carousel I think is fantastic. It
14 is safe, and I am really just here to support it.

15 MR. GALVIN: I want to point out that
16 fighting crime is not a permitted use in the zone.

17 MR. RADLIN: What's that?

18 MR. GALVIN: Fighting crime is not a
19 permitted use in the zone.

20 (Laughter)

21 MR. RADLIN: You know, I mean, that's
22 really it. I really like what these developers did
23 with the neighboring property. It is in compliance.
24 I am excited about the project. I like just the
25 whole aspect, the whole rendering. I just think it

1 is totally positive for the street.

2 MR. GALVIN: Thank you very much.

3 CHAIRMAN AIBEL: Thank you.

4 Anybody else wish to comment?

5 Please, ladies first.

6 MR. GALVIN: Raise your right hand.

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

10 MR. SEMIAN: I do.

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

13 MR. SEMIAN: Paul Semian, S-e-m-i-a-n.

14 MR. GALVIN: Street address?

15 MR. SEMIAN: 130 Park Avenue.

16 MR. GALVIN: You may proceed.

17 MR. SEMIAN: I live in the property
18 directly adjacent to the proposed development, and
19 basically to talk about what the building offers
20 that I currently live in and what is being proposed
21 is very similar in a lot of respects.

22 I have a family now and finding a place
23 that had parking, you know, had outdoor space, which
24 was very important to me and my family. My wife and
25 I probably would have left Hoboken, and we didn't.

1 We now have a child, and we're very happy living in
2 130 Park Avenue, which has a lot of the same
3 amenities that the proposed property would have, so
4 I come in support of the proposed property with the
5 requested variances.

6 CHAIRMAN AIBEL: Thank you.

7 MR. GALVIN: Thank you very much.

8 Next?

9 MR. GALVIN: Raise your right hand.

10 MS. LIVESAY: Susan Livesay,
11 L-i-v-e-s-a-y.

12 MR. GALVIN: You still have to say
13 those magic words.

14 Raise your right hand.

15 Do you swear to tell the truth, the
16 whole truth, and nothing but the truth, so help you
17 God?

18 MS. LIVESAY: Yes.

19 MR. GALVIN: All right. Now, tell us
20 your street address.

21 MS. LIVESAY: 123 Willow Avenue.

22 MR. GALVIN: You may proceed.

23 MS. LIVESAY: So my only concern is the
24 height because that is going to block my view of the
25 city. I have a very small view of the city.

1 When Red Bridge put up their building,
2 I met with the owners, and I was promised that they
3 wouldn't go higher than me. I am on the fifth
4 floor, and they blocked my entire view, and there
5 are solar panels and whatever else is completely
6 blocking everything.

7 So my concern is this building is now
8 going to have the same things, generators we're
9 talking about on the roof. We're talking about
10 solar panels, and we are talking about all of this
11 stuff.

12 So I know I am just one person, but
13 when I did buy, I'm a first-time owner, when I
14 bought, the street had small little two-story
15 houses, and I loved that, that I wasn't feeling
16 boxed in and closed in and claustrophobic, and now I
17 am starting to feel like that. I am looking at the
18 back of those huge brick buildings. So I love new
19 construction, I'm for that, I support that, but my
20 concern is the height.

21 MR. GALVIN: Thank you.

22 Anybody else wish to comment?

23 MR. EVERS: Yes.

24 MR. GALVIN: I heard something, but --

25 (Laughter)

1 Raise your right hand, Mr. Evers.

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

5 MR. EVERS: I do.

6 MR. GALVIN: State your full name for
7 the record and spell your last name.

8 MR. EVERS: Michael Evers, E-v-e-r-s,
9 252 Second Street, Hoboken, New Jersey.

10 MR. GALVIN: There you go.

11 You may proceed, sir.

12 MR. EVERS: Well, I do thank you that
13 you did in fact have a public comment for this
14 hearing, unlike the previous hearing.

15 However, I would commend this project,
16 and I would commend one, which you guys do,
17 Minervini & Company is always beautiful. I admire
18 the fact and I am puzzled by the fact that they did
19 not come up here and ask for a density variance
20 since based on my observations of this Board, if the
21 project involves units approaching a million dollars
22 or more, there is never a problem in getting a
23 density variance, so I salute you for doing the
24 block a service by not taking the route, and I would
25 suggest that they support this project.

1 Thank you.

2 CHAIRMAN AIBEL: Thank you, Mr. Evers.

3 Anybody else have anything to add?

4 I think Mr. Evers got the last word in
5 for the evening.

6 (Laughter)

7 Mr. Matule?

8 VICE CHAIR GREENE: Motion to close
9 public portion.

10 CHAIRMAN AIBEL: Let me close the
11 public portion.

12 Seeing no others, can I have a motion?

13 COMMISSIONER MURPHY: Motion to close.

14 COMMISSIONER MC ANUFF: Second.

15 CHAIRMAN AIBEL: All in favor?

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

18 CHAIRMAN AIBEL: Mr. Matule?

19 MR. MATULE: Public comment is always a
20 mixed bag.

21 (Laughter)

22 Well, just very briefly, just a couple
23 of points. I don't want to be redundant, but we
24 have a situation with a nonconforming structure,
25 where six or eight cars are already parking there.

1 This is substantially reducing the curb cut. It is
2 going to put at least one more car on the street,
3 but also provide parking for the residents of the
4 building, I guess presumably to alleviate them
5 parking on the street or trying to park on the
6 street.

7 It is certainly a better zoning
8 alternative than having a seven or eight-foot dead
9 space on to the building, I believe. If we built a
10 conforming building 40 feet above the ABFE, we would
11 be, I believe, at 47 feet, actually one foot over
12 which the code requires, we would be 47 feet above
13 grade. I think this project is 50 feet above grade,
14 so we are talking about three feet, and I think you
15 have to weigh that in the context of the benefit
16 from both the design, the context of the block, the
17 fact that we are going to have the off-street
18 parking.

19 Obviously the turntable technology is
20 quite interesting. I actually discussed it -- he is
21 not here -- but Mr. Ochab had a project recently in
22 Bergen County, where they used it also, and I guess
23 it was an offhanded compliment, but I do have to
24 raise the fact also that we are building less than
25 the density allows, and that is I don't think driven

1 out of, you know, a spirit of altruism, but the
2 developer likes to build big units and by having
3 less density and larger units, it gets them to where
4 they want to be, but at the end of the day, it is
5 also a benefit for the community.

6 So all and all, I think it is a very
7 good project. There is no question the decks are a
8 little large, but I think when everything is taken
9 into consideration and the fact that it's going to
10 be at least a LEED gold building, I think the impact
11 is de minimus, so I would ask that the Board approve
12 the project as it has been presented to them.

13 Thank you.

14 CHAIRMAN AIBEL: Board members?

15 Mr. Cohen?

16 COMMISSIONER COHEN: I think you kind
17 of have to start with 124-130 Park Avenue when you
18 look at this one because it is built with that
19 building in mind. I think that that building is a
20 beautiful addition to the block. We have a
21 satisfied tenant who is here talking about how it
22 added a lot to the neighborhood, and I think that,
23 no offense to the current owners, but having
24 basically a parking lot in the front of the houses
25 on Park Avenue does not add much to the community

1 and what is being proposed here does add a great
2 deal to the community.

3 So I mean, I think the design is
4 beautiful. I think the plan is good.

5 My only concern about this is what I
6 raised in my question to the architect, that if we
7 are going to be looking at this as a companion
8 building to the one next to it with respect to the
9 height issue, I like the fact that 124-130 Park
10 Avenue has the fifth floor set back and is not flush
11 with the street, so that it is not going to be as
12 much an in-your-face impact to people who are on
13 Park Avenue, who are going to see that.

14 I think that it would make sense to
15 have the fifth floor aligned with the set back fifth
16 floor on the adjacent property, and that is my only
17 concern with it, but otherwise I think that it is a
18 good application that I support, but that is my one
19 concern about the project.

20 CHAIRMAN AIBEL: Anybody else wish to
21 comment?

22 MR. MATULE: Well --

23 MR. GALVIN: I'm sorry. Mr. Matule?

24 MR. MATULE: I can address that
25 comment. While you were making those comments, the

1 architect spoke to the developer, and the developer
2 would be happy to pull the top floor five foot back
3 to align it with the building to the north. It is
4 not really a major issue, and we would amend our
5 application accordingly.

6 COMMISSIONER BRANCIFORTE: Well, you
7 know, the assumption is that everybody likes that
8 building, and you know, I voted yes on that building
9 years ago, and I walk down Park and I look at it,
10 and I think, man, that building is big, and it is
11 imposing in the middle of the block, and this is
12 just an addition.

13 I am sorry, Mr. Matule, if you find it
14 funny.

15 MR. MATULE: Oh, no. I'm not -- I --

16 COMMISSIONER BRANCIFORTE: You are
17 chuckling over there.

18 MR. MATULE: -- no. I am just having a
19 mental picture of you walking by.

20 (Laughter)

21 I'm sorry.

22 COMMISSIONER BRANCIFORTE: I walk all
23 over town --

24 MR. MATULE: No disrespect.

25 COMMISSIONER BRANCIFORTE: -- I walk

1 all over town, and I look at the architecture, and I
2 say, oh, it's a Minervini building. That's a, you
3 know --

4 MR. GALVIN: Dean Marchetto building.

5 COMMISSIONER BRANCIFORTE: -- Dean
6 Marchetto building.

7 But it is an imposing building, and I
8 wasn't the first person to say it tonight. I think
9 Mr. Cohen said the same thing. I think extending
10 the building out is a bit much,

11 When we voted on this years ago, I said
12 watch what happens next, and this is exactly what is
13 happening, coming back in front of the Board,
14 saying, well, the building next door is this tall,
15 we should be this tall now.

16 You know, it is the slippery slope we
17 always talk about. Now we are just sliding right
18 down it. The building next door is that tall, why
19 shouldn't we be this tall.

20 As far as this carousel thing and
21 parking, there is a reason why there is no parking
22 in R-1. I think we should stick to it. The
23 carousel, as good of an idea that it is, I think it
24 is going to be a huge Pandora's Box when everyone
25 starts coming up here and saying, well, we are less

1 than the required width, but we got a carousel, so
2 let's put a curb cut in there.

3 Even your planner said, you know, there
4 is a reason why you don't do it. It is a pedestrian
5 safety thing.

6 We have already approved two curb cuts
7 on that block already in the last two, three, or
8 four years. Now we are putting a third garage
9 there, so we will wait to see.

10 I mean, now if this gets approved, now
11 there is going to be a building I'm sure coming up
12 in the next few years next door to this to the
13 north. They are going to want to be as big as this
14 building, and build two buildings to the north that
15 we approved years ago.

16 So, you know, we are not going towards
17 the slippery slope, we have just, phew, went right
18 down it on this block, and we just approved -- you
19 know, that is all I have to say about it.

20 CHAIRMAN AIBEL: Anybody else?

21 COMMISSIONER MC ANUFF: Yes.

22 I'll be brief. I think the building
23 compliments the neighbor's quite well.

24 I don't think the building -- the top
25 floor has to be pulled back five feet simply because

1 if the materials that are shown on the elevations
2 are used, I think it is fine the way it is.

3 I am not quite sure how that would be
4 done, and maybe Mr. Minervini could answer it, if
5 the five-foot setback were applied on the fifth
6 floor, I think you are going to wind up with a
7 smaller bedroom than is permitted by code if we are
8 going by that seven-foot dimension that was
9 mentioned earlier. But I do think with the --

10 MR. GALVIN: Time out a second.

11 MR. MINERVINI: Is that a question for
12 me?

13 MR. GALVIN: Yes. That's a question
14 actually, and I know in deliberations we don't ask
15 questions, but I suggest that Mr. McAnuff --

16 COMMISSIONER MC ANUFF: When the five
17 foot --

18 MR. MINERVINI: The entire plan would
19 have to be redesigned --

20 COMMISSIONER MC ANUFF: Okay. Fair
21 enough.

22 MR. MINERVINI: -- we wouldn't just cut
23 off five feet. Everything would have to be
24 reconfigured.

25 MR. MC ANUFF: Sure enough.

1 MR. GALVIN: Thank you.

2 COMMISSIONER MC ANUFF: And with the
3 LEED certification bringing the parking off the
4 street, I think that outweighs any detriment to it,
5 and I would support the application, if I were
6 voting tonight.

7 CHAIRMAN AIBEL: Thanks.

8 Elliot?

9 VICE CHAIR GREENE: Candidly I agree
10 about the five-foot setback. I think the building
11 looks pretty good the way it is now, and by setting
12 it back, I think you are mimicking -- Mr. Minervini
13 is laughing --

14 MR. MINERVINI: I'm not laughing. I'm
15 agreeing.

16 (Laughter)

17 VICE CHAIR GREENE: -- but by setting
18 it back, I think that you are mimicking the building
19 next door, and I don't think that is necessarily a
20 compliment.

21 I have a bigger concern, however, with
22 the rear yard. I am not sure I understand the need
23 for the ten-foot wide exterior as opposed to the
24 eight-foot wide that the other building has.

25 So I recognize that you are getting

1 mixed signals here, but, you know, we are expressing
2 our opinions. Actually I like the front elevation
3 of this building as it was presented.

4 COMMISSIONER MC ANUFF: Me, too.

5 MR. MATULE: You know, I certainly
6 appreciate the Board's comments, and my client, you
7 know, he has built a lot of stuff in town, tries to
8 be responsible, and you know, the two feet on the
9 back is not critical. If the Board feels better
10 with an eight-foot deck, that's fine.

11 If the Board would rather the five-foot
12 setback in the front on the top, we could do that or
13 not. You know, I realize everyone is not of the
14 same opinion, but we are trying to be as
15 accommodating as we can in terms of both of those
16 issues, so I mean, we leave it to the Board.

17 CHAIRMAN AIBEL: Thanks.

18 Anybody else?

19 COMMISSIONER MARSH: Yes.

20 I just want to -- it wasn't that long
21 ago that that wasn't parking in front of that
22 building, right?

23 There was a time when that was all
24 gardens. There was no curb cut. I used to live in
25 that neighborhood 30 years ago.

1 CHAIRMAN AIBEL: Statute of
2 limitations.

3 (Laughter)

4 COMMISSIONER MARSH: Yeah, I know.

5 I sort of feel like, okay, you go to
6 the State, you get an exception from the RSIS
7 standards, so you are not allowed to build parking
8 in R-1, and then magically six parking spaces appear
9 in front of the building, and now we get a
10 give-back, which is a smaller curb cut.

11 That, you know, this has nothing to do
12 with this application, but the long term effect of
13 granting a variance is huge.

14 I happen to agree with setting back
15 the -- I am not sure I agree with allowing the fifth
16 story in the first place, but I definitely agree
17 with setting it back not because it mimics or
18 doesn't mimic, but because it is less imposing when
19 you look at it on the street.

20 I am a little -- I mean, I'm tired, I
21 will admit that and --

22 (Laughter)

23 MR. GALVIN: I would rather you didn't.

24 (Laughter)

25 COMMISSIONER MARSH: -- but there is

1 not much information about what goes on in the back
2 here.

3 Like what -- you have a ten-foot
4 balcony. You know, a 30-foot backyard isn't very
5 big.

6 COMMISSIONER MURPHY: It is strange.

7 COMMISSIONER MARSH: What?

8 COMMISSIONER MURPHY: I said it's
9 strange.

10 COMMISSIONER MARSH: But it is 30 feet.
11 How big is -- I don't know -- how big is 30 feet?

12 It is not very big. At 30 feet at the
13 bottom of five stories is pretty small.

14 And so I absolutely think you should
15 pull the balconies back at a minimum. I don't --
16 and that would interfere with the privacy of the
17 neighbors behind them, I am thinking.

18 CHAIRMAN AIBEL: Anybody else wish to
19 comment?

20 COMMISSIONER MURPHY: The only comment
21 I have is I like the way the building looks by
22 itself, but I am not really sure if I like it next
23 to its neighbor because it looks like a humongous
24 building now to me.

25 I mean, everything lines up, like on

1 one level, I love that. On another level it's kind
2 of like it's just so much of something that's, you
3 know, very modern. And although I know we are not
4 supposed to copy what we were, and I really don't
5 like a lot of the blocks in Hoboken that look
6 exactly alike. They are trying to be brownstones,
7 but they are not brownstones, it is kind of a
8 conflict for me in terms of that.

9 I don't think the setback on the top, I
10 think that what they did with the masonry takes care
11 of that look, so I don't really feel like that needs
12 to go back so much.

13 I think if you are going to have a deck
14 in the back, and they are going to be usable decks,
15 that the two feet isn't that much of a big
16 difference. It is not that you could do that much
17 more with it.

18 If we didn't want them to be that
19 usable, they would have to be a lot smaller, so --
20 and I am still thinking.

21 COMMISSIONER GRANA: While you're
22 thinking, I don't have significant comments to add.

23 MR. GALVIN: I'm sorry?

24 COMMISSIONER GRANA: I don't have
25 significant comments to add.

1 MR. GALVIN: Okay.

2 CHAIRMAN AIBEL: So I guess that leaves
3 me to comment that I am not at all happy
4 philosophically about curb cuts, but in this
5 situation we have a preexisting situation that we
6 are actually improving, so on balance, I think I am
7 getting over that.

8 I am concerned about, you know, bulk.

9 We have established, and the neighbors
10 and I guess I am persuaded that, yes, we are on that
11 slippery slope, and I think on balance, I am seeing
12 more benefits than detriments.

13 I would advocate for the smaller deck
14 and maybe it's, you know, consistency is the -- what
15 is it, the hobgoblin of little minds, but Hoboken --

16 COMMISSIONER COHEN: Foolish
17 consistency is the hobgoblin --

18 CHAIRMAN AIBEL: Okay. I stand
19 corrected.

20 (Laughter).

21 CHAIRMAN AIBEL: But eight-foot
22 balconies on the adjacent building seems to be a
23 precedent that I would like to see mimicked in this
24 next one.

25 I think it is a close call, but again,

1 on balance, I am seeing more benefits to the
2 neighborhood than detriments.

3 As far as the back yard, I am always
4 very sensitive to that. Mr. Minervini talked about
5 the donut that appears on Z-1, and I guess I am
6 looking at the site conditions, and I am seeing as
7 good of a donut as we are going to get in the area,
8 so I think I am confident or comfortable that the
9 backyard impacts are not detrimental.

10 So I guess if anybody else has a
11 rebuttal or something else to add --

12 VICE CHAIR GREENE: Well, I would only
13 ask in listening to us, have a good conversation
14 about this. The only item that I see in dispute of
15 those who appear to be in favor of the application
16 is whether or not to require the five-foot setback.

17 I wouldn't want to propose to accept
18 the plan as drawn for the front elevation and have
19 that be the determination of somebody saying no as
20 opposed to saying yes, so I think we should have
21 further conversation as to how critical it is,
22 unless, of course, you disagree.

23 (Laughter)

24 COMMISSIONER GRANA: Elliot, are you
25 saying that we should take the approach of voting up

1 or down on the existing application?

2 VICE CHAIR GREENE: No. I'm saying --

3 MR. GALVIN: Just tell us what you
4 think.

5 Does anybody --

6 VICE CHAIR GREENE: -- tell us what you
7 think. There seems to be two items of contention.
8 One is eight feet versus ten feet on the rear deck,
9 although I'm sensing that the preference is eight
10 feet, and the second is whether or not the front
11 elevation needs to be set back on the fifth floor.

12 MR. GALVIN: Well, it would look better
13 set back is a better way to say it, in your
14 opinion --

15 VICE CHAIR GREENE: I don't know if it
16 would look better, but with the preference of the
17 Board, should it be --

18 COMMISSIONER GRANA: Should it be.

19 MR. GALVIN: Less massive.

20 VICE CHAIR GREENE: Right.

21 COMMISSIONER GRANA: I think -- well,
22 the purpose to me of having a five-foot setback
23 would not necessarily be on the appearance. It
24 would be on the appearance of the bulk of the
25 building and the amount of light that's entering the

1 street, and the effect of that having that setback
2 would allow for more light to come to the street,
3 and there is often a reason why we ask for that top
4 floor to go back.

5 In this case, I think people have to
6 decide whether it's worth it or not to say, is it
7 specifically that it needs to match the building
8 next door.

9 I don't believe that it does.

10 VICE CHAIR GREENE: Could we see --
11 Could I see the rendering, please?

12 COMMISSIONER MARSH: I'm sorry.

13 That's just at the level that I can't
14 see with either pair of glasses.

15 (Board members confer.)

16 MR. GALVIN: Hey, guys, while you are
17 looking at it, I want to ask a question.

18 On the roof, there was some question
19 about the things on the roof, the solar panels and
20 the generators, what would be the maximum height of
21 those?

22 MR. MINERVINI: There is no generator
23 proposed at the roof. If we are going to propose
24 it, we will propose it within the bulk of the
25 building.

1 MR. GALVIN: I'm saying I am concerned
2 with the roof -- the roof approach --

3 MR. MINERVINI: I've got a section that
4 I can -- I can get it exact, but there are about --

5 MS. BANYRA: You don't have the height
6 I don't think, Frank, on those.

7 MR. MINERVINI: I'm sorry?

8 MS. BANYRA: Do you have the height on
9 those?

10 MR. MINERVINI: I think so.

11 MS. BANYRA: Please check.

12 MR. MINERVINI: I had them on the last
13 project. It is a standard height. It's about 33
14 inches -- you are right, Eileen. I think I may
15 have --

16 (All Board members talking in the
17 background.)

18 MR. MATULE: Frank, Z-6.

19 MR. MINERVINI: I'm sorry.

20 MR. GALVIN: Sorry. Thank you.
21 So there won't be any higher than 33
22 inches?

23 MR. MINERVINI: Yes.

24 MR. GALVIN: And it is already on the
25 plan, so I don't need to make that a condition.

1 MR. MINERVINI: Okay.

2 COMMISSIONER BRANCIFORTE: I think the
3 best compromise is just to vote no on the entire
4 project, but that is just me.

5 (Board members continue talking in the
6 background)

7 MR. GALVIN: Okay, guys?

8 COMMISSIONER GRANA: We're
9 deliberating.

10 MR. GALVIN: So what is the general
11 consensus?

12 Is it okay?

13 Do we want to make a motion with that
14 five feet or not, setback?

15 COMMISSIONER GRANA: Is it just because
16 of the five-foot setback and the changing --

17 COMMISSIONER COHEN: An eight-foot deck
18 versus a ten-foot deck --

19 COMMISSIONER GRANA: -- just to be
20 clear --

21 MR. GALVIN: Yes, eight foot --

22 COMMISSIONER GRANA: -- I will make
23 that motion.

24 MR. GALVIN: All right.

25 Can I list the other conditions then?

1 COMMISSIONER GRANA: Please.

2 MR. GALVIN: The property will obtain
3 LEED certification.

4 The generators --

5 MS. BANYRA: Excuse me. LEED gold.

6 MR. GALVIN: LEED gold is the minimum.

7 MS. BANYRA: No LEED certified is the
8 minimum.

9 VICE CHAIR GREENE: No. LEED gold is
10 what they offered as the minimum.

11 MS. BANYRA: That's right, as a
12 minimum, yes.

13 MR. GALVIN: All right.

14 The property will obtain LEED gold
15 certification.

16 Two: The generator is to have the
17 manufacturer's best sound reduction model and will
18 only be tested between noon and three on weekdays.

19 That is one of our standards.

20 Three: The driveway exit will have a
21 visible light and a convex mirror.

22 Four: The building will have an
23 electric charging station.

24 Five: The top floor is to be set back
25 five feet. Okay. That is the motion.

1 The balconies are to be reduced to
2 eight feet.

3 The applicant is to submit a revised
4 plan that conforms with the hearing and the reports
5 of the Board's professionals.

6 Is there a second?

7 VICE CHAIR GREENE: There was also --
8 there was also the electrical charging stations
9 would be added.

10 COMMISSIONER GRANA: He said that.

11 COMMISSIONER COHEN: That is there.

12 VICE CHAIR GREENE: Oh, he did? I'm
13 sorry.

14 MR. GALVIN: That's all right.

15 VICE CHAIR GREENE: I must have glazed
16 over it.

17 COMMISSIONER COHEN: I will second.

18 CHAIRMAN AIBEL: So are we going to
19 have a Board professional review --

20 MR. GALVIN: I would rather you just
21 say that, and have it, than not have had it.

22 CHAIRMAN AIBEL: -- are you having a
23 professional review the next plans?

24 Mr. Minervini has to amend the plans
25 so --

1 MR. GALVIN: Yes.

2 Do you want to see it?

3 CHAIRMAN AIBEL: Do we want to see
4 amended plans before we I guess go to final --

5 MS. BANYRA: I think the architecture
6 is something that you may want to see that, because
7 of the discussion you had in terms of that setback
8 and the changes, because I am going to guess that
9 that may change the look. He has to totally revise
10 that, so it is going to be a different look to the
11 building.

12 VICE CHAIR GREENE: Then we should see
13 it and maybe at the end of the day, we will change
14 our mind.

15 COMMISSIONER MURPHY: So what does that
16 mean?

17 Does that mean that before we can
18 approve or non-approve, he has to come before us
19 with a plan?

20 MR. GALVIN: No. What I would say is
21 at the time of memorialization, they will provide us
22 with the facade treatment, so we can just say, okay,
23 that is what we thought it was going to be.

24 CHAIRMAN AIBEL: Before we memorialize
25 it.

1 MR. GALVIN: I guess if we find it too
2 stark, and we don't like it, then we will go with
3 the original plan.

4 COMMISSIONER MURPHY: Okay. Eileen, is
5 that what you were thinking?

6 MS. BANYRA: Well, I think it is
7 important. I think it may be a significant change
8 to what has been represented, and I don't feel I
9 want to be responsible for that, especially based on
10 the discussion that was had tonight.

11 MR. MINERVINI: If I may, I don't think
12 it is a significant change. We have already got
13 that line delineated, so setting this back five feet
14 won't change this facade very much.

15 MS. BANYRA: Okay. I thought that was
16 contrary to what --

17 MR. MATULE: I have no objections to --

18 MS. BANYRA: -- to what you had said
19 earlier, Frank.

20 MR. MINERVINI: No. I was referring to
21 the interior.

22 MS. BANYRA: Oh, I'm sorry. I'm sorry.

23 MR. GALVIN: Listen, so we will see the
24 revised. We will see the revised at the time of the
25 memorialization.

1 Then, like I said, if we don't like it,
2 then we got Plan A. Okay.

3 COMMISSIONER TREMITIEDI: One question:
4 Should the carousel play a particular tune?

5 (Laughter)

6 COMMISSIONER MARSH: As long as it
7 plays it quietly.

8 COMMISSIONER TREMITIEDI: I wasn't
9 sleeping all night.

10 (Laughter)

11 CHAIRMAN AIBEL: We have a motion.

12 MR. GALVIN: Yes.

13 COMMISSIONER GRANA: Yes, there was a
14 motion.

15 CHAIRMAN AIBEL: We have a motion.

16 MR. GALVIN: Who was the second to Mr.
17 Grana?

18 COMMISSIONER COHEN: I second it.

19 MS. CARCONE: Phil Cohen did.

20 CHAIRMAN AIBEL: Thanks, Pat.

21 MS. CARCONE: Commissioner Greene?

22 VICE CHAIR GREENE: Yes.

23 MS. CARCONE: Commissioner Cohen?

24 COMMISSIONER COHEN: Yes.

25 MS. CARCONE: Commissioner Grana?

1 COMMISSIONER GRANA: Yes.

2 MS. CARCONE: Commissioner Marsh?

3 COMMISSIONER MARSH: Yes.

4 MS. CARCONE: Commissioner Murphy?

5 COMMISSIONER MURPHY: Yes.

6 MS. CARCONE: Commissioner Branciforte?

7 COMMISSIONER BRANCIFORTE: No.

8 MS. CARCONE: Commissioner Aibel?

9 CHAIRMAN AIBEL: Yes.

10 MR. MATULE: Thank you.

11 MR. MINERVINI: Thank you.

12 CHAIRMAN AIBEL: Everybody, excuse us.

13 We are still in session.

14 Thank you. Thank you.

15 Everybody, excuse us.

16 We are still in session.

17 Thank you.

18 Would you take it outside please?

19 (The matter concluded at 11:15 p.m.)

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C E R T I F I C A T E

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I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: 8/21/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
REGULAR MEETING OF THE :
HOBOKEN ZONING BOARD OF : August 19, 2014
ADJUSTMENT : Tuesday 11:15
p.m. ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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

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

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1 MR. GALVIN: One second. We have to
2 talk about meetings. I'm sorry.

3 (Board members confer.)

4 CHAIRMAN AIBEL: Okay. Are we talking
5 about schedules?

6 MS. BANYRA: Yes, we can talk about
7 schedules.

8 Pat and I are trying to figure out what
9 applications are going where.

10 We have still a bit of a backlog
11 because we had applications dropped from the agenda,
12 I guess at the last meeting, so we are trying to
13 schedule three for September, and we wanted to know
14 what everybody's availability is for those three,
15 and hopefully if we hear three or four applications,
16 I think we would be cleared up to only have two
17 meetings in October.

18 MR. GALVIN: Listen, guys, one of the
19 things that we have to do is when we deem them
20 complete, when we deem an application complete, we
21 have 120 days to hear it. What you don't want to be
22 in is a situation where we are always getting near
23 to the 120th day, because I had a problem within the
24 Planning Board, where the Court was wrong, and they
25 ruled against us, and we will eventually appeal it,

1 but they determined that one case was automatically
2 approved, because we didn't hear it and decide it
3 within the time period.

4 So I am worried that in Hudson County,
5 they might be a little bit more aggressive in
6 granting automatic approvals, and I don't want us to
7 be anywhere near that.

8 So what we have, we may not have a
9 backlog that requires us to meet more to get rid of
10 it urgently, but if we don't move that time line
11 back, that means we are constantly asking for
12 permission from somebody else to carry it, and at
13 some point we might get someone, someone who won't
14 want to continue and might jam us up.

15 MS. BANYRA: Yes. We have a lot of
16 applications. There's been a bunch that came in, so
17 there is just a lot. So if you could let Pat know
18 tonight --

19 VICE CHAIR GREENE: And you circulated
20 an email?

21 MS. CARCONE: I did. I circulated an
22 email. I have heard back from probably like --

23 COMMISSIONER MARSH: What were the
24 dates of the meetings --

25 MS. CARCONE: September 16th, the 23rd,

1 and the 30th. It's three Tuesdays in a row.

2 MR. GALVIN: The other thing I am going
3 to say to you guys is we have 11 people on this
4 Board. I know if you would all like to come to
5 every one of those meetings, be here.

6 But if you don't, check with Pat. If
7 we have a minimum of seven people, you know, if
8 there is like three meetings in September, come to
9 two and miss one, you know, depending on your
10 circumstances.

11 MS. BANYRA: But we need to coordinate.

12 COMMISSIONER MARSH: Can I just say
13 something in support of all of this?

14 The month that you want to have extra
15 meetings is in September and October, not November
16 and December --

17 MS. BANYRA: Right, because we don't
18 want to get stuck into that.

19 MR. GALVIN: Because then we have --

20 COMMISSIONER MARSH: -- because then we
21 have elections and holidays and --

22 VICE CHAIR GREENE: Pat, I told you I
23 am available for all three, but I may not be
24 available for the 30th.

25 COMMISSIONER GRANA: So just a

1 question: So if we have three, how many cases per
2 evening?

3 MR. GALVIN: We can't do better than
4 three.

5 MS. BANYRA: We are trying to schedule
6 three or four.

7 COMMISSIONER GRANA: I am just going to
8 voice --

9 MR. GALVIN: But we have one big one.

10 MS. CARCONE: Yes. We have a special
11 meeting --

12 COMMISSIONER GRANA: -- based on the
13 complexity of the application and the number of
14 applications, at 12 o'clock, the brains get tired,
15 and we need to consider that.

16 MR. GALVIN: I think eleven o'clock is
17 the witching hour.

18 VICE CHAIR GREENE: Yeah, normally --
19 (Board members all talking at once)

20 CHAIRMAN AIBEL: You know, we also have
21 one or two very big ones coming up, so that probably
22 is not going to be done, and it could go over to
23 multiple nights, so again, we just have to keep in
24 mind the deadline.

25 MS. BANYRA: Great.

1 So on the night that we have a really
2 big one, we may have maybe a simple deck as opposed
3 to a deck, that we don't have pictures, nothing is
4 clear, you know, something that's simple, we may try
5 to get one of those on. But other than that, we're
6 going to have like one big one probably the whole
7 night, and then the other ones, we are scheduling
8 three or four.

9 What is happening is if we don't
10 schedule four or five, if one drops, then all of a
11 sudden, we are down. You know, we had a meeting
12 where three applications dropped, and now we have no
13 second meeting this month because they all
14 dropped --

15 MR. GALVIN: Well, Mr. Ochab wasn't
16 available.

17 MS. BANYRA: -- so, you know, we can't
18 do that.

19 COMMISSIONER GRANA: Yes. I'm just
20 thinking about -- that is all I am suggesting is
21 that the schedule, if there is a big one that is
22 going to be complicated, that has to be the focus of
23 an evening, otherwise because hopefully we can
24 finish it in a night maybe, but we have to also
25 concentrate --

1 MR. GALVIN: The reason why we probably
2 won't be able to finish it is because if I am a
3 developer, and I sense I'm not getting the approval,
4 then I am going to want to carry it for any number
5 of reasons, to change the plan, rethink what I'm
6 doing, so you have to anticipate --

7 COMMISSIONER GRANA: But that is not
8 directly in our control.

9 MR. GALVIN: No, it's not.

10 CHAIRMAN AIBEL: But we did great work
11 tonight.

12 MS. BANYRA: Please let Pat know.

13 (All Board members talking at once.)

14 MR. GALVIN: Time out. Time out.
15 We need a motion to close the meeting.

16 COMMISSIONER GRANA: Motion to close
17 the meeting.

18 COMMISSIONER MURPHY: Second.

19 CHAIRMAN AIBEL: All in favor?

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

22 CHAIRMAN AIBEL: Good night, Everybody.

23 (The meeting concluded at 11:20 p.m.)

24

25

C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

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

s/Phyllis T. Lewis, CSR, CRR

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 8/21/14

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