

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
HOBOKEN ZONING BOARD OF : Tuesday, 7 pm
ADJUSTMENT REGULAR MEETING :September 15, 2015
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Acting Chairman Philip Cohen
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff

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

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

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

DENNIS M. GALVIN, ESQUIRE
730 Brewers Bridge Road
Jackson, New Jersey 08527
(732) 364-3011
Attorney for the Board.

ROBERT C. MATULE, ESQUIRE
89 Hudson Street
Hoboken, New Jersey 07030
(201) 659-0403
Attorney for the Applicant.

I N D E X

1		
2		
3		PAGE
4		
5	BOARD BUSINESS	1 & 140
6		
7		
8	RESOLUTIONS:	
9		
10	118 Madison	6
11		
12	WITNDRAWALS OF:	
13		
14	726-732 Grand Street	7
15	727-733 Clinton Street	7
16	721 Clinton Street	7
17	217 Willow Avenue	7
18		
19		
20	HEARING:	
21		
22	302 Garden Street (Carried)	20
23	1427-1429 Grand Street	17
24	100-108 Paterson Ave (Carried)	142
25		

1 ACTING CHAIRMAN COHEN: I would like to
2 call the matter to order.

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

11 MR. GALVIN: All right. Let's stop.

12 I would like a motion to appoint Mr.
13 Cohen as the Acting Chair.

14 COMMISSIONER BRANCIFORTE: May I make
15 that motion, please?

16 MR. GALVIN: That's awesome.

17 Could we have a second?

18 COMMISSIONER MC ANUFF: Second.

19 COMMISSIONER GRANA: Second.

20 MR. GALVIN: All in favor?

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

23 MR. GALVIN: All right. There you go.
24 Continue.

25 ACTING CHAIRMAN COHEN: Okay. Let's

1 ask everyone to rise for the flag salute.

2 (Pledge of Allegiance recited)

3 ACTING CHAIRMAN COHEN: Phyllis, roll
4 call.

5 (Laughter)

6 MS. CARCONE: I have to do that.

7 Commissioner Aibel is absent.

8 Commissioner Greene is absent.

9 Commissioner Cohen?

10 ACTING CHAIRMAN COHEN: Here.

11 MS. CARCONE: Commissioner DeFusco is
12 absent.

13 Commissioner Grana?

14 COMMISSIONER GRANA: Here.

15 MS. CARCONE: Commissioner Marsh?

16 COMMISSIONER MARSH: Here.

17 Commissioner Murphy?

18 COMMISSIONER MURPHY: Here.

19 MS. CARCONE: Commissioner Branciforte?

20 COMMISSIONER BRANCIFORTE: Here.

21 MS. CARCONE: Commissioner Fisher?

22 COMMISSIONER FISHER: Here.

23 MS. CARCONE: Commisisoner McAnuff?

24 COMMISSIONER MC ANUFF: Here.

25 MS. CARCONE: And Commissioner DeGrim

1 is absent.

2 So we have seven members.

3 ACTING CHAIRMAN COHEN: Okay. We have
4 a quorum.

5 MR. GALVIN: We have resolution for 118
6 Madison Street. It is a reaffirmation of an earlier
7 decision. The Board decided not to modify the
8 conditions.

9 Those voting in favor were Mr. Grana,
10 Ms. Murphy, and Chairman Aibel who is not here.

11 Can I have a motion, please?

12 COMMISSIONER GRANA: Motion to approve.

13 MR. GALVIN: Could I have a second?

14 COMMISSIONER MURPHY: Second.

15 MR. GALVIN: All right.

16 Mr. Grana?

17 COMMISSIONER GRANA: Yes.

18 MR. GALVIN: Ms. Murphy?

19 COMMISSIONER MURPHY: Yes.

20 MR. GALVIN: And this is approved, and
21 Mr. Aibel can sign this when he is available.

22 MS. CARCONE: Okay.

23 ACTING CHAIRMAN COHEN: Okay. Next are
24 some administrative matters.

25 I understand, Mr. Matule, that there

1 are several applications that are being withdrawn,
2 and based on the change to the zoning ordinance,
3 that will be heard by the Planning Board and not the
4 Zoning Board.

5 MR. MATULE: That is correct. We are
6 withdrawing the applications for 726-732 Grand
7 Street, 727-733 Clinton Street, 721 Clinton Street.
8 Those are the two projects across the street from
9 the Wonder Bread project, one of which is the
10 affordable housing portion of it, and 217 Willow
11 Ave, they all going to be refiled with the Planning
12 Board.

13 ACTING CHAIRMAN COHEN: Okay. Just a
14 question about the one that is across the street
15 from the -- oh, that one has been approved by us,
16 so --

17 MR. MATULE: 720, the Wonder Bread
18 Factory, has preliminary approvals, and as part of
19 that application, we requested that we put the
20 affordable in a standalone six-unit building across
21 the street, and the Board --

22 ACTING CHAIRMAN COHEN: Okay. So will
23 there be any reporting back on the progress of that
24 unit, which is --

25 MR. MATULE: Well, we have to go back

1 to this Board for final site plan approval for the
2 Wonder Bread Factory, and I am of the opinion that
3 we have to get our approvals for our affordable
4 housing building as part of our final site plan
5 approval --

6 ACTING CHAIRMAN COHEN: Right.

7 MR. MATULE: -- so we are going to go
8 there, and when that gets -- assuming that gets
9 approved, which I think it will be, it has no
10 variances, then we will report as part of our
11 application for final site plan approval before this
12 Board, and we will bring our approvals for that back
13 here.

14 MR. GALVIN: I will say this to the
15 Zoning Board. You know, the Planning Board has had
16 it easy. They haven't had anything. And, all of a
17 sudden, with the change in the ordinance, we had
18 like seven cases at our Subdivision Site Plan Review
19 Committee, and there is no way we are going to get
20 through two or three of them per night, so all of a
21 sudden, the Planning Board got backed up.

22 MR. MATULE: They are going to be the
23 bad buys for a while.

24 MR. GALVIN: Possibly.

25 (Laughter)

1 ACTING CHAIRMAN COHEN: Okay. Thank
2 you.

3 MR. MATULE: So, yes, all four of those
4 are going over to the Planning Board.

5 MR. GALVIN: So we need a motion to
6 accept the withdrawal.

7 COMMISSIONER BRANCIFORTE: Motion to
8 accept the withdrawals.

9 COMMISSIONER MURPHY: Second.

10 MS. CARCONE: Do you need a vote?

11 MR. GALVIN: No.

12 COMMISSIONER FISHER: Dennis, can I
13 just ask one quick question --

14 MR. GALVIN: Sure.

15 COMMISSIONER FISHER: -- on the one
16 that Phil was just mentioning, that just seems odd
17 to me that there is two jurisdictions on the same
18 project. Like why wouldn't that one just stay with
19 us because the buildings are linked?

20 MR. GALVIN: I can't give you an answer
21 on that.

22 COMMISSIONER FISHER: So why --

23 MR. GALVIN: Bob? Are you hearing this
24 Bob?

25 COMMISSIONER FISHER: I guess my

1 question is: It seems odd that the building that
2 Commissioner Cohen was just mentioning, it seems odd
3 that there is two Planning Boards reviewing an
4 app -- applications that are effectively related.

5 MR. GALVIN: Let me just try to give
6 you why I think maybe this one, the applicant is
7 right, is that the building in question is not going
8 to need a D variance, and it is not linked. It is a
9 separate project. They have to get approval for it,
10 and it is going to have to be all affordable
11 housing, and I am at the Planning Board, so they're
12 not going to be able to get away with saying no, we
13 are not going to put affordable housing in that
14 building, I don't think.

15 MR. MATULE: No.

16 ACTING CHAIRMAN COHEN: So if they
17 don't get approval for that affordable housing unit,
18 then they are going to have a problem getting
19 final approval from us, because our approval was
20 contingent on their being affordable housing.

21 MR. GALVIN: On the other building --
22 on the other building that does have a D variance.

23 COMMISSIONER FISHER: No. I get it. I
24 just -- I guess the context around the whole thing
25 and the fact that it started in one, it just seems

1 odd that you are going to have a fresh group of
2 people looking at a related building --

3 MR. GALVIN: It's a separate building.

4 MR. MATULE: I think it is
5 jurisdictional.

6 I mean, you know, I don't have any
7 objection to bringing it here, but I just don't
8 think this Board has jurisdiction because we are
9 only going for minor site plan approval, no
10 variances whatever, so I don't think the Zoning
11 Board -- and because, you know, it is not like it is
12 on the same principal lot or even contiguous. It is
13 across the street. I just think it would be a
14 stretch to try to say this Board has jurisdiction.

15 COMMISSIONER FISHER: So this -- this
16 one -- this one is not impacted by the ordinance
17 change. This is just because of what the building
18 is, it goes to the Planning Board?

19 MR. MATULE: It is impacted by the
20 ordinance change in that if we still had the D
21 variance for number of stories, we would be here.
22 But because that has gone away now, and we are
23 within the permissible height in feet and density
24 and all of those other things, lot coverage,
25 setback --

1 MR. GALVIN: I am now recollecting also
2 that I had a similar situation in Summit, a property
3 that went to the Planning Board first and got a
4 subdivision, and then they wanted to build on the
5 lot, and then they had to come to the Zoning Board.
6 It was the same thing.

7 You got to tease it out based on where
8 the D variances and C variances are required.

9 COMMISSIONER GRANA: So I have a
10 question of the counsel or Mr. Matule.

11 Did we put in the resolution that final
12 is contingent upon the provision of the -- of this
13 particular element of the affordable housing
14 element?

15 MR. GALVIN: We didn't say it the way
16 you are saying it, but we did do that. Because they
17 have to comply with the affordable housing
18 ordinance, and in order to comply with the
19 affordable housing ordinance, and in fact, that
20 whole approval was contingent on them constructing
21 another building and putting the affordable housing
22 units in it, so they have to come back to us and
23 show us that they accomplished that.

24 COMMISSIONER GRANA: So then final --
25 final will be contingent on whether that has been

1 satisfied or not?

2 MR. GALVIN: Exactly.

3 COMMISSIONER GRANA: Okay.

4 ACTING CHAIRMAN COHEN: And he has
5 reported that he has to finish the Planning Board
6 process before coming back to us.

7 COMMISSIONER GRANA: So I think that
8 clarifies it for me at least.

9 MR. GALVIN: I am comfortable. I think
10 it is a great question with the best answer.

11 ACTING CHAIRMAN COHEN: Was there a
12 second?

13 MR. GALVIN: Oh, I am accepting the
14 withdrawals.

15 COMMISSIONER MURPHY: I seconded.

16 ACTING CHAIRMAN COHEN: Commissioner
17 Murphy seconded.

18 MR. GALVIN: Maybe you should do a roll
19 call.

20 MS. CARCONE: Okay.

21 Commissioner Grana?

22 COMMISSIONER GRANA: Yes.

23 MS. CARCONE: Commissioner Marsh?

24 COMMISSIONER MARSH: Yes.

25 MS. CARCONE: Commissioner Murphy?

1 COMMISSIONER MURPHY: Yes.

2 MS. CARCONE: Commissioner Branciforte?

3 COMMISSIONER BRANCIFORTE: Yes.

4 MS. CARCONE: Commissioner Fisher?

5 COMMISSIONER FISHER: Yes.

6 MS. CARCONE: Commissioner McAnuff?

7 COMMISSIONER MC ANUFF: Yes.

8 MS. CARCONE: And Commissioner Cohen?

9 ACTING CHAIRMAN COHEN: Yes.

10 MR. GALVIN: Mr. Matule, I do have one
11 more thing to say.

12 I don't know how we are handling the
13 escrows, but I think you have to -- I know that you
14 want to just push it from -- I don't know what is
15 happening, but I am going to say this on the record.

16 I don't think -- we have to have new
17 escrows and new applications fees as the Planning
18 Board. In other words, as the jurisdiction of the
19 Zoning Board sunsets, that money, whatever is due
20 you, kind of comes back, and then a new set of money
21 has to come in for the Planning Board operation.

22 If you are trying to do something,
23 where you are moving it over or adding to it to make
24 it work out for Pat, but I want it understood that
25 that might be the net effect, but what we are really

1 doing is we are ending one and we are starting a new
2 one, so you are going to bring in more money, and
3 you guys work out whatever you want, but --

4 MR. MATULE: On the few we have done so
5 far, we paid new filing fees.

6 I checked with the secretary to find
7 out how much escrow is left, and then --

8 MR. GALVIN: Brought it back up to
9 the --

10 MR. MATULE: -- whatever is left, we
11 supplemented or do whatever we need to do to come up
12 to what a full new escrow is for the Planning Board.

13 MR. GALVIN: I get it from a practical
14 standpoint. I don't know where it would become a
15 problem, but that's what I'm saying.

16 Okay. We understand each other. I
17 think we are good.

18 MR. MATULE: Right.

19 MS. BANYRA: So, Dennis, I just have
20 one question. Since these were all basically
21 withdrawn, do we have to do any kind of a
22 resolution, or should there be something else to
23 file?

24 MR. GALVIN: No. I don't think so. I
25 think it's enough that -- no, there's no real --

1 there's nothing here that is an appeal -- nobody can
2 appeal this withdrawal. It's logical. We're just
3 administratively --

4 MS. BANYRA: I just didn't know if
5 there was some paperwork --

6 MR. GALVIN: No.

7 MS. BANYRA: -- okay, cool.

8 ACTING CHAIRMAN COHEN: That concludes
9 the administrative matters.

10 (Continue on next page)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

- - - - - X
 RE: 1427-1429 Grand Street : Tuesday, 7:20 pm
 Block 122, Lots 14 and 15 :
 Applicant: 1427 Grand, LLC :September 15, 2015
 Preliminary Site Plan Review & :
 Variances :
 - - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Acting Chairman Philip Cohen
 Commissioner Antonio Grana
 Commissioner Carol Marsh
 Commissioner Diane Fitzmyer Murphy
 Commissioner John Branciforte
 Commissioner Tiffanie Fisher
 Commissioner Owen McAnuff

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

Eileen Banyra, Planning Consultant

 Jeffrey Marsden, PE, PP
 Board Engineer

 Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
 CERTIFIED COURT REPORTER
 CERTIFIED REALTIME COURT REPORTER
 (732) 735-4522

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

2 DENNIS M. GALVIN, ESQUIRE
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 Attorney for the Board.

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

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

1

2

3 WITNESS

PAGE

4

5 Frank Minervini

22 & 118

6

7 Edward Kolling

84

8

9

E X H I B I T S

10

11 EXHIBIT NO.

DESCRIPTION

PAGE

12

13 A-1

Photo Board

23

14 A-2

Rendering

24

15 A-3

Rendering

24

16

17

18

19

20

21

22

23

24

25

1 ACTING CHAIRMAN COHEN: Next up on the
2 agenda are matters scheduled for public hearing.

3 Mr. Matule, next on the agenda is
4 101-108 Paterson Avenue.

5 Is that the one you would like to
6 proceed with or --

7 MR. MATULE: Two things, if I might,
8 just for the record.

9 302 Garden Street, we have a defect for
10 our notice on that, so I am asking that that
11 matter -- and I understand Ms. Carcone is looking at
12 October 27th for that --

13 MS. CARCONE: Yes.

14 MR. MATULE: -- and we will consent to
15 the time within which the Board has to act, and we
16 will renotice or notice for the 27th of October, for
17 302 Garden.

18 ACTING CHAIRMAN COHEN: So I will take
19 a motion to move 302 Garden to October 27th with
20 notice for October 27th.

21 COMMISSIONER GRANA: I will motion 30
22 Garden to October 27th with notice --

23 ACTING CHAIRMAN COHEN: It's 302
24 Garden.

25 COMMISSIONER GRANA: -- 302 Garden.

1 COMMISSIONER MC ANUFF: Second.

2 MS. CARCONE: Need a vote?

3 MR. GALVIN: All in favor?

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

6 MR. GALVIN: Anybody opposed?

7 Okay.

8 MR. MATULE: Now, with respect to the
9 other two matters on the agenda, it is my
10 understanding that on 100-108 Paterson Avenue,
11 Commissioner Grana is going to have to recuse
12 himself, so I would prefer to start with 1427-1429
13 while we have a full Board and see where we go, and
14 reserve my options on 100-108.

15 MR. GALVIN: As I told you in the hall,
16 I'm not sure how late we want to stay, if we only
17 have six members for that.

18 MR. MATULE: Sure.

19 ACTING CHAIRMAN COHEN: 1427-1429 Grand
20 Street.

21 MR. MATULE: Good evening, Acting
22 Chairman, and Board Members.

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

25 This is an application for property

1 located at 1427-1429 Grand Street, which is at the,
2 I guess, at the southeast corner of 15th and Grand.
3 It is in the I-1 zone. We are requesting
4 preliminary site plan approval and variances.

5 Mr. Minervini will go into more detail,
6 but the proposal is to construct a six-story
7 building, five residential floors over parking, with
8 14 residential units and one commercial unit.

9 In order to comply with the affordable
10 housing ordinance, the applicant is proposing to
11 supply one of those 14 units as an affordable unit.

12 Basically I have two witnesses tonight,
13 Mr. Minervini, our architect, and Mr. Kolling, our
14 planner. I am hoping he appears.

15 (Laughter)

16 He indicated he would be here.

17 So if we can have Mr. Minervini sworn,
18 we can commence with his testimony.

19 MR. GALVIN: Raise your right hand.

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

23 MR. MINERVINI: I do.

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

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

3 THE WITNESS: Frank Mienrvini,
4 M-i-n-e-v-v-i-n-i.

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

7 ACTING CHAIRMAN COHEN: Yes, we do.

8 MR. GALVIN: Very good.

9 You may proceed.

10 THE WITNESS: Thank you.

11 MR. MATULE: Just one other thing I
12 would like to point out to the Board.

13 When we originally submitted this, it
14 was submitted under the old ordinance, and I don't
15 believe we updated the drawings. But in the course
16 of the testimony, some of the variances that we
17 originally requested are going to go away now. L.

18 Mr. Minervini, if you would, would you
19 please describe the site and the surrounding area
20 and give the Board some context?

21 Okay. So I am going to mark this as
22 Exhibit A-1, and that is a photo board.

23 THE WITNESS: Yes.

24 (Exhibit A-1 marked.)

25 MR. MATULE: Okay. And could you just

1 describe for the record what it is and when they
2 were taken?

3 Were they taken by your office?

4 THE WITNESS: It's photographs taken by
5 my office today. These are smaller photographs,
6 five-by-seven, and one larger taken, a bird's eye
7 view, taken from Goggle Earth.

8 MR. MATULE: I see you have a rendering
9 there. Can we just mark that A-2?

10 (Exhibit A-2 marked.)

11 THE WITNESS: Rendering A-2, this is
12 two views of the building as proposed.

13 Then we've got one more, which is a
14 computer generated model showing other adjacent
15 buildings in context, relative heights.

16 MR. MATULE: Okay. And that was
17 generated by your office?

18 THE WITNESS: Yes, it was.

19 (Exhibit A-3 marked)

20 MR. MATULE: So when you refer to those
21 exhibits, just refer to those exhibit numbers.

22 THE WITNESS: Okay.

23 So as Mr. Matule said, we are talking
24 about 1427-1427 Grand Street. It is a 50 foot wide
25 by 100 feet deep property on the northeast corner of

1 the 15th Street and Grand Street intersections, so I
2 am using A-1, as Mr. Matule said.

3 In terms of context, we are in the I-1
4 Zone north of the viaduct. There has been a recent
5 project here, which Dean Marchetto presented and had
6 approved, so he described very well the virgining
7 neighborhood, as he called it.

8 So within this -- these two square
9 blocks, there has, been and our planner, Ed Kolling,
10 will describe this in more detail, there has been a
11 pattern of residential buildings constructed and
12 approved.

13 ACTING CHAIRMAN COHEN: Mr. Minervini,
14 can you just point to the location of the other
15 project?

16 THE WITNESS: Yes. I have a better
17 drawing that actually will do that.

18 So this is again the photograph showing
19 the adjacent properties, the viaduct, so that taller
20 buildings surround us, and I have got a better
21 drawing that will make it more easily understood.
22 But directly to our east is a 50-by-100 foot parking
23 lot.

24 Directly to our south, which is a
25 one-story building, it is an open garage housing

1 buses, and it goes from Clinton Street through to
2 Grand Street.

3 Directly to our west is the Pilsener
4 Haus building, which has other commercial spaces on
5 the floors above, a seven-story residential
6 building, 1414 Grand Street, which my office
7 designed.

8 The property I just mentioned that Mr.
9 Marchetto and Larry Bijou recently approved, as well
10 as 1404 Grand Street, which my office designed.

11 On the same side of the street, which
12 would be the eastern side of Grand Street, we have a
13 residential building, six stories, that goes through
14 from Grand to Clinton.

15 A bar on the corner, two-story bar, my
16 office, and then as we go a little further east, The
17 Edge building.

18 So I had mentioned that I had a better
19 drawing describing relative heights and other
20 buildings, and this would be it. So across the
21 street on 15th, we have got a large one-story
22 industrial building. As I mentioned, the Pilsener
23 Haus with five stories, an empty lot directly to the
24 west of Pilsener Haus, 1414 Grand Street, a
25 seven-story building, mixed use. Mr. Bijou's

1 property, mixed use, and this is six stories, 44
2 units, and that is the relative heights. It is six
3 stories at 60 feet.

4 And the last building on this block on
5 the north side of the viaduct is 1404 Grand Street,
6 which is also a mixed-use building at 60 feet in
7 height. Across the street, 1330 Grand, six stories,
8 1408, and this was built together, six stories, the
9 one-story parking garage for the buses that I
10 mentioned, and our proposed building, which I will
11 get into now.

12 Our proposed building, as I mentioned,
13 is sitting on a site that is 50 feet wide by 100
14 feet deep, and it is oriented obviously. The 50
15 feet in width is street frontage along Grand Street,
16 and the depth of 100 feet runs along 15th Street.

17 So in 200 feet of the city block on
18 15th Street it contains two 50-foot lots. One is
19 ours and one is an empty lot used for parking
20 currently.

21 So we are proposing a 14-unit
22 residential and one commercial space mixed-use
23 building. As I mentioned, the 50 feet frontage is
24 along Grand Street. 100 feet is along 15th Street.
25 We are within the I-1 Industrial Zone. That has, of

1 course, zoning modifications, and we will discuss
2 that as I get to the zoning chart.

3 So I discussed the adjacencies, and now
4 I will go through the drawings.

5 Can everybody see them here?

6 So, again, looking at our vicinity map,
7 showing the adjacent properties, the dark area are
8 the outlines of the adjacent buildings. This is our
9 building, and this is the 200-foot list. This is
10 how we generate the 200-foot property list, but this
11 gives us context.

12 14th Street, 15th Street, and this
13 would be the viaduct, and this is ours.

14 What is on the site now is a one-story
15 restaurant that was most recently I think a Chicken
16 Galore.

17 So the upper left -- thank you, Bob.

18 So this is what is on the site
19 currently, a hundred percent lot coverage, no longer
20 being used. So looking at the drawings, that is our
21 vicinity map on Sheet Z-1.

22 Sheet Z-2 -- and I have to correct
23 myself -- the building isn't 100 percent lot
24 coverage. The existing building at one story covers
25 this amount, and I am outlining it in the

1 highlighter, making it easier to see. This is in
2 essence a rear yard, what was used as access to the
3 back of the building for service and maintenance,
4 so this is the property survey Sheet Z-2.

5 Sheet Z-3 is our site plan based on the
6 property survey.

7 So we are proposing -- pardon me -- to
8 cover 100 percent of the lot, and that is 50 feet by
9 100, minus a few percentage points. I can give you
10 an exact number to the overhands. But, in essence,
11 we are proposing an L-shaped building on floors two
12 through five with an open courtyard on the
13 southeastern section.

14 The entire ground floor will be the
15 commercial space and parking, so you got this roof
16 of the commercial slash parking floor, which will be
17 outdoor space, and this is the main building that
18 will be five stories over parking, and I have a more
19 detailed plan for that.

20 Z-4 is our ground floor plan. Grand
21 Street, 15th Street, so our commercial space, which
22 there is one, is located right here.

23 So the commercial entry can be either
24 off of 15th Street or Grand Street. Our entry to
25 the garage, vehicular entry, is along 15th Street

1 approximately two-thirds of the distance from the
2 corner of the building down toward the east.

3 We are proposing parking for ten
4 parking spaces. Other spaces that are being
5 proposed on this ground floor would be a storage
6 slash bicycle storage space, a separate refuse for
7 recycling, a garbage chute. The main residential
8 entry is off of the 15th Street side.

9 So on the ground floor, we are
10 proposing parking, ten spaces, a commercial space,
11 and storage for both bicycles, general storage, and
12 refuse and recycling.

13 This is a similar drawing Z-5 showing
14 other site details.

15 Z-6 has the ground floor plan enlarged.
16 I did mention that they are at 955 square feet for
17 that commercial space, ten parking spaces.

18 The second floor, we have got three
19 residential units and outdoor space, which in
20 essence is the roof of the garage area.

21 So in terms of the dimensions, the
22 building is 30 feet in depth here, so we have a 20
23 foot setback off of this long property line to our
24 south, and we are proposing a 60 foot opening here,
25 so this section of the building is 40. This section

1 of the building is 50, and this section of the
2 building is 100.

3 Three units in terms of sizes, 1185
4 square foot two-bedroom, a 790 square foot
5 one-bedroom, a 990 square foot two-bedroom, so that
6 accounts for the three.

7 We also got our electric meters and gas
8 meters shown on this floor, as well as sprinklers
9 and a trash room.

10 The third floor, similar to the floor
11 below, with the exception of not having direct
12 access to that roof area above the garage.

13 In this case we are proposing two small
14 decks of 50 square foot each, and in this case there
15 would be both access from this particular unit that
16 we see, five feet by ten, which would mean that we
17 got -- pardon me -- 15 feet between the edge of this
18 and the property line, a reminder that the building
19 over here as exists is a one-story 100 percent lot
20 coverage parking garage for buses, so that is the
21 third floor.

22 The fourth floor is similar, 1185
23 square foot two-bedroom, 795 square foot
24 one-bedroom, 1150 square foot two-bedroom, and
25 again, the same.

1 The fifth floor is different because we
2 are setting it back, so we are proposing at the
3 fifth floor a -- pardon me -- the fifth floor is the
4 same as the fourth floor as I mentioned before.

5 The sixth floor we are setting back, so
6 we have it set back at this section, which runs
7 about 70 feet, and it is set back five feet from the
8 front property line. So the shape of the building
9 on its upper level, and I have renderings, which
10 better describe this. I know the plan is not very
11 easily understood. It is quite complicated, so this
12 is the floor plan with two units here, a 1365 square
13 foot three-bedroom, and a 1385 square foot
14 three-bedroom, and a trash room as well, the same
15 core between two stairs and an elevator, the same
16 two balconies, and the difference is, of course, the
17 five foot setback at this level, sixth floor on the
18 15th Street side.

19 In this case, they would be used -- we
20 are proposing to use this setback as outdoor space,
21 pardon me, for these two units.

22 The roof plan, we are proposing two
23 roof decks as well as the utilities --

24 THE REPORTER: I'm sorry. What did you
25 say?

1 THE WITNESS: Two roof decks on the
2 roof plan. The remaining area to be used as four
3 extensive green roofs as well as utilities.

4 This was designed prior to the
5 ordinance change. I think we can redesign it, so it
6 wouldn't need any variances, but that is not what is
7 in front of me now.

8 Elevations, Z-10. As Mr. Marchetto
9 said, there is a virgining residential slash mixed
10 use pattern evolving, and the look is tied in some
11 way to what we think the industrial past of this
12 area would have been or could have been. So with
13 that in mind, we designed a building that -- I am
14 going to use the rendering now, which is A-2. It
15 better tells the story relative to the drawings.

16 This is the view you would see looking
17 at it from across the street on 15th Street to the
18 west, so this is 15th Street, and this is Grand
19 Street.

20 We designed it thinking about, again,
21 this history of an industrial zone. Special
22 attention was paid to the Pilsener Haus across the
23 street, so our thought was let's make something that
24 looks like it has been there and renovated for the
25 last 100 years, but still acknowledge that it was

1 designed in the year 2015.

2 So what we have done is we have
3 mimicked the vertical banding that you see on the
4 Pilsener Haus building, a very common look on older
5 industrial buildings, because in this case those
6 sections were load bearing, and that runs on the
7 corner along the southern facade, the corner at the
8 intersection of the two streets and all the way down
9 the 100 feet along 15th Street.

10 This section has two intersecting bays,
11 so one is popped -- the lower floor is popping out
12 towards the street, of course, but on the southern
13 side facade and over here it is on the northern side
14 of the facade. What we have done is we played with
15 the bays, so the idea is to acknowledge that this is
16 a new building in what would be an old zone, so we
17 have taken the same esthetic pattern over to the
18 fifth floor where we set it back.

19 I think these two drawings do a very
20 nice job of describing what the intention is in
21 terms of what the design is for the building,
22 especially this lower drawing in context. So we got
23 the Pilsener Haus and our building.

24 The building will be, of course,
25 completely ADA compliant. It will be sprinklered.

1 In terms of green design, it will have,
2 and let me get my list -- excuse me one second.

3 So I will list what we are proposing in
4 terms of green. So we got the extensive green roof
5 that I described. It will have a water retention
6 system. The lighting will be LED. All of the
7 appliances will be Energy Star type. All of the
8 building insulation will be closed cell low
9 insulation, and all of the water heaters will be
10 tankless. There's possibly more, but these are the
11 points that we will actually guarantee.

12 We are proposing new street trees, and
13 our site plan reflects that. We will, of course,
14 need Shade Tree Commission approval. Two trees
15 along Grand Street, three trees along 15th Street.

16 We think that in terms of the building
17 mass, it makes sense. It is a building that makes
18 sense given its context, given its corner condition,
19 and given the adjacent properties, and in terms of
20 design, I think that it is a perfectly appropriate
21 design given its location.

22 MR. MATULE: I just have a couple of
23 other questions.

24 THE WITNESS: Yes.

25 MR. MATULE: On the ground floor, there

1 is a canopy, a protecting canopy?

2 THE WITNESS: Are you looking at a
3 particular --

4 MR. MATULE: I'm looking at Z-10 and Z
5 11. I'm primarily asking the question in the
6 context of having to get an easement ordinance for
7 that canopy from the city and the county.

8 THE WITNESS: Yes.

9 So there is an entry canopy, and this
10 rendering shows it better. It's shown in this
11 corner, as well as -- you can't see it here, but it
12 will be proposed for the residential entry, so we
13 will need approval from the county because that is a
14 county road.

15 MR. MATULE: You will have all of the
16 usual things in the parking garage, electric car
17 chargers, bicycle storage and bicycle racks?

18 THE WITNESS: I will be happy to go
19 through those.

20 In terms of bicycle storage, we have
21 this 270 square foot room, which will be both
22 bicycle storage, as well as other general storage.
23 We are also proposing bicycle storage at the nose of
24 each car, these spaces, save for the handicapped
25 space. We have uses here, and the building will be

1 served by a recycling system -- trash compacting
2 system, pardon me.

3 MR. MATULE: And you received the H2M
4 report?

5 THE WITNESS: Yes.

6 MR. MATULE: Any issues with addressing
7 anything raised by Mr. Marsden?

8 THE WITNESS: No. We can happily
9 address those.

10 MR. MATULE: Okay. Then that is all I
11 have for Mr. Minervini at this time.

12 ACTING CHAIRMAN COHEN: Yes.

13 MR. MARSDEN: Have you recently been
14 out there?

15 THE WITNESS: Today, yes.

16 MR. MARSDEN: If you observed the
17 corner and the cobblestone, have you talked to the
18 city about your rebuilding that section of the
19 roadway because the cobbles drop off real quick --

20 THE WITNESS: We have a severe drop all
21 along 15th Street on that side, and we have not
22 figured out why yet, but we will be talking to the
23 city, as well as the county, because also that
24 section of 15th Street --

25 MR. MARSDEN: Drops down --

1 THE WITNESS: -- what Mr. Marsden is
2 referring to, and I will get a better drawing. I
3 guess I will use this.

4 Here's 15th Street. Here's Grand
5 Street. The street looking at the profile is kind
6 of -- I'm exaggerating, of course -- but it's sloped
7 like that, so this entire section has dropped
8 substantially a good foot and a half.

9 MR. MARSDEN: Right.

10 THE WITNESS: How we are going to
11 address that, we don't know that. We do know where
12 the sidewalks have to be, so my guess is since we
13 have to provide a new curb and sidewalk, as well as
14 a repair strip, that repair strip area should be
15 able to compensate for a good portion of that slope.

16 MR. MARSDEN: Okay. But definitely you
17 have to talk to the county about the design because
18 actually have to -- you may have to raise your
19 sidewalk to make the road meet --

20 THE WITNESS: I have not heard by the
21 way of any future plans in terms of detail --

22 MR. MARSDEN: Yeah. I think the county
23 was thinking about it. That is all.

24 THE WITNESS: Yes.

25 ACTING CHAIRMAN COHEN: Okay.

1 Any Commissioners have any questions?

2 Commissioner Marsh?

3 COMMISSIONER MARSH: You said that the
4 bulk of the building makes perfect sense or
5 something like that?

6 THE WITNESS: In terms of architecture,
7 yes, and planning. I think that the bulk of the
8 building is in context with the other projects that
9 have been constructed, as well as have been
10 approved. But that's the surrounding area that we
11 can look at in more detail, but I did describe this
12 showing other projects --

13 COMMISSIONER MARSH: So what you are
14 saying is that the hundred percent lot coverage
15 makes sense because everything else has a hundred
16 percent lot coverage?

17 THE WITNESS: Well, the other ones have
18 a hundred percent lot coverage because it made sense
19 in those cases, too. This was an industrial area.
20 There was no hole in the donut, so to speak, so many
21 buildings are still being used for industrial. That
22 is the case here. However, we have respected the,
23 quote, unquote, hole in the donut on floors two
24 through six.

25 COMMISSIONER MARSH: So you are saying

1 that the hundred percent lot coverage makes sense
2 because it is an industrial area?

3 THE WITNESS: It is not just that.
4 There are several reasons why, so I don't want to be
5 pigeon holed into me telling you that, because you
6 will use that against me --

7 MR. GALVIN: You were asked a question.
8 Do you have the answer?

9 THE WITNESS: Yes.

10 So the answer is: That is one of the
11 reasons, and the other reason -- another reason,
12 which is a big one, that it is a corner lot. So our
13 thought is here as opposed to having a break, we put
14 the break on the inside. It is a common planning
15 way to address a corner lot.

16 It will allow for a continuation of
17 street scape with the assumption some day that the
18 building will be built here.

19 COMMISSIONER MARSH: So is there
20 something that says that corner lots get a hundred
21 percent lot coverage? Is that what you're saying?

22 THE WITNESS: No. It is a common
23 planning method of addressing, in terms of design,
24 corners. And in this particular case, as well as
25 others in the city, often you will see a hundred

1 percent on the side street of a corner. It allows
2 for a continuation of the street scape.

3 COMMISSIONER MARSH: Okay.

4 In industrial areas?

5 THE WITNESS: Industrial areas?

6 COMMISSIONER MARSH: Is that in just
7 any area or is that specifically industrial areas?

8 THE WITNESS: Of course, this area is
9 new. But in terms of other buildings, the answer is
10 yes. The building directly across the street here
11 takes up the entire width along Grand Street.

12 COMMISSIONER MARSH: Just repeat that.

13 THE WITNESS: The building directly
14 across the street, Pilsener Haus, with the
15 commercial space above, takes up the entire width of
16 property along Grand Street, similar to what we have
17 done, but our property is oriented the other way.

18 COMMISSIONER MARSH: But the Pilsener
19 Haus is not a new building, right?

20 THE WITNESS: I understand, of course.

21 COMMISSIONER MARSH: Okay.

22 THE WITNESS: Now, we are a hundred
23 percent only at the ground floor, and I don't say
24 "Only" not recognizing the importance of it.

25 Above, we are not a hundred percent.

1 The exact number I will give you, but the building
2 is an L-shape, so let me show you another drawing of
3 the upper floors. Floors two, three, four, five,
4 and six are not a hundred percent lot coverage.

5 The shape of the building is this here,
6 so this is all open, and the exact lot coverage we
7 are proposing is different on different floors, and
8 I will read it to you from Sheet Z-1.

9 Okay. So at our ground floor we are
10 proposing 99.4.

11 At the second floor, we are proposing
12 75.

13 At the third, fourth and fifth, we are
14 proposing 75, and at the sixth floor we are
15 proposing 67.8.

16 COMMISSIONER MARSH: So what is the
17 size of that area that's --

18 THE WITNESS: The open area?

19 COMMISSIONER MARSH: Yeah.

20 THE WITNESS: It is 20 from north to
21 south here, so this dimension is 20, and this
22 dimension is 60.

23 COMMISSIONER MARSH: Okay. Thank you.

24 ACTING CHAIRMAN COHEN: Any other
25 Commissioners?

1 I'm going around this way.

2 COMMISSIONER BRANCIFORTE: Oh, yes.

3 COMMISSIONER MURPHY: Not right now.

4 COMMISSIONER FISHER: No, I do.

5 This may be more for Mr. Kolling when
6 he gets up. But on 15th Street, the orientation
7 of -- I guess my question is around parking.

8 Is having the parking -- having the
9 front of the building oriented towards -- is it
10 Adams, whatever, or Grand Street --

11 THE WITNESS: Grand Street.

12 COMMISSIONER FISHER: -- sorry --
13 Grand, relative to having the front of the building
14 oriented towards 15th, the right -- or what is your
15 view on that?

16 THE WITNESS: Our thinking is, the
17 reason we wound up in this direction, and it could
18 work either way, the reason we wound up with this
19 design is because to get the parking in the proper
20 location off of the 50 foot swath on Grand Street
21 would have the driveway very close to the corner, so
22 I will show you here --

23 COMMISSIONER FISHER: Is the parking
24 necessary?

25 THE WITNESS: Well, yes.

1 COMMISSIONER FISHER: It's not -- I
2 mean, it's not -- it is a use variance in this area,
3 right, anyway, so it is necessary because -- why?

4 THE WITNESS: Well, it is required
5 whenever there is a residential attached to it,
6 understanding that this is not a residential zone,
7 but it's also required for the -- as I have been
8 told many times -- for the tenants slash owners of
9 the building.

10 COMMISSIONER FISHER: Right. I think
11 there's -- I definitely -- my guess is it is a
12 commercial requirement more so than a zoning
13 requirement.

14 Where I am going with this, and
15 everything that -- I guess -- the questions are
16 probably more geared to Mr. Kolling, but --

17 THE WITNESS: Okay.

18 COMMISSIONER FISHER: -- was it
19 contemplated having, you know, the first floor be
20 more addressing street scape, and I remember at some
21 point in some plans somewhere that 15th Street was
22 effectively meant to be a parallel, like retail,
23 commercial main street to 14th, and I am looking
24 over at Eileen because I wasn't able to find that
25 reference, but it is something as somebody who lives

1 on 15th Street on the other side that I'm aware that
2 that has been a plan at some point.

3 So my question is: Your thoughts on
4 how parking facing that is consistent with that
5 idea.

6 THE WITNESS: If we have decided to
7 provide parking, which we did, which is what we show
8 in this drawing, this is a better plan slash
9 architectural solution than it would be here and
10 here, and I think Mr. Marsden would agree, we are
11 too close to the corner, and it creates for many odd
12 conditions and unsafe conditions.

13 Here you got very good sight lines.

14 In terms of 15th Street becoming
15 sometime in the future a commercial corridor, we
16 have access to our commercial space, which is at the
17 corner from both streets, so it could serve that
18 purpose as well, recognizing that we have parking on
19 the section to the east.

20 ACTING CHAIRMAN COHEN: Commissioner
21 Murphy, do you have any questions?

22 COMMISSIONER MURPHY: No.

23 ACTING CHAIRMAN COHEN: Okay. Mr.
24 Branciforte?

25 COMMISSIONER BRANCIFORTE: Yes.

1 One thing, and again, this again is
2 going back what Ms. Fisher said. You said that we
3 need to provide parking for the residences is
4 because that's required in other zones?

5 THE WITNESS: I said that parking is
6 required within residential zones, and we treated
7 this building with respect to the parking and
8 residential units the same way.

9 COMMISSIONER BRANCIFORTE: But
10 obviously, because you are asking for a use
11 variance, we get to, you know, we get to throw out
12 all of those other variances and all of those other
13 requirements for other -- so you are saying that you
14 are basing it on other requirements, but --

15 THE WITNESS: As well as the pattern of
16 development that has happened, and Mr. Kolling will
17 describe this better than I can. But I have been
18 involved in a good portion of that pattern and that
19 development along 15th Street.

20 Every one of those buildings has
21 parking --

22 COMMISSIONER BRANCIFORTE: Okay.
23 And --

24 THE WITNESS: -- and actually my
25 thought would have been to bring this project to

1 this Board without parking, I thought would be more
2 push-back, so to speak, than providing it.

3 COMMISSIONER BRANCIFORTE: Well, I just
4 wanted -- yeah, no. I just wanted to expand on that
5 because I wanted to make sure that we understood
6 that there is no requirement for parking in this
7 zone because it is industrial, and you are asking
8 for a use variance.

9 THE WITNESS: Well, there would be, if
10 we were to technically take the commercial space
11 requirement, but not for the residential units.

12 COMMISSIONER BRANCIFORTE: What level
13 of LEED are you looking for?

14 You're just looking for a
15 certification, not silver or gold?

16 THE WITNESS: Yes, that's correct.

17 COMMISSIONER BRANCIFORTE: Just a
18 certification?

19 THE WITNESS: Yes.

20 COMMISSIONER BRANCIFORTE: Is there
21 going to be a generator?

22 THE WITNESS: I don't think there is at
23 this point. Actually that discussion had never come
24 up.

25 COMMISSIONER BRANCIFORTE: Well,

1 because you are in a pretty bad flood zone there --

2 THE WITNESS: Yes -- well --

3 COMMISSIONER BRANCIFORTE: -- yeah, you
4 are in a pretty bad flood zone.

5 COMMISSIONER MARSH: You're in a
6 terrible flood zone.

7 COMMISSIONER MURPHY: In Sandy, it was
8 bad.

9 THE WITNESS: I have seen much worse
10 than that, and believe me, I know. I live and work
11 right around the corner.

12 MR. GALVIN: He said "pretty bad." He
13 didn't say "worse."

14 (Laughter)

15 THE WITNESS: Yes. There are worse,
16 and this is pretty bad.

17 COMMISSIONER BRANCIFORTE: So would it
18 be possible for you guys to put a generator up
19 there --

20 THE WITNESS: Sure.

21 COMMISSIONER BRANCIFORTE: -- and make
22 sure that the generator is tied into your trash
23 compactor --

24 THE WITNESS: Okay.

25 COMMISSIONER BRANCIFORTE: -- so when

1 the power does go out for three or four days, your
2 trash doesn't just pile up?

3 THE WITNESS: Yes.

4 COMMISSIONER BRANCIFORTE: The fact
5 that you just brought up the idea that you live
6 around the corner from there, your building is four
7 stories --

8 THE WITNESS: Yes.

9 COMMISSIONER BRANCIFORTE: -- so it is
10 what, three over one parking?

11 THE WITNESS: Well, sorry, my ground
12 floor is two parking spaces, and the rest are half
13 of my office.

14 COMMISSIONER BRANCIFORTE: Okay. So
15 your office is two stories?

16 THE WITNESS: Yes.

17 COMMISSIONER BRANCIFORTE: And then the
18 other two stories is your residence?

19 THE WITNESS: Yes.

20 COMMISSIONER BRANCIFORTE: Okay. So it
21 is mixed use.

22 THE WITNESS: Mixed use, yes.

23 COMMISSIONER BRANCIFORTE: When you
24 were talking about the roof design, you mentioned it
25 before we even got a chance to talk about it. You

1 said you could redesign that, if we had to?

2 THE WITNESS: Yes. Since this was
3 submitted, it has not been revised since the
4 ordinance revision, which now allows for roof decks
5 on the upper roofs --

6 MR. GALVIN: Wait a minute. Hold on a
7 second.

8 THE WITNESS: -- in a residential zone.

9 MR. GALVIN: In a residential zone.

10 In a non -- when you have a use
11 variance, even though we are talking about other
12 variances, I just want to make clear there are no
13 standards for a residential building in this zone.

14 So they refer to them, we included them
15 in the application, but I struggle with this every
16 time we have a D-1 variance.

17 I think that they do need to talk to
18 you about, if this was a commercial building, if
19 this was a compliant use in the zone, they would
20 need a height variance, and they would need some
21 kind of a setback variance, but I am saying some of
22 the standards that we are talking about, there are
23 no standards. So it's just, if you want a roof
24 deck, you want a roof deck, if you think it looks
25 good on this building, you approve a roof deck.

1 THE WITNESS: Yes. I was really
2 thinking more palatability of the roof deck. The
3 thought that this will be a residential building,
4 then it does make sense to have it comply with the
5 other parts of the residential ordinance.

6 To correct you, we wouldn't need a
7 height variance, if this were an industrial
8 building.

9 ACTING CHAIRMAN COHEN: A story --

10 MR. GALVIN: Oh, a story --

11 THE WITNESS: A story --

12 (Everyone talking at once.)

13 COMMISSIONER MC ANUFF: Dennis, what is
14 the answer regarding the parking? Is parking
15 required on site or not?

16 MR. GALVIN: We have zones where
17 residential doesn't have parking, but if you were in
18 the middle of the suburbs, you would have to have
19 parking because the RSIS requires it.

20 COMMISSIONER MC ANUFF: In this case,
21 though, if he is industrial. Is parking required or
22 not required, because it's one of the variances he
23 is asking for?

24 MR. GALVIN: It's not required. It's
25 not required. If this were a commercial building,

1 it would be required to support the commercial
2 building.

3 COMMISSIONER MURPHY: Well, it is
4 partly commercial --

5 COMMISSIONER FISHER: It's partly
6 commercial --

7 THE WITNESS: There is a commercial
8 space.

9 MS. BANYRA: But it's not --

10 (Everyone talking at once.)

11 MR. GALVIN: Then he would have to have
12 the amount of parking necessary to support that
13 commercial part of the proposal.

14 COMMISSIONER FISHER: In here, I think
15 it is 995 square feet, so rounded up, it's three
16 spaces is required for the commercial.

17 MS. BANYRA: But there is a use
18 variance for the commercial, so there's two D-1
19 variances, one for the residential and one for the
20 commercial.

21 COMMISSIONER FISHER: The type
22 commercial, right, because they want to do more
23 restaurants or something --

24 MS. BANYRA: Well, that's -- we don't a
25 hundred percent now yet --

1 MR. GALVIN: I take that back. Then
2 there is no standard for that either, if it is a
3 D-1.

4 COMMISSIONER MC ANUFF: All right. I
5 am not sure either if this answers my question or
6 not.

7 Is the answer that he is required to
8 provide 14 residential spots true or not?

9 MR. GALVIN: No, not true.

10 ACTING CHAIRMAN COHEN: John, do you
11 still have --

12 COMMISSIONER BRANCIFORTE: No.

13 COMMISSIONER MURPHY: I have a question
14 regarding that then, so they don't need a height
15 variance?

16 ACTING CHAIRMAN COHEN: A story
17 variance. They are permitted four stories, right?

18 MS. BANYRA: Technically, they --
19 right --

20 COMMISSIONER MURPHY: But that's in an
21 industrial zone and the same with the height. So if
22 they are not --

23 MR. GALVIN: But what happened is, let
24 me just get this off my chest, when we changed the
25 ordinance, we were doing a crazy thing in Hoboken,

1 is I think a very substantial line of cases out
2 there that say that when you are getting a variance
3 for a use in a zone that doesn't allow it, all of
4 the other bulk parameters that apply to permitted
5 uses in that zone kind of go out the window, and
6 everything is subsumed into the D variance so to
7 speak.

8 MR. GALVIN: Correct. I agree with
9 that completely.

10 I think what Mr. Minervini does, and
11 correctly so, but I want you to understand what he
12 is doing is he is looking at where it is, and he is
13 saying the other -- the buildings that are permitted
14 in the zone can go to whatever height this is, and
15 if we exceed that, if we were one of those
16 buildings, he's trying to show you that it is a
17 building, a structure, that kind of fits in with the
18 rest of the neighborhood, but it is not. It's by
19 analogy, not exact.

20 ACTING CHAIRMAN COHEN: Are you done?

21 COMMISSIONER BRANCIFORTE: No.

22 The other buildings that are on 15th
23 Street, how high are they now?

24 We're talking about the building across
25 the street being a little shorter. The Biergarten

1 is not as tall as your building.

2 THE WITNESS: Pilsener Haus is slightly
3 shorter than ours. It's five stories.

4 1414 grand is taller --

5 COMMISSIONER BRANCIFORTE: No, no.
6 Just along 15th Street. That's all I care about

7 THE WITNESS: -- I'm sorry -- 15th
8 Street-- there is no other construction, quite yet
9 new construction.

10 15th Street has the Pilsener Haus.
11 This is an empty lot. This is an empty lot. This
12 is an existing industrial building about a story and
13 a half, and this is the property where the
14 restaurant that this Board approved is coming --

15 COMMISSIONER BRANCIFORTE: Right.
16 So --

17 THE WITNESS: -- across the street,
18 again, it is all industrial buildings, one and two
19 stories.

20 COMMISSIONER BRANCIFORTE: -- the
21 reason -- maybe this is better -- I will ask the
22 planner, and you can come up and help him, if you
23 need to.

24 What is the FAR coverage on this?

25 THE WITNESS: I haven't figured that

1 out. It is not one of the --

2 MR. GALVIN: Well, then the better
3 question is --

4 THE WITNESS: -- I certainly can figure
5 it out --

6 MR. GALVIN: -- when you are finished
7 with your testimony, if you could calculate it.
8 Don't do it now, but while you are sitting, and you
9 can tell us later.

10 THE WITNESS: Number of units per lot
11 area?

12 I could do that, which is probably more
13 relative than to what we understand in residential
14 zones. I can do both ways.

15 COMMISSIONER BRANCIFORTE: I guess. I
16 mean, if our planner is okay with you guys using
17 that comparison, then I will be okay with it, too.

18 I don't think I have any other further
19 questions right now.

20 Thank you.

21 THE WITNESS: Okay.

22 ACTING CHAIRMAN COHEN: Mr. Grana?

23 COMMISSIONER GRANA: Mr. Minervini, you
24 talked about this being a corner building.

25 If this building were a corner building

1 proposed in a residential neighborhood, would 60
2 percent lot coverage apply in order to be compliant
3 with the zone?

4 THE WITNESS: Compliant with the
5 residential ordinance, not compliant in this zone --

6 COMMISSIONER GRANA: Yes. I understand
7 it.

8 Not within the zone, because they're an
9 industrial zone. But if this were a corner
10 building, the 75, and 75 and 67 on the top floors
11 and a hundred percent would not be in compliance
12 with the zoning in a residential district.

13 THE WITNESS: Within a residential
14 district, not on a corner -- well, a corner has the
15 same requirement, of course, but bigger planning --
16 yes, we would certainly need a lot coverage
17 variance.

18 COMMISSIONER GRANA: Okay.

19 THE WITNESS: Absolutely.

20 COMMISSIONER GRANA: I mean the
21 testimony was that, you know, a corner building that
22 you use both sides of the street because it is a
23 corner building, but in fact, this is a residential
24 use. I realize this is an industrial zone, but if
25 this were in a residential zone, we would actually

1 have to comply with --

2 THE WITNESS: We would propose -- I
3 think if this were not -- if this were a residential
4 zone, we would propose the same orientation of the
5 building. It would be coverage on the entire longer
6 width, which in this case is 15th Street, and it
7 would be very similar to the setback here.

8 So our lot coverage certainly is in
9 keeping with and less than the pattern that's
10 already emerged on the other buildings, but yes, if
11 we were in an industrial zone -- I mean a
12 residential zone, this building would be different.

13 COMMISSIONER GRANA: You proposed the
14 parking to be accessed on 15th Street --

15 THE WITNESS: Yes.

16 COMMISSIONER GRANA: -- and I'm not
17 sure -- I'm going to follow up on the testimony of
18 Commissioner Fisher, and then I'll probably save
19 most of this for Mr. Kolling, but 15th Street is not
20 a usable street compared to a lot of other streets
21 in the area. It is a wider street, is it not?

22 THE WITNESS: Yes.

23 COMMISSIONER GRANA: Do you know of any
24 plans by the city for, you know, kind of planning
25 what the future of that street --

1 THE WITNESS: Just -- but I have heard
2 just in terms of discussions, I don't know if there
3 is any plan, that the idea is eventually for 15th
4 Street to become a boulevard of some sort and to
5 narrow it by having an island of trees down the
6 center.

7 COMMISSIONER GRANA: Okay.

8 Do you think -- would you agree that by
9 putting -- I know there's a commercial space in the
10 corner, but most parking, and, you know, what you're
11 going to see is now going to actually front on to
12 15th Street.

13 THE WITNESS: Yes.

14 COMMISSIONER GRANA: Does that create
15 potential dead space on that street scape, from a
16 pedestrian point of view?

17 You've got like, you know, a garage
18 that is on 15th Street. If it's going to be a
19 boulevard, do you want -- does the parking create
20 dead space for pedestrians on 15th Street from an
21 architect's point of view?

22 THE WITNESS: Parking is certainly
23 not -- it doesn't have the same visual interest as a
24 commercial space would for sure. And, you know,
25 parking is a function of a perceived requirement

1 that we have in residential uses.

2 Would this be better if it were all
3 commercial?

4 Yes.

5 Do I know that a commercial space this
6 large would be viable at this time in this location?

7 Probably not.

8 COMMISSIONER GRANA: Okay.

9 But considering that this is -- we are
10 looking for variances in an industrial zone, that
11 could be anything. That could be parking, that
12 could be commercial --

13 THE WITNESS: Yeah.

14 And, again, our -- the direction we
15 took was using as the pattern that has already
16 emerged, every one of the other buildings have
17 parking at its ground floor -- has parking at its
18 ground floor, and we thought we would mimic that,
19 and I am frankly not unhappy, but I am surprised
20 that there is even consideration of a residential
21 building without parking, and I am okay with it. I
22 just -- we thought we were hitting all of the checks
23 down the list --

24 COMMISSIONER GRANA: Each application
25 stands on its own --

1 THE WITNESS: Of course.

2 COMMISSIONER GRANA: -- but we have had
3 testimony, you know, on the other side, on 14th
4 Street, about the desire to put commercial uses on
5 14th to activate street life --

6 THE WITNESS: Certainly.

7 Well, there is no plan in place, let's
8 remember that, nor is there a plan that is upcoming.
9 Our planner, and Ms. Banyra can speak to that, so
10 what we are responding to are the conditions that
11 are there now.

12 COMMISSIONER GRANA: Understood.

13 Could we look at A-1 for a second?

14 THE WITNESS: A-1.

15 COMMISSIONER GRANA: I think it is a
16 photo board.

17 MR. MATULE: On the other side.

18 THE WITNESS: Got it.

19 COMMISSIONER GRANA: Okay.

20 So if I look at the picture of what the
21 site is, so the use directly to the south, is that
22 an industrial use?

23 THE WITNESS: This is a one-story
24 parking garage.

25 COMMISSIONER GRANA: Okay.

1 Do you know if it's in use?

2 THE WITNESS: Yes, it is.

3 COMMISSIONER GRANA: Okay.

4 And the structure directly to the
5 north --

6 THE WITNESS: Yes.

7 COMMISSIONER GRANA: -- actually --
8 sorry -- north uptown direction --

9 THE WITNESS: I'm sorry, here. Yes, of
10 course.

11 COMMISSIONER GRANA: Is that an
12 industrial use?

13 THE WITNESS: Yes, it is.

14 COMMISSIONER GRANA: Is it in use?

15 THE WITNESS: Yes.

16 COMMISSIONER GRANA: And the structure
17 directly I guess to the northwest, is that also in
18 use?

19 THE WITNESS: Yes, it is.

20 COMMISSIONER GRANA: Thank you very
21 much.

22 ACTING CHAIRMAN COHEN: Commissioner
23 McAnuff?

24 COMMISSIONER MC ANUFF: No. My
25 question got answered.

1 ACTING CHAIRMAN COHEN: Okay.

2 I have a few questions to sort follow
3 up on Commissioner Grana's questions.

4 You got a hundred percent lot coverage
5 on the lot that's to the south of you on Grand
6 Street?

7 THE WITNESS: Correct.

8 ACTING CHAIRMAN COHEN: And it's an
9 active bus depot for lack of a better --

10 THE WITNESS: Yes. Storage, it's a
11 garage.

12 ACTING CHAIRMAN COHEN: -- bus parking
13 lot, bus depot, actively used, buses coming in and
14 out?

15 THE WITNESS: Yes.

16 ACTING CHAIRMAN COHEN: Is there -- and
17 I saw in our planner's report reference that that
18 use is considered to be likely to last for a long
19 time.

20 Is there -- I mean, you know, I'm
21 seeing proposals for attractive residential uses
22 going up. You testified to some of the six-story
23 and five-story residential and commercial spaces
24 that are in the neighborhood. Is the thinking that
25 that bus use is going to be there for a long time?

1 THE WITNESS: I certainly don't know.

2 I would -- I could make a relatively --
3 I could guess, make a relatively educated guess
4 based on other properties that are around that or
5 other users, and perhaps are slowly turning into
6 residential.

7 Is there a timeline?

8 I certainly don't know.

9 ACTING CHAIRMAN COHEN: Okay.

10 And part of the reason I am asking is
11 because you have balconies that are pointed in the
12 direction of that commercial space, and I have lived
13 in a unit, and I was happy to have the balcony
14 overlooking a parking lot, and it was fine to have
15 that parking lot view --

16 THE WITNESS: Well, this would be a
17 roof --

18 ACTING CHAIRMAN COHEN: -- this would
19 be a roof of a bus depot.

20 THE WITNESS: Right.

21 ACTING CHAIRMAN COHEN: -- but I guess
22 the reason I am asking is because there is a
23 possibility that if there is a residential use
24 there, that you could have balconies facing into to
25 the side of --

1 THE WITNESS: It would be a blank wall,
2 because in that case it would be on the property
3 line, which can't have windows or balconies, so that
4 would be a blank wall.

5 ACTING CHAIRMAN COHEN: Right.

6 Okay. You talked about the green roof,
7 and you also talked about a retention tank.

8 I mean, right now this is a hundred
9 percent pervious, right, is that the right word,
10 pervious, that there's no water that can get -- I
11 mean, this is in major flood zone right now --

12 THE WITNESS: It's completely
13 impervious.

14 ACTING CHAIRMAN COHEN: -- a hundred
15 percent covered -- completely impervious?

16 THE WITNESS: Yes.

17 ACTING CHAIRMAN COHEN: Okay.

18 And do you have any details about the
19 nature of the water retention plan that they're --

20 THE WITNESS: No, that hasn't been
21 sized. That will, of course, have to be done, if
22 this were approved at the final approval, but it is
23 not that difficult to do, as I am told.

24 ACTING CHAIRMAN COHEN: Right.

25 In the discussions about the green

1 roof, is there going to be -- with the changes you
2 were talking about, granted that this is not the
3 same zone as that zone --

4 THE WITNESS: Yes.

5 ACTING CHAIRMAN COHEN: -- but would it
6 be a more extensive green roof than the one that
7 would be on the plan right now?

8 THE WITNESS: There's more green and
9 less deck.

10 ACTING CHAIRMAN COHEN: Right, okay. I
11 think that is a good idea, particularly given the
12 fact that you are in a major flood zone here. Okay.

13 COMMISSIONER BRANCIFORTE: So what are
14 we talking about with the roof deck now?

15 Are we talking about decreasing it and
16 increasing the number of green?

17 ACTING CHAIRMAN COHEN: I think
18 decreasing the size of the decks, and I think --
19 what is it, 50 percent green roof?

20 THE WITNESS: I can describe what we
21 would propose.

22 COMMISSIONER BRANCIFORTE: Before you
23 do, didn't we always used to say, decks had to be
24 ten feet away from the property line? Isn't that
25 usually where we used to go with this?

1 THE WITNESS: There's an ordinance.
2 The ordinance now regulates the dimensions from
3 property lines.

4 COMMISSIONER BRANCIFORTE: Would the
5 ordinance still apply here, even though they are
6 asking for the use?

7 MR. GALVIN: As I already said, these
8 ordinances don't apply because they are in a
9 different zone, but you can make them comply with
10 the deck ordinance in the residential zone.

11 THE WITNESS: That is the intention.
12 Of course, this was designed prior to, but the
13 intention would be to have it comply, although it's
14 not in a residential zone, with the residential
15 ordinance, which really means in this case we would
16 have 50 percent of the area of the roof would be
17 deck, and the other 50 would be utility, and what is
18 not utility would be green roof, and that would
19 include the roofs of bulkheads.

20 ACTING CHAIRMAN COHEN: Thank you.

21 COMMISSIONER BRANCIFORTE: Do you want
22 to discuss the changes?

23 Did you say you wanted to --

24 THE WITNESS: That would certainly be a
25 proposed change.

1 COMMISSIONER BRANCIFORTE: Okay. I
2 thought you were going into more detail about it.

3 THE WITNESS: Just complying with the
4 ordinance, the residential --

5 ACTING CHAIRMAN COHEN: Okay. Thank
6 you.

7 All right. I think --

8 MS. BANYRA: So I have two comments
9 relative to that.

10 So we are cherry picking sections of
11 residential that you want, so if the Board wants the
12 entire roof as a green roof, you know, I think this
13 is a little bit of the tail wagging the dog, but if
14 the Board wanted the whole green roof, you can do
15 the whole green roof because it is a residential
16 standard that was changed, and again, we are in an
17 industrial zone, and they are asking for what they
18 are asking for.

19 Then the second thing is: I did
20 inquire with Brandy Forbes today, and I think I got
21 via Pat that a redevelopment consultant has been
22 retained for the north end, and meetings are to
23 begin in October.

24 That was the word we got today, because
25 I know there has been rumors about it, and we had it

1 confirmed today, so I just wanted to -- I heard it,
2 you know, rumbling around that there was a
3 consultant, and there was not a consultant, and I
4 wasn't sure which firm was hired, but we did hear
5 that, and I confirmed that today because I was
6 expecting this question to come up about it.

7 And then the other question I just had
8 for Mr. Minervini was you were describing the
9 virgining neighborhood.

10 Can you tell me how many -- I think you
11 indicated you created a number of those buildings.
12 Could you just outline which ones you were involved
13 in?

14 THE WITNESS: Yes. The ones that I
15 know I did, I can outline certainly.

16 So the most recent would be Dean
17 Marchetto's and Larry Bijou's project, which is --
18 again, here is Grand Street, and it is right here
19 between Grand and Adams.

20 MR. GALVIN: Did you ask him what he
21 did?

22 MS. BANYRA: I was more curious as to
23 what you have been involved with.

24 THE WITNESS: Oh, so that is 44 units.
25 I was involved in 1414 Grand, which is

1 24 residential and six commercial units.

2 MS. BANYRA: And what is the size of
3 the lot on that?

4 THE WITNESS: That's 75 by 100.

5 I was involved with 1404 Grand Street,
6 which was a 50 by 100 lot, and that has six --
7 pardon me -- eight residential units and one
8 commercial space.

9 This one I was not involved in. I
10 don't know the number of units here.

11 But this is the largest of all of the
12 buildings, because back to the corner condition,
13 this building, which is along the viaduct, is
14 similarly shaped to ours along its corner. I don't
15 know the unit count there, though.

16 MS. BANYRA: Thank you.

17 ACTING CHAIRMAN COHEN: Okay.

18 Any other questions from the
19 professionals?

20 MR. MARSDEN: I have one thing, that
21 you are going to get Ann's review and approval on
22 your project?

23 THE WITNESS: Yes.

24 MR. MARSDEN: Because I think there
25 might be a discrepancy between base flood elevation

1 and design flood elevation, so just confirm that
2 with Ann. It will be her call.

3 THE WITNESS: Yes. I think our
4 drawings show the design flood elevation at 14, if
5 that's what you are referring to.

6 MR. MARSDEN: But what's your floor
7 elevation?

8 THE WITNESS: Our -- 15.6, our first
9 residential floor is 15.6, so we are a foot and a
10 half above the lowest requirement for residential
11 use in Hoboken.

12 MR. MARSDEN: Okay.

13 MR. GALVIN: And why?

14 THE WITNESS: Why?

15 MR. GALVIN: Yeah. Why 15.6 instead of
16 14?

17 THE WITNESS: Well, it allows use for
18 commercial -- for use for a garage and a commercial
19 space below.

20 MR. GALVIN: Okay.

21 MR. MATULE: If I could also just
22 mention that at this stage, we are here just for
23 preliminary, so --

24 MR. MARSDEN: Right. I am saying, just
25 check with Ann. That's all.

1 MR. MATULE: If this were to be
2 approved, and we were coming back for final, all of
3 those details would be hashed out.

4 MR. MARSDEN: Okay.

5 COMMISSIONER FISHER: Just one quick
6 question.

7 ACTING CHAIRMAN COHEN: Yeah, sure.

8 COMMISSIONER FISHER: Were you going --
9 was somebody going to provide that, whatever density
10 calculation? Were we going to get a sense --

11 THE WITNESS: Oh.

12 MR. GALVIN: No. He was going to do it
13 when he sat down when the planner got up. I didn't
14 want you to waste time on a calculation.

15 COMMISSIONER BRANCIFORTE: So there is
16 some flood mitigation -- some flood barrier or
17 something you had talked about putting up?

18 THE WITNESS: The commercial space
19 requires dry flood proofing, which in essence is a
20 flood barrier or glass that is designed to withstand
21 hydrostatic pressure.

22 The garage and lobby is required to be
23 wet flood proofed, so you allow water to come in and
24 then recede without any real damage to the structure
25 or the walls.

1 COMMISSIONER BRANCIFORTE: Thanks.

2 ACTING CHAIRMAN COHEN: Okay. If the
3 Board and the professionals are done, we'll open it
4 up to the public.

5 Do any members of the public have
6 questions for this witness?

7 Please come forward, Ms. Healey.

8 MS. HEALEY: Leah Healey, 806 Park.

9 Mr. Minervini, I was confused about
10 your initial testimony on the existing lot coverage.

11 What is the existing lot coverage?

12 THE WITNESS: I never testified to what
13 the existing coverage number was.

14 I had first -- that is not correct,
15 pardon me.

16 First I said it was 100 percent, and
17 then I looked at the survey and realized that there
18 is an open alleyway behind it. I don't know that I
19 have the actual existing lot coverage. I don't.

20 MS. HEALEY: Do you know what the
21 dimensions of that open alleyway is?

22 THE WITNESS: Yes. It should be on the
23 survey, and the majority is ten feet with the small
24 cutout in the middle, but it looks to be about ten
25 feet. Well, it is dimensioned at ten feet.

1 MS. HEALEY: Ten feet by what?

2 THE WITNESS: By the 100 foot width of
3 the property -- depth of the property

4 MS. HEALEY: Is that a macadam surface,
5 or what is it?

6 THE WITNESS: It's asphalt.

7 MS. HEALEY: Do you know what it's used
8 for?

9 THE WITNESS: It was used for -- that
10 was access to the commercial space to the restaurant
11 behind, so it was access for refuse, recycling and
12 deliveries.

13 MS. HEALEY: Okay.

14 And do you know what the definition of
15 lot coverage is in the ordinance?

16 THE WITNESS: Lot coverage, well, the
17 way we define it I think is building coverage, yeah.

18 MS. HEALEY: So does it define it as
19 above the ground floor --

20 THE WITNESS: No.

21 MS. HEALEY: -- of the lot?

22 THE WITNESS: No.

23 But I did, for everybody's benefit, I
24 did describe, so you had an understanding of how the
25 building was designed, the lot coverage on each

1 floor. So if I tell you that it's 100 percent, it
2 doesn't accurately describe what is going on floors
3 two, three, four five, and six.

4 MS. HEALEY: So the existing building,
5 though, according to the ordinance is not a hundred
6 percent lot coverage?

7 THE WITNESS: Certainly not.

8 MS. HEALEY: But what you are proposing
9 is a hundred percent lot coverage?

10 THE WITNESS: Correct.

11 MS. HEALEY: You testified about bike
12 storage being at the nose of each car.

13 Can you explain what you mean --

14 THE WITNESS: Yes. I described it.
15 Two versions, two types of bicycle storage. So if I
16 go to Sheet Z-6, I don't know if you can see from
17 there, we are proposing a bicycle storage room,
18 which we're also counting as general storage, but
19 that is 270 square feet. But as I mentioned, the
20 nose of each car along the wall, there is bicycle
21 storage.

22 MS. HEALEY: So what is the capacity of
23 the 270 square foot bike storage?

24 THE WITNESS: I have not calculated how
25 many bicycles can fit.

1 MS. HEALEY: Is that going to be bike
2 racks?

3 THE WITNESS: I don't know. I don't
4 think it has to be. I would propose that it's just
5 an open room with perhaps a rack of locking, but
6 maybe not individual bike storage. Certainly we
7 could, if it's something this Board wanted, I don't
8 think anybody would be against that.

9 MS. HEALEY: How do you propose the
10 nose storage to be utilized?

11 THE WITNESS: That will be utilized by
12 the people who use the cars directly parked in front
13 of them.

14 I thought I had the detail of that.
15 Let me see if I can -- it is used for accessibility.

16 Here you go. I have details of it, if
17 you would like to come and look.

18 MS. HEALEY: No. I just have
19 questions. I understand --

20 THE WITNESS: It would be used by
21 whoever has the space directly in front of them.

22 MS. HEALEY: So are these parking
23 spaces going to be assigned to specific units in the
24 building, or are they going to be usable by anybody?

25 THE WITNESS: I would think, and I

1 don't know this for sure, and the developer could
2 tell us, but based on other projects that are
3 similar, it would be assigned.

4 MS. HEALEY: So presumably, if they are
5 assigned, they would be -- it would be just storage
6 for the particular car that is parking there or
7 whatever time that is?

8 THE WITNESS: Yes.

9 MS. HEALEY: What is -- you testified I
10 think that the commercial space is 995 square feet,
11 is that correct?

12 THE WITNESS: Yes.

13 MS. HEALEY: Do you have any idea what
14 kind of commercial use will be put in that 995
15 square feet?

16 THE WITNESS: Not at this point, no.

17 MS. HEALEY: And on the 15th Street
18 exterior of the building, if you could bring that
19 picture back up.

20 THE WITNESS: Uh-huh.

21 MS. HEALEY: I wasn't clear.

22 You testified about the canopy and the
23 need for county approval. Can you explain that?

24 THE WITNESS: There is a small canopy
25 here. It is difficult to see, but it is a small

1 overhang that helps delineate the commercial space
2 entry. It's a small --

3 MS. HEALEY: Why would that need
4 commercial -- why would that need county approval?

5 THE WITNESS: Grand Street is a county
6 road, so anything that is proposed past the property
7 line would need county approval.

8 MS. HEALEY: So this is a canopy that
9 extends into the public right-of-way.

10 THE WITNESS: Yes, above the public
11 right-of-way, correct.

12 MS. HEALEY: And what benefit is that
13 canopy to the public?

14 THE WITNESS: Nothing.

15 MS. HEALEY: Is there a reason why you
16 have to have it?

17 THE WITNESS: No.

18 MS. HEALEY: And on the 15th Street
19 exterior of the building, you described some -- I
20 don't remember, I didn't write it down, but you
21 described it as a metal thing --

22 THE WITNESS: Here.

23 MS. HEALEY: -- because I can't see the
24 side view. Is that also sticking out from the
25 building or is that flush?

1 THE WITNESS: This -- this is flush
2 with the window system. It does come down more.

3 We would need, back to the other point,
4 we would need county approval for both this bay
5 extension and this bay extension as well.

6 MS. HEALEY: And what would you
7 describe as the public benefit for having a bay
8 extension in the public right-of-way?

9 THE WITNESS: There is no public
10 benefit. I could make a case there is an esthetic
11 benefit --

12 MS. HEALEY: What is the private
13 benefit?

14 THE WITNESS: This goes back to the
15 previous discussions, but within residential zones,
16 you're permitted to have a certain percentage of bay
17 extensions.

18 So in our case, although it is not a
19 residential zone, the thought was it is a very
20 effective way of making what would have been a flat
21 plane not so flat, so it allows us some emulation of
22 the facade.

23 MS. HEALEY: And do you count that
24 square footage that you extended into the public
25 right-of-way in your total square footage --

1 THE WITNESS: Where there's floor area,
2 yes, of course.

3 MS. HEALEY: Okay.

4 You described the other buildings, 1414
5 Grand, 1404 Grand, I believe the Bijou building. Do
6 you know whether those were all Zoning Board
7 approvals?

8 THE WITNESS: Yes, 1404. Yes, Bijou.
9 Everything here was Zoning Board approval, because
10 it is an industrial zone, so in order to provide
11 residential apartments, we would need Zoning Board
12 approval. Anybody would need Zoning Board approval.

13 MS. HEALEY: And that is not something
14 that the master plan has said we should do, is it?

15 THE WITNESS: I don't know that answer.
16 Ed Kolling can tell you that.

17 MS. HEALEY: Okay.

18 And are you familiar with -- I had
19 another question -- are you familiar with -- oh, the
20 affordable housing unit, where is that going to be,
21 and how many bedrooms?

22 THE WITNESS: It is within this
23 building. I have it delineated, but I forgot to
24 describe it.

25 I will say more simply that if

1 approved, we will, of course, have to -- we will
2 comply with the regulations. We are calling that
3 now as Unit 3B --

4 MS. HEALEY: What floor is that on?

5 THE WITNESS: This would be the third
6 floor.

7 MS. HEALEY: So does that have access
8 to that outdoor space?

9 THE WITNESS: It does not.

10 MS. HEALEY: Does it have any access to
11 a parking spot?

12 THE WITNESS: Yes.

13 MS. HEALEY: And a bike nose?

14 THE WITNESS: Of course.

15 And there are -- because we got a
16 deficiency in parking, if you were to count relative
17 parking spaces to apartments, that is the purpose of
18 the other general storage area for bicycles for
19 people who don't have parking spaces.

20 ACTING CHAIRMAN COHEN: Any other
21 questions, Ms. Healey?

22 MS. HEALEY: Thank you. That's it.

23 ACTING CHAIRMAN COHEN: Thank you.

24 Any other members of the public with
25 questions for this witness?

1 Mr. Evers?

2 MS. BANYRA: Chair, can I just ask one
3 question --

4 MR. EVERS: No. She did a good job.

5 COMMISSIONER GRANA: Seeing none,
6 motion to close public portion.

7 COMMISSIONER MC ANUFF: Second.

8 ACTING CHAIRMAN COHEN: All in favor?

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

11 ACTING CHAIRMAN COHEN: Any opposed?

12 Okay.

13 MS. BANYRA: Chairman Cohen, can I ask
14 one more question?

15 ACTING CHAIRMAN COHEN: Oh, yes.

16 MS. BANYRA: I'm sorry.

17 Mr. Minervini, did you indicate that
18 the building is coming down or it's being built on?

19 THE WITNESS: No. It is being
20 demolished, the existing structure.

21 MS. BANYRA: Okay. I just wasn't clear
22 on that.

23 Thank you.

24 THE WITNESS: I'm sorry. I should have
25 mentioned it.

1 ACTING CHAIRMAN COHEN: Mr. Matule,
2 your next witness.

3 MR. MATULE: Mr. Kolling.

4 MR. GALVIN: Frank, are you going to
5 make the FAR calculations?

6 MR. MINERVINI: Yes, right now.

7 MR. GALVIN: Thank you.

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

11 MR. KOLLING: Yes, I do.

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

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

16 THE WITNESS: Edward Kolling,
17 K-o-l-l-i-n-g.

18 MR. GALVIN: Mr. Chairman, do we accept
19 Mr. Kolling's credentials?

20 ACTING CHAIRMAN COHEN: We do.

21 MR. GALVIN: You may proceed.

22 MR. MATULE: Mr. Kolling, you are
23 familiar with the master plan and the zoning
24 ordinance of the City of Hoboken?

25 THE WITNESS: Yes, I am.

1 MR. MATULE: And you are familiar with
2 the proposed project and the surrounding
3 neighborhood?

4 THE WITNESS: Yes.

5 MR. MATULE: And did you prepare a
6 planner's report, October 27th, 2014, in support of
7 the requested variance relief?

8 THE WITNESS: Yes.

9 MR. MATULE: And you subsequently
10 amended that on September 3rd, 2015?

11 THE WITNESS: Yes.

12 MR. MATULE: Could you go through your
13 report for the Board and give us your professional
14 opinion regarding the requested variance relief?

15 THE WITNESS: I am just going to leap a
16 little bit ahead, because I know that Frank has
17 described the project pretty completely.

18 I would reiterate something about the
19 surrounding area, however, in that it is an area,
20 which in my opinion is transitioning from an
21 industrial zone into a mixed-use primarily
22 residential and commercial area.

23 As Frank pointed out, there are
24 numerous buildings that are located in the area that
25 have been approved by variance, but have been

1 approved nonetheless over a long period of time and
2 that reflect a similar characteristic to what is
3 being proposed.

4 They are typically five or six stories
5 in height, typically have ground floor parking and
6 commercial uses and residential above, so this is in
7 keeping with that emerging character.

8 Nonetheless, this is an I-1 Industrial
9 District, and it permits manufacturing, office
10 buildings and research labs, and as such, we will
11 need a D-1 use variance.

12 We went through some of the bulk
13 criteria, and as your attorney was describing, these
14 apply to industrial uses. They don't apply to
15 residential uses, so you really have to look at how
16 this sort of fits into the character of the area and
17 those bulk variances are, as he mentioned, subsumed
18 within the use variance.

19 If you looked at it from the industrial
20 zoning characteristics for height, for instance,
21 though, we would need to have a variance with two
22 additional floors, although it would be within the
23 permitted height.

24 I think you can look at that in terms
25 of at least the negative criteria. The building is

1 no taller than what you would expect to find, if it
2 was built industrially, so I don't think that
3 granting the height variance would have any
4 substantial detriment either to the zone plan or the
5 general welfare, so I think you can look at that as
6 a way of gaging granting the variances.

7 In terms of side yards, rear yards and
8 things of that nature, typically again, if you were
9 looking at residential uses, they usually have zero
10 front yards and zero side yards, which is being
11 proposed. That wouldn't be contrary to the
12 industrial zone, and again, this is not an
13 industrial use. So you may want to look at what you
14 typically find in residential uses and see if that
15 makes sense in this particular application as well.

16 In terms of parking, maybe I will
17 phrase this as maybe a little bit contrary to what I
18 was hearing discussed. Parking is not a standard in
19 Hoboken on a zone-by-zone basis. You don't have one
20 residential parking standard in an R-1 and a
21 different residential standard in R-3.

22 The zoning standards for parking are in
23 separate categories, separate areas. It doesn't
24 matter from what I read what zone it's in. If you
25 have a store in one zone, you have the same parking

1 variance -- or the same parking requirement in a CBD
2 as you would have in another zone, and the same
3 thing with residential, so I don't know if I agree
4 with that thing about it not applying here.

5 It might be the same thing with the
6 deck. I am not sure that the decks, that their
7 standard as it was amended, it's in a residential
8 zone or an industrial zone or another zone, I think
9 it is in a supplemental category, so it may apply
10 universally.

11 MR. GALVIN: That's a good point, and I
12 had leaned over to Eileen and said maybe, okay?

13 THE WITNESS: Okay.

14 MR. GALVIN: But what I am basically
15 teaching the Board is that a lot of what we are
16 telling the Board they need to do is there is no
17 standard. So, you know, if it's a general standard
18 somewhere about decks, but even then, it is still
19 not a residential zone, so I am in a gray area. I
20 have to be convinced, but I think you should focus
21 on why the Board should grant a D-1 use variance.

22 THE WITNESS: Well, in that regard,
23 primarily what we're looking at here is an emerging
24 character and what is going on in the area.

25 Across the street when the Pilsener

1 Haus was redeveloped, it was redeveloped with some
2 office uses and a ground floor restaurant use, which
3 requires a D-1 variance -- required a D-1 variance.

4 There are many other properties that
5 have been developed over time that have commercial
6 ground floors, residential above.

7 I think that to put another industrial
8 use into this area would be contrary to what you see
9 as an emerging character and detrimental to those
10 uses that now exist in the area.

11 The property is 5,000 square feet, so
12 it is undersized when it comes to the industrial
13 zone plan. So putting an industrial use in an
14 undersized property, I don't think would be
15 appropriate in terms of the development of the site
16 either.

17 A 5,000 square foot lot, on the other
18 hand, would be appropriate for residential uses, and
19 in most residential zones, I think all residential
20 zones in Hoboken, the lot -- the required lot size
21 is 2000 or 2400, so 5,000 square feet is certainly
22 appropriate for a mixed-use type of zoning.

23 Also, in terms of what will happen to
24 15th Street in the future, I do recall reading, and
25 I believe that it might have been in the earlier

1 master plan, the idea of improving 15th Street as a
2 more important corridor. It is wider. It can
3 function as a more pedestrian-friendly corridor and
4 be improved with landscaping, and I also recall that
5 there was a recommendation that another light rail
6 station should be constructed in the northern part
7 of Hoboken, and I believe that it was discussed at
8 the end of 15th Street, which would be the
9 appropriate location for that.

10 So if you think of it in that way, I
11 think that eventually you will find that, in my
12 opinion as a planner, that this area is evolving in
13 the way that it is now being constructed in the
14 immediate area and that it will continue in that
15 way, and therefore, developing this property for
16 industrial uses would be detrimental versus
17 constructing it in a way, which is being proposed,
18 would be I think more appropriate and beneficial to
19 the community, and therefore, I believe that the use
20 variance can be granted.

21 When you look at some of the master
22 plan recommendations that are more general in
23 nature, it talks about promoting capability to
24 scale, density, design and orientation of buildings.

25 Again, if you look at the buildings

1 that have been constructed, they are similar to this
2 in terms of their scale and design, in terms of,
3 again, the uses that are in there.

4 The idea of hiding parking within
5 buildings is a recommendation. That is one of the
6 reasons for the hundred percent lot coverage, and
7 that is also something that you will see that has
8 been common in some of these previous approvals, is
9 that the ground floor has been a hundred percent
10 coverage. The parking is then covered, and the hole
11 in the donut essentially occurs at the second floor.

12 Some of the buildings that Frank was
13 mentioning before, the one that was approved for --
14 that was designed by Mr. Marchetto towards 14th
15 Street between, I believe Grand and Adams, I think
16 it was, yes, that was constructed that way, and all
17 of the buildings around it were also constructed
18 that way. That's one of the reasons why I think it
19 was approved. It kind of fit into that design
20 criteria, so I think that that is another way we can
21 hide parking on the street.

22 There is the recommendations about
23 enacting green architecture, which this building
24 certainly does. Provide street trees, diversity in
25 housing types, so it meets a lot of the general

1 criteria of the master plan recommendations, and I
2 think that that is another reason for granting the
3 variance, and it goes towards the positive criteria.

4 So, in general, what I would say is
5 this site is particularly well-suited for the
6 proposed use, because it is that undersized for
7 industrial development. It is in an area that is
8 emerging as commercial and residential versus
9 industrial. And it being a corner property, I think
10 that also goes towards that particular suitability.

11 I think that granting the variance
12 promotes the general welfare because it is fitting
13 into the character of the area. It promotes certain
14 recommendations of the master plan and for most
15 purposes of the Municipal Land Use Law, and I don't
16 see any substantial detriment to the granting of the
17 variance either to the zone plan or to the general
18 welfare. Particularly in terms of the zone plan,
19 there has been a lot of other studies that have gone
20 on in terms of looking at this area as an area in
21 need of redevelopment and an area in need of
22 rehabilitation. I think it is recognized that
23 something else needs to be done to this area.

24 In fact, even the master plan
25 Reexamination Report talked about that, and it

1 mentioned that the city was looking to do a more
2 perspective of redevelopment, but that has not
3 occurred yet, so now you need to look at what is the
4 emerging character. So I don't think in terms of
5 looking at a detrimental zone plan, I don't think
6 this variance would result in a detriment.

7 MR. MATULE: Anything else?

8 THE WITNESS: Hum, well, I think to go
9 back to what we were talking about in terms of the
10 C variances being subsumed within the use, I think
11 that is what you have to look at.

12 You have to look at: Does this
13 building as designed and the uses that are proposed,
14 does it fit into the character of the area now.

15 Would the setbacks as proposed versus
16 the industrial setbacks be a more appropriate way of
17 developing the site, and then, in my opinion, I
18 think that we have met that burden.

19 MR. MATULE: Very good.

20 Thank you.

21 ACTING CHAIRMAN COHEN: Thank you, Mr.
22 Matule.

23 Any Commissioners who have questions, I
24 am going to start on this side.

25 Mr. McAnuff?

1 COMMISSIONER MC ANUFF: I don't have
2 any.

3 ACTING CHAIRMAN COHEN: Commissioner
4 Grana?

5 COMMISSIONER GRANA: Just one question
6 that I asked Mr. Minervini.

7 We talk about this structure in this
8 area. There was some mention here of 15th Street
9 potentially being redeveloped into a more
10 pedestrian-friendly corridor, et cetera, et cetera.

11 Do you think that a large parking
12 garage and parking ingress and egress on 15th Street
13 promotes that?

14 THE WITNESS: Well, typically what you
15 would want to do in terms of promoting a more active
16 pedestrian environment would be you should -- you
17 would like to minimize that. So you should try to
18 minimize the width of the curb cut itself and
19 minimize the width of the driveway and minimize the
20 amount of parking.

21 So in some instances, it is a necessary
22 evil. You want to provide some parking typically
23 even in an urban area. But if you can minimize it
24 and create other uses also on the ground floor to
25 activate the street, I think it is better the more

1 active you have it, but you have to weigh what is
2 the benefit of providing some parking versus
3 additional commercial.

4 COMMISSIONER GRANA: Thank you.

5 ACTING CHAIRMAN COHEN: Commissioner
6 Branciforte?

7 COMMISSIONER BRANCIFORTE: Can you come
8 back to me?

9 ACTING CHAIRMAN COHEN: Sure.

10 Commissioner Murphy?

11 COMMISSIONER MURPHY: I am okay at the
12 moment.

13 ACTING CHAIRMAN COHEN: Commissioner
14 Fisher?

15 COMMISSIONER FISHER: Yes.

16 Hum, Mr. Kolling, you mentioned, and we
17 bump into this often in the zoning meetings around
18 this area, you talk a lot about the alternative use
19 being what the current zoning is, is industrial, but
20 doesn't the current use also contemplate commercial?

21 I think the answer is yes.

22 (Laughter)

23 So if the current use does contemplate
24 it, what is your thought on, you know, commercial
25 space at this site?

1 THE WITNESS: Well, the zoning doesn't
2 permit commercial uses, other than office buildings,
3 so we would still be here for a D variance --

4 COMMISSIONER FISHER: Sure.

5 THE WITNESS: -- D-1 variance.

6 Then you would also have to look at the
7 size of the lot. It is 5,000 square feet, large
8 enough to have enough office uses to make it
9 economically viable.

10 Certainly that is a possibility, but I
11 don't think that that makes this option necessarily
12 bad. It is not necessarily this one is good, and
13 that one is bad. It's just there are two
14 possibilities.

15 COMMISSIONER FISHER: Thanks.

16 I found the reference to the 15th
17 Street. It is in the 2010 Reexamination Report. I
18 just read it. It says, and this is under the
19 section, Economic Development: Encourage
20 development that will add to the city's tax base,
21 but will not create a bedroom community. And (d)
22 under that says: For the northwest corner of the
23 city mandate a mix of new specialized offices,
24 limited live-work space and medium box sized retail
25 stores, create a boulevard on 15th Street west of

1 Park Avenue.

2 I know Mr. Grana has already asked a
3 question. I think it is a follow-up question to
4 that, but I just wanted to give that to you, and
5 with that in mind, you know, do you have any
6 different view, I guess, as it relates to how this
7 corner spot kind of fits into that?

8 THE WITNESS: Well, judging from what
9 you are saying, talking about medium box retail
10 development, you would have to look at the scale of
11 the sites, the scale of the properties.

12 5,000 square feet is not a large
13 property. Certainly it's in the category of a
14 medium box. So I think if you were going to try to
15 encourage specialized office uses, and those types
16 of medium box developments, you need some larger
17 properties, and there are those along 15th Street,
18 especially when you start looking at where the buses
19 are now parked and some of those other properties,
20 so those might be suitable then to be converted in
21 that way.

22 This is more of an outlier, a small
23 5,000 square foot property on the end of a lot
24 that's already seeing other types of redevelopment.

25 COMMISSIONER FISHER: Thanks.

1 You are also, and a number of people
2 have mentioned the concept that the area is
3 emerging, right? It's kind of evolving, and I think
4 Mr. Minervini pointed out the number of these
5 buildings in that area that we are using kind of as
6 a reference point for this emergence were approved
7 at a Zoning Board.

8 Do you think that that, you know, that
9 means that it has been -- we are effectively
10 quasi-changing zoning by variance?

11 THE WITNESS: I understand that
12 concept, but when you look at the idea of the
13 earlier master plan suggesting that this be
14 something other than industrial, and then nothing
15 happened, and when you look at the master plan
16 Reexamination Report recommending something else,
17 and then nothing happening, and you look at the
18 redevelopment studies and nothing happening, there
19 is a paralysis here, and I think it goes beyond the
20 idea of changing the zoning, and it almost goes to
21 is the zoning really valid.

22 COMMISSIONER FISHER: Okay. Thank you.

23 ACTING CHAIRMAN COHEN: Commissioner
24 Marsh?

25 COMMISSIONER MARSH: Could you just

1 repeat what you said about the parking, your logic
2 about parking in residential areas?

3 I still --

4 THE WITNESS: Well, for uses.

5 Some zoning ordinances will have, say
6 this is the R-1 Zone, and you have it, here is a
7 parking requirement for the uses in the R-1 zone.
8 R-2, here are the uses for R-2.

9 Here is industrial zoning, and here is
10 the parking for the uses in that zone.

11 COMMISSIONER MARSH: Right.

12 THE WITNESS: Hoboken is not structured
13 that way and many other ordinances are not
14 structured that way either. Hoboken is not unique
15 in that way.

16 Hoboken has a separate section that
17 says for residential use, this is your parking
18 requirement. For industrial use, this is your
19 parking requirement. It doesn't specify that it has
20 to be in a special zone for that criteria to apply.
21 It applies universally throughout the municipality.

22 COMMISSIONER MARSH: There is no
23 parking in R-1.

24 THE WITNESS: Excuse me?

25 COMMISSIONER MARSH: There is no

1 parking in R-1.

2 THE WITNESS: There's no parking in
3 R-1, but if you go to the parking standards, it says
4 residential and gives you your parking standards.

5 COMMISSIONER MARSH: All right.

6 ACTING CHAIRMAN COHEN: Commissioner
7 Branciforte, back to you.

8 COMMISSIONER MARSH: I am done.

9 COMMISSIONER BRANCIFORTE: Yeah,
10 thanks.

11 Yeah. This idea of trying to keep the
12 character of the industrial area while making it
13 residential at the same time, did I hear you wrong
14 or were you talking about setbacks in industrial
15 zones are different than residential zones?

16 Is that what you're saying?

17 THE WITNESS: Yeah. I don't think I
18 was couching it in saying to make it look industrial
19 even though it's residential when I said that.

20 What I was saying is that there are
21 setback criteria, and they are specifically geared
22 to an industrial use because they are in the
23 industrial zone. So when you try to put a use that
24 is not permitted in that zone, and sometimes you
25 just can't apply the setbacks. They have no

1 validity. They are not relative -- relevant to the
2 use that you are putting in there.

3 COMMISSIONER BRANCIFORTE: All right.
4 Let me try to get at this then.

5 The problem I am having with this
6 building is this: You are trying to make it look
7 like an industrial building, but you are designing
8 it as a residential building. In other words, you
9 are building it with six stories when every story is
10 going to be basically the height of any other
11 residential building you find in town.

12 Whereas, an industrial building
13 transformed into a residential building would still
14 have high ceilings, still have that loft industrial
15 feel to it when you walk into it.

16 So, on the one hand, I'm hearing we are
17 trying to keep the character of an industrial
18 building, and on the other hand, I'm hearing the
19 units are going to be designed and have the feel of
20 residential, so there is a conflict there for me.

21 THE WITNESS: That was architectural
22 testimony, and I think what Mr. Minervini was saying
23 is that he was taking architectural cues from the
24 industrial. He wasn't saying he was building an
25 industrial building that is going to look like it

1 was converted to residential. He took some
2 architectural design cues from design cues --

3 COMMISSIONER BRANCIFORTE: Okay.

4 Now --

5 THE WITNESS: -- did I say that
6 correctly?

7 MR. MINERVINI: Absolutely.

8 COMMISSIONER BRANCIFORTE: -- around
9 the corner from here is Mr. Minervini's office, and
10 his apartment is upstairs, so he lives in what I
11 would consider a real, you know, it's not really
12 work-live --

13 MR. MINERVINI: Be careful.

14 (Laughter)

15 COMMISSIONER BRANCIFORTE: -- it's not
16 really work-live, but, you know, it is a mixed-use
17 building, and half of the building is, I guess,
18 design studio use, and the other half is for
19 residential.

20 The mixed use here is, you know, 900
21 square feet on the first floor and the rest of the
22 thousands of square feet are residential.

23 Is that really mixed true -- true mixed
24 use the way the master plan wanted it to be?

25 THE WITNESS: There is a range, and I

1 will agree with you that this range is more towards
2 the edge of it being mixed, because it is mostly
3 residential versus Frank's residence, which is
4 closer to 50/50, and it could go the other way.

5 But, yeah, it is still mixed use, but I
6 agree with you that it is more towards a
7 residential.

8 COMMISSIONER BRANCIFORTE: But the
9 master -- well, you received Eileen Banyra's letter,
10 where she talks about -- or her report, and you read
11 it, I am guessing?

12 THE WITNESS: Yes.

13 COMMISSIONER BRANCIFORE: Because in
14 her report she talks about, you know, the
15 underbridge economic zone is really supposed to be
16 geared towards work-live, more geared towards
17 commercial on the ground floor with some residential
18 on top. I think it is only supposed to be four
19 stories.

20 I think they recommend four stories as
21 a limit there. I have to go back and read -- do you
22 have the letter, in fact?

23 THE WITNESS: I have to get it out of
24 my file.

25 MR. MATULE: I might have it.

1 Are you talking about the letter of May
2 12th?

3 COMMISSIONER BRANCIFORTE: I guess it
4 would be, yeah.

5 THE WITNESS: I found it, too.

6 COMMISSIONER BRANCIFORTE: September
7 15th actually, her report from last week.

8 ACTING CHAIRMAN COHEN: That's
9 September 10th.

10 COMMISSIONER BRANCIFORTE: September
11 10th.

12 COMMISSIONER MURPHY: Look here.

13 THE WITNESS: No, I don't have that
14 one.

15 MR. MATULE: No. We don't have that.

16 MR. GALVIN: Why don't you ask Eileen a
17 question?

18 COMMISSIONER BRANCIFORTE: Eileen, your
19 question is about -- my question is about promoting
20 an underbridge economic development zone --

21 MS. BANYRA: Right. That is a quote
22 from the master plan or the Reexamination Report.

23 COMMISSIONER BRANCIFORTE: Right. You
24 go to that, and you talk about it.

25 I mean, we talk about a minimum of

1 permitted floor areas for individual retail space
2 should be 5,000 square feet, a maximum of 30. You
3 addressed that a little bit before, Mr. Kolling.
4 But, you know, why don't we talk about that, and
5 then, you know, try to address this issue now, that
6 this isn't really -- this building -- this design I
7 don't really see it as meeting the criteria or the
8 recommendations of the underbridge economic
9 development zone.

10 MS. BANYRA: Is that is a question of
11 me?

12 COMMISSIONER BRANCIFORTE: Yeah.

13 Is that true?

14 MS. BANYRA: That is true. However,
15 the -- that is the 2004 master plan.

16 COMMISSIONER BRANCIFORTE: Right.

17 MS. BANYRA: I think Mr. Kolling, you
18 know, indicated that 15th Street was going to be a
19 pedestrian corridor, and that potentially there is
20 going to be a light rail at the end, and I think it
21 has been envisioned as something more commercial,
22 retail, certainly from the 2004. I am not sure what
23 is going to happen with the proposed redevelopment
24 area.

25 In the 2010 Reexamination Report, it

1 went back to an industrial. We recommended back the
2 industrial zone, and we removed some of the -- we
3 removed the economic development for the underbridge
4 area because that is what was the community's
5 desire, so to speak, so those are the municipal
6 documents that we have.

7 So, you know, Mr. Kolling's testimony
8 relative to what is proposed here is his
9 professional planning opinion, but it is contrary to
10 the master plan and the Reexamination Report, both
11 of them, either one. In fact, what is proposed here
12 is contrary to that.

13 THE WITNESS: I would -- what Ms.
14 Banyra has said is correct. I took a quote from the
15 2010 report, I believe it says -- which basically
16 said, eliminate the previously recommended economic
17 development, UED, as a zone district and maintain
18 the existing industrial I-1 Zone, and that is why we
19 are here because we don't believe that this property
20 is suitable for an I-1 use.

21 COMMISSIONER BRANCIFORTE: But I mean,
22 Mr. Minervini has his office with his design studio
23 around the corner. Across -- the Biergarten, you
24 keep hearing about the Biergarten being across the
25 street, but the Biergarten is not residential. It's

1 mixed -- well, it's not even mixed use. It is
2 commercial. The studio is upstairs, offices
3 upstairs, and the restaurant on the basement -- on
4 the ground floor.

5 Why can't you just do the same thing,
6 replicate that across the street from where you are?

7 Offices upstairs and something on
8 the -- some kind of retail on the ground floor?

9 THE WITNESS: Well, I would agree that
10 across the street, it is not residential, but it is
11 a mixed use. The ground floor is a restaurant,
12 which is a different use than an office use, and
13 there are other types of uses I guess up there,
14 studios, as you were mentioning, so it is.

15 Is it why aren't we doing offices and
16 restaurant on the ground floor over here?

17 Because this is a new construction and
18 the developer felt that it is more appropriate for a
19 mixed-use residential and commercial. That is the
20 only reason.

21 COMMISSIONER BRANCIFORTE: And also,
22 the same questions I gave -- I asked Mr. Minervini.

23 On 15th Street, you're going to be the
24 only -- am I correct, you are going to be the only
25 six-story building along 15th Street from Willow

1 east?

2 THE WITNESS: Probably because there is
3 not a whole lot of buildings up there on 15th
4 Street.

5 COMMISSIONER BRANCIFORTE: Okay.

6 THE WITNESS: There is an old print
7 shop, I guess, with one story or one and a half
8 story --

9 THE REPORTER: A what?

10 MR. GALVIN: Whoa, whoa,

11 THE WITNESS: -- and then as you go
12 west, there is nothing. It is bus parking.

13 COMMISSIONER BRANCIFORTE: Got you.

14 COMMISSIONER MARSH: That's not
15 nothing.

16 COMMISSIONER BRANCIFORTE: Well, it's
17 not nothing. It does provide jobs, and it does
18 provide some economic use in an I-1 District. You
19 can't say it is nothing. It's industrial inside of
20 an I-1 District.

21 MR. MATULE: If I might, for the
22 record, I think the response was to the question,
23 are there any other six-story buildings, not is
24 there anything else there --

25 COMMISSIONER BRANCIFORTE: Gotcha

1 MR. MATULE: -- and I think "nothing"
2 was referring to there is no six-story buildings,
3 not there is an absence of anything.

4 MR. GALVIN: My only indication was I
5 was trying to slow down the level of speech, so that
6 the court reporter could pick it up.

7 THE WITNESS: Thank you.

8 COMMISSIONER BRANCIFORTE: I don't have
9 anything else.

10 ACTING CHAIRMAN COHEN: Okay.

11 Ms. Banyra?

12 MS. BANYRA: Yes.

13 Mr. Kolling, I didn't hear any
14 testimony about the existing building and the uses
15 on the property and when they were last occupied,
16 nor the condition of the building that is there now.

17 THE WITNESS: Well, I didn't do an
18 interior inspection. I just did my exterior
19 inspection of looking at it.

20 ACTING CHAIRMAN COHEN: It seems like
21 Mr. Minervini might be able to answer that question.

22 Why don't you come forward, Mr.
23 Minervini?

24 MR. MINERVINI: Yes.

25 I did describe what its previous use

1 was. It was a restaurant, Chicken Galore. It has
2 been vacant almost a year. I don't know why. I
3 don't know why. I don't know if it was because the
4 business wasn't viable or not. The building is in
5 decent condition.

6 MS. BANYRA: So my questions really are
7 basically for the planner.

8 Thank you.

9 And they are more relative to whether
10 or not this has been tried to tenant-up the building
11 and to show, you know, the requirement for a use
12 variance is to show particular site suitability.

13 Each application, as they've indicated,
14 there is a lot of use variances that have occurred
15 in this area, and each one is supposed to be
16 evaluated independently, and it is unique, so I am
17 looking for what is unique about this property and
18 relative to the uses that were there, and why they
19 can't be, you know, what demonstration that they are
20 not viable.

21 ACTING CHAIRMAN COHEN: I think he has
22 testified to that.

23 MS. BANYRA: I don't know that he has
24 testified to that.

25 ACTING CHAIRMAN COHEN: I thought he

1 did, but go ahead.

2 MR. GALVIN: It is his testimony.

3 THE WITNESS: For one reason, the
4 commercial uses that were there were not permitted,
5 as well as what we are proposing.

6 So maybe that is one of the reasons why
7 it wasn't tenanted up.

8 I looked at the lot size, the 5,000
9 square feet, as indicating that it was not suitable
10 for industrial development or larger scale
11 commercial development, and felt that the smaller
12 size did not diminish its suitability, in fact, made
13 it more suitable for residential and commercial
14 mixed use. Obviously, you would have a smaller
15 commercial use there because it is a smaller
16 property.

17 MS. BANYRA: Was there any attempt to
18 acquire additional property?

19 THE WITNESS: I can't answer that. I
20 don't know.

21 MS. BANYRA: Then the last thing was
22 you indicated paralysis of zoning, and you
23 questioned whether the zoning is even valid.

24 I guess my question back to you is
25 whether it's the jurisdiction of the Zoning Board to

1 determine whether the zoning is valid.

2 THE WITNESS: You know, I wasn't asking
3 the Board to make that decision. I would believe
4 that decision could only be made by a court with
5 higher jurisdiction.

6 MS. BANYRA: Well, I think you made
7 that statement, though, that --

8 THE WITNESS: That was a planning
9 opinion. That was not a judgment.

10 MS. BANYRA: That's all I have.

11 ACTING CHAIRMAN COHEN: Okay.

12 Any questions from the public for Mr.
13 Kolling?

14 Ms. Healey?

15 MS. HEALEY: Mr. Kolling, I believe you
16 said you didn't believe this project, that it would
17 be no detriment to the community.

18 Do you consider no detriment to the
19 community, that there is no public open space
20 associated with this project, even though you are
21 adding density to the community?

22 THE WITNESS: I don't think -- no, I
23 don't think so.

24 MS. HEALEY: Do you consider it any
25 detriment to the public that you are seeking the use

1 of public space for private benefit, indicates that
2 your additional square footage that the architect
3 has testified to in front of the building and the
4 canopy over the sidewalk, that that would be a
5 detriment --

6 THE WITNESS: No. Canopies would be
7 common in entry ways in any regard.

8 And my understanding from looking at
9 the -- I am not an expert in construction codes, but
10 that over a certain type of a grade protrusions over
11 sidewalks, bay windows, and things of that nature,
12 are permitted by construction code, by building
13 code, and really are relatively common.

14 If you go down Washington Street or
15 some other urban areas, where you see architectural
16 features that may come out over sidewalks, it might
17 be canopies, could be awnings, could be bay window
18 projections, those types of things, that happens.
19 It's very common, and I don't think of it as being
20 detrimental.

21 MS. HEALEY: You said the industrial
22 use is contrary to the character of the
23 neighborhood.

24 Is office use contrary to the character
25 to the neighborhood?

1 THE WITNESS: Excuse me?

2 MS. HEALEY: Is office use contrary to
3 the character of the neighborhood?

4 THE WITNESS: No. There are a mixture
5 of some offices in there across the street, for
6 instance, around the corner, where Frank's office
7 is, and I think you will find it in a few other
8 locations.

9 MS. HEALEY: So what industrial uses
10 are contrary to the character of --

11 THE WITNESS: Well, if you looked at
12 some of the uses that are permitted within this zone
13 would include manufacturing, warehousing --

14 THE REPORTER: Ms. Healey, can you just
15 come over here because I can hardly hear you with
16 the air-conditioner on.

17 MS. HEALEY: I'm sorry.

18 THE WITNESS: -- manufacturing
19 processing, fabricating operations, research
20 laboratories, warehouses, those are -- there is only
21 five listed, and then you have essentially utilities
22 and public services that are essential --

23 MS. HEALEY: So why isn't manufacturing
24 contrary?

25 THE WITNESS: Well, because typically

1 something that is of a manufacturing type of use
2 involves heavy machinery, involves truck traffic,
3 deliveries, having to load and unload tractor
4 trailers and things of that nature.

5 MS. HEALEY: All of the time it
6 requires that?

7 THE WITNESS: All of the time it
8 requires that, not 24 hours a day, but I mean an
9 industrial use will require some aspect of those
10 activities.

11 MS. HEALEY: So it might always require
12 that, but not always require that?

13 THE WITNESS: No, no. It always
14 requires it, in my opinion, but it doesn't require
15 it 24 hours a day.

16 I wasn't sure if I was catching what
17 your question was. I was trying to cut it through
18 both ways.

19 MS. HEALEY: And do those uses also
20 provide with them jobs and taxes?

21 THE WITNESS: Yes. Typically, yes,
22 they provide jobs, and yes, everybody pays taxes,
23 taxes and debt.

24 MR. GALVIN: Not everybody.

25 (Laughter)

1 MS. HEALEY: And you also said you saw
2 the surrounding area transitioning from the
3 industrial zone to mixed use. They used an
4 interesting term, industrial transition.

5 Do you recall the industrial transition
6 zone that we used to have in the master plan?

7 THE WITNESS: Yes.

8 MS. HEALEY: Do you recall what was
9 happening once the industrial transition zone was
10 put into the master plan?

11 THE WITNESS: I'm not sure of what that
12 question is.

13 MS. HEALEY: Do you recall whether or
14 not there were a lot of people rushing to the Zoning
15 Board to get variances from the industrial zone to
16 create residential?

17 THE WITNESS: There was -- yes, I do
18 recall that, in that designation of the master plan.

19 MS. HEALEY: And when the 2010
20 Reexamination Plan was adopted, did it not do away
21 with the industrial transition zone?

22 THE WITNESS: Yes. It pretty much has
23 to do with the urban enterprise, with the
24 underbridge economic development district. It just
25 said, revert to I-1, or revert to I-2, whichever it

1 happened to be.

2 MS. HEALEY: So if the community wanted
3 to revert to the industrial zone, do you think that
4 was a message they were trying to send that we want
5 more residential in the area?

6 THE WITNESS: Well, I think you have to
7 also look at what -- first of all, in terms of the
8 community, some of the community probably didn't.
9 Maybe other parts of the community did, so -- but
10 the master plan reexamination report says what it
11 says, and I can't dispute that.

12 But I think when you look at --

13 MS. HEALEY: You answered my question.

14 Thank you.

15 ACTING CHAIRMAN COHEN: Any other
16 witnesses -- any other people from the public for
17 this witness?

18 Seeing none, I will take a motion to
19 close.

20 COMMISSIONER BRANCIFORTE: Motion to
21 close public portion.

22 COMMISSIONER MC ANUFF: Second.

23 ACTING CHAIRMAN COHEN: All in favor?

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

1 ACTING CHAIRMAN COHEN: Any opposed?

2 All right. Mr. Matule, I think that
3 was your last witness.

4 MR. MATULE: If I could just have Mr.
5 Minervini come back up.

6 He was requested to do some
7 calculations, and I think he could report back to
8 the Board now with those calculations.

9 ACTING CHAIRMAN COHEN: Thank you.

10 F R A N K M I N E R V I N I, having been
11 previously sworn, testified further as follows:

12 THE WITNESS: I looked at two different
13 ways. One is lot area per dwelling unit, which is
14 how the density is calculated in the residential
15 zones.

16 In our case, we are proposing --
17 providing 357 square feet per residential apartment,
18 and I did a calculation on the most recent approval,
19 which was Larry Bijou's, and in his case we are
20 providing 341 square foot per lot area per unit,
21 just relative calculations.

22 In terms of FAR, and there are two ways
23 to do it, and I don't really know how -- if Hoboken
24 defines it. Do we include just residential, do we
25 include the entire building. I calculated it both

1 ways.

2 If it is all inclusive, the building is
3 4.6. If it's only the residential portion, it is
4 3.6, so that is the FAR.

5 Just one thing I would like to
6 correct -- not correct -- to Commissioner
7 Branciforte, my building at 360 14th Street was the
8 first approval in that area, so that's different --
9 for one reason, it was at that time under the UED,
10 of course, as we know that is no longer valid.

11 But also my lot is only 2500 square
12 feet, so there are huge differences in comparing my
13 building, which was the first to be approved --

14 COMMISSIONER BRANCIFORTE: Well, wait a
15 second, though, Frank. Are you giving planner's
16 testimony now?

17 THE WITNESS: No. I'm describing --

18 ACTING CHAIRMAN COHEN: He's just
19 responding to your comment.

20 THE WITNESS: -- I'm responding to your
21 comments about my particular building, and you
22 brought it up.

23 ACTING CHAIRMAN COHEN: So please
24 continue.

25 THE WITNESS: Yes. So it was the first

1 one, and that is one reason why it's different.

2 But when we designed this building, we
3 were responding to the greater majority of the
4 pattern that has developed.

5 COMMISSIONER BRANCIFORTE: However, the
6 pattern that's developed has been by variance --

7 THE WITNESS: Of course.

8 COMMISSIONER BRANCIFORE: -- not by the
9 Planning Board.

10 THE WITNESS: Of course.

11 COMMISSIONER BRANCIFORTE: So in my
12 opinion, and this is just the discussion that we are
13 having now, in my opinion, that seems like it's been
14 spot zoning straight down the block.

15 THE WITNESS: And I think we talked
16 about spot zoning -- that part's not --

17 MR. MATULE: Don't answer that. --

18 THE WITNESS: -- I do know my building.

19 ACTING CHAIRMAN COHEN: However --

20 COMMISSIONER BRANCIFORTE: The other
21 thing, though, in comparing this building to the
22 Bijou building is a little bit unfair, isn't it?

23 ACTING CHAIRMAN COHEN: John, you know,
24 let's --

25 THE WITNESS: Only because it is most

1 recent.

2 ACTING CHAIRMAN COHEN: Listen, you
3 asked for some calculations. He provided the
4 calculations, and he gave the additional --

5 COMMISSIONER BRANCIFORTE: Well, I want
6 to discuss the calculations, but --

7 ACTING CHAIRMAN COHEN: What do you
8 want to talk about the calculations?

9 COMMISSIONER BRANCIFORTE: I am just
10 saying it's kind of strange that you chose, you
11 know, another building in that area, but I am not
12 quite sure why you chose the Bijou building.

13 THE WITNESS: I don't understand why
14 that would be strange, if we are designing a
15 building, we look at the pattern, of course. The
16 most recent was this.

17 Now, we designed our building prior to
18 that one, and if I look back at the other buildings
19 in terms of FAR, especially lot area per unit, it is
20 more than Bijou's.

21 I only used Bijou's because it is the
22 most recent. If I used the other ones, that number
23 would be lower in terms of lot area per unit.

24 COMMISSIONER BRANCIFORTE: Okay. But
25 we also have to recognize the reason that this Board

1 approved the Bijou building may not --

2 ACTING CHAIRMAN COHEN: You know what,
3 let's talk about this application, okay?

4 I think we are done.

5 Thank you. Okay.

6 THE WITNESS: Oh --

7 MR. GALVIN: The Chairman said we're
8 done.

9 COMMISSIONER BRANCIFORTE: He said we
10 are done.

11 THE WITNESS: -- it is important I
12 think because it came up as a question, and I was
13 incorrect when I described how long the existing
14 building has been vacant.

15 It has been vacant for two and a half
16 years, and the restaurant wasn't asked to leave.
17 They chose to leave because business was no longer
18 viable, and in the two and a half year period since,
19 they have not been able to rent it. And I spoke to
20 both the developer, pardon me, the property owner
21 and the realtor. They are both here, so that is
22 information that the Board may want.

23 ACTING CHAIRMAN COHEN: Thank you.

24 MR. MATULE: I don't have any other
25 witnesses. You heard the architectural testimony

1 and you heard the planning testimony.

2 Mr. Kolling indicated, and I think
3 rightly so, that this is somewhat of a unique site
4 in that it is only 5,000 square feet.

5 Certainly the building Mr. Minervini
6 has designed, I don't think anybody can argue about
7 the fact that esthetically it would seem to fit into
8 the pattern of the development in the neighborhood.

9 The applicant is providing more
10 affordable housing, all of the usual green features,
11 and I know there were some questions about the
12 public benefit. I guess it is a matter of opinion
13 whether architecture has public benefit or not.

14 If it is a public benefit to walk down
15 the street and look at an attractive building or
16 not, I have to leave that up to the Board to weigh
17 that in their determination.

18 But, you know, what really what we are
19 proposing, we think is a much better zoning
20 alternative and a much better use for the site than
21 what is currently there or what could go there as of
22 right. A lot of the industrial uses that could go
23 there as of right are really not viable for a
24 site -- a lot of this size.

25 I certainly appreciate the fact that

1 the city may be undertaking another study, but that
2 really, you know, who knows what will come of that
3 and when it will come. You know, I don't think a
4 property owner can hang around forever waiting for
5 that.

6 You know, in terms of the relative size
7 and density of the building, it is certainly in
8 keeping with the neighborhood. And, as I said, I
9 think it is a much better zoning alternative for the
10 site than what is currently there.

11 That is really all I can say.

12 ACTING CHAIRMAN COHEN: Thank you.

13 Anybody from the public?

14 I'm sorry. I didn't open it up to the
15 public for comment as well before we deliberate.

16 Ms. Healey?

17 I'm sorry, Mr. Matule, you can address
18 anything she says, if I took this out of order.

19 MR. MATULE: Sure. Thank you, Mr.
20 Cohen.

21 MS. HEALEY: Hi. Thank you. Leah
22 Healey.

23 I can't support this project because I
24 view it as the beginning of the march north of
25 residential development into the northwest, and I

1 think that is a very dangerous precedent. I think
2 the public has spoken in both the original master
3 plan and the reexamination plan, that the northwest
4 area of the city is not to be a repeat of the
5 Northwest Redevelopment Area, and this is very much
6 like what this project sounds like to me, a little
7 bit of commercial square footage on the ground floor
8 in one corner, and the rest of it is residential,
9 and let's put some rooftop on the top of it, and put
10 parking all around the bottom of it, and we have
11 what I view as maybe a zooped up Northwest
12 Redevelopment Zone project.

13 So I am disappointed that there has
14 been no effort to really look at the existing zoning
15 and perhaps not deviate so extremely from it,
16 instead of just going directly to a fully
17 residential building, at least do something that is
18 more of a real mixed use, and to pay a little more
19 attention to the fact that the community has spoken
20 very much so about 15th Street, and how we want that
21 to be a boulevard, and we want that to be an active
22 boulevard.

23 The other thing that I think that is
24 really interesting to keep in mind is you had
25 testimony from Larry Bijou about a recent project

1 that hasn't been finished before this Board, where
2 he told you a couple of things.

3 One: There is a market for commercial,
4 and two, I don't need any parking for my use.

5 So obviously, things are changing in
6 terms of demand for parking and in terms of the
7 demand for commercial use in this town, and we have
8 an opportunity that we shouldn't squander with the
9 existing buildings that we have left here.

10 So I am going to be very interested to
11 watch that Bijou project go through this Board and
12 hear more testimony about what the real market is
13 for this area up north.

14 And lastly, I think that you have a
15 building here that not only is, I would say, a
16 residential building, pretty much all residential,
17 and we have no idea whether we are going to have any
18 kind of commercial use because they don't know what
19 it is, that it's going to be beneficial to the
20 community. So I don't know whether it is going to
21 be a series of nail salons, which I don't consider
22 to be a benefit to the community, but nevertheless,
23 there is no testimony on it.

24 But what I do think what is important
25 to pay attention to is with this variance, there's

1 no looking at the real detriments, and I do believe
2 it is a detriment to not only do such an extreme
3 variance, but to also then take public space with it
4 in designing your building, so it encroaches on the
5 public space, and not giving anything back to the
6 public in exchange for that.

7 There is not even a strip of green
8 space. There is no attention paid to that at all,
9 and I think that is a real detriment to the
10 community, so I would ask that you consider
11 declining this project.

12 Thank you.

13 ACTING CHAIRMAN COHEN: Thank you.

14 Any other people have general comments
15 on this application?

16 Mr. Evers yet?

17 MR. EVERS: No.

18 ACTING CHAIRMAN COHEN: Okay.

19 Mr. Matule, you can respond, if you
20 want. I should have had you sum up after the public
21 portion.

22 MR. MATULE: Again, as I said earlier,
23 I think the esthetic benefits to the public are
24 questions for the Board to weigh.

25 We have an ordinance that allows

1 awnings and overhangs up to 36 inches. They are
2 permitted. I don't think they are a detriment. We
3 just have to go through the process of getting an
4 easement ordinance from the county because it is in
5 their air space.

6 Just like the building, I guess it is
7 on the corner of Clinton and 14th Street, where we
8 wound up with the sun shades on the building, we had
9 to go to the county and get an easement ordinance
10 from them for the building Mr. Bijou did.

11 You know, as far as what is emerging
12 and what the commercial real estate market is, or
13 whether or not they need parking, I really can't
14 opine on that, other than to say that the building
15 Mr. Bijou presented here last month had parking on
16 the ground floor.

17 So, you know, I don't know what the
18 relevance is to this particular application. I
19 think they stand on their own.

20 ACTING CHAIRMAN COHEN: Thank you.
21 Thank you.

22 Okay. Time for deliberations.

23 Anyone want to start?

24 Ms. Fisher?

25 COMMISSIONER FISHER: Yeah, I would be

1 happy to start. Just a couple of things.

2 I do think, and I agree that this
3 is --it's actually a unique property maybe for some
4 of the reasons that Mr. Matule or Mr. Kolling
5 pointed out, but to me what is unique is it is a
6 corner property on a street that I think I have seen
7 and felt, and living on the north end, the potential
8 future development of 15th Street as some sort of
9 main boulevard.

10 Whatever that means to me, it means
11 something where the street scape is accessible to
12 the public, and so I do think it is unique in my own
13 personal concern.

14 The other thing that makes it unique is
15 it is not five, you know, five, six blocks off a
16 main entrance into Hoboken. It's kind of the next
17 block. So, you know, you come over Willow, you turn
18 right, and you are kind of a block away from it. So
19 it is really kind of closer to what the potential is
20 for 15th Street than maybe if it had been two or
21 three or even four blocks closer west.

22 So my concern, because of the nature of
23 real estate, is this actually is a detriment, not
24 necessarily because of, you know, it is a nice
25 building, I think it is esthetically pleasing, et

1 cetera. I just think if we approve this right now,
2 we potentially disrupt the potential for all of 15th
3 Street, so I actually see it as a pretty big
4 detriment for that reason. So I am -- I would not
5 be supportive of this, and that would be my primary
6 reason, because it's a detriment, I think a
7 significant detriment to the public.

8 I just wanted to address one thing that
9 Mr. Minervini said.

10 MR. MINERVINI: Minervini.

11 (Laughter)

12 MS. FISHER: I know. I know your name.
13 Sorry. I have a million things in my head.

14 But you mentioned a point of confusion
15 about parking, and I take that point because we
16 often have, you know, I think parking is an issue in
17 Hoboken. The Board is generally looking for
18 parking.

19 But I do think on a lot by lot basis,
20 we would -- we consider it differently, and I think
21 this corner, because it is a corner on a main road,
22 you know, the first thing that jumped off at me --
23 or jumped out at me is why isn't the entire bottom
24 row of, you know, the bottom on both sides, some
25 sort of street scape and accessible to the public.

1 So to me, parking is actually not
2 suitable for this corner because of where it's
3 located. This is in two, three, a couple blocks
4 back, but because of where it is located, that is
5 more than is driving my question on parking, so it's
6 not necessarily all encompassing. It's specific
7 to -- as we look at this specific application, to
8 me, that is a characteristic that is -- it is the
9 wrong character for the site, so anyway...

10 ACTING CHAIRMAN COHEN: Thank you.

11 Commissioner Marsh?

12 COMMISSIONER MARSH: Sure.

13 I have to agree with the things that
14 Commissioner Fisher says --

15 COMMISSIONER FISHER: Just generally?

16 COMMISSIONER MARSH: Just generally,
17 yes, basically all of them.

18 And I remember there is a building
19 on -- I can't place it on the street, but it's on
20 Newark, or First or Second, just east of Washington
21 Street, and it is a very commercial area, and then
22 there is, you know, a residential garage there, and
23 it does disrupt the whole -- the whole block and
24 neighborhood.

25 I also didn't feel like there was

1 any -- I didn't come away with any particular
2 compelling reason why this use variance should be
3 granted.

4 There is sort of -- there's a lot of
5 references to sort of passive evolving of a
6 residential neighborhood and picking and choosing of
7 sort of -- it wasn't even just picking and
8 choosing -- but it was sort of grasping for some
9 direction that would justify the residential as
10 opposed to -- I didn't hear really any case at all
11 for justifying residential over office space.

12 And I just -- and I didn't see any -- I
13 thought the juxtaposition of making a case for
14 residential at the same time you were making a case
15 for what was essentially industrial bulk didn't make
16 any sense to me at all, and I just don't see a
17 compelling reason to approve it.

18 ACTING CHAIRMAN COHEN: Okay.

19 Commissioner Murphy?

20 COMMISSIONER MURPHY: So I would have
21 to agree with my Commissioners here.

22 I feel because of the location of the
23 site being along 15th Street, if the bottom was all
24 commercial, at least more than what you have, at
25 least double, maybe three times as much of it, and I

1 feel that the parking -- I understand why you want
2 to put the parking in there because that has been
3 this trend where we have apartments that have their
4 own parking. But it creates a problem in this area,
5 and I think because this is on the corner, and we
6 are going north from there, which really has yet to
7 be decided, I feel that I can't approve making it be
8 a mostly residential building at this time in that
9 location, and particularly at that height, et
10 cetera.

11 I will say I do think it is a handsome
12 building, but it's just not the right thing for now.

13 ACTING CHAIRMAN COHEN: Thank you.

14 Mr. Branciforte?

15 COMMISSIONER BRANCIFORTE: Well, I
16 can't add much to what I heard already.

17 I think we are setting some sort of
18 design standard here for 15th Street in terms of --
19 I can't say height, but I can say number of stories,
20 which translates into height.

21 The comparison, you know, they are
22 trying to compare this street -- this building to
23 the other buildings on Madison Street, and I don't
24 think that is necessarily what we should be doing.
25 I think we should compare it to how 15th Street is

1 going to be eventually designed and built, so I
2 don't think it is -- I just don't think it is the
3 right building for this corner, and I will leave it
4 at that.

5 ACTING CHAIRMAN COHEN: All right.

6 Commissioner McAnuff?

7 COMMISSIONER MC ANUFF: I don't have
8 any opposing arguments to what I've heard now.

9 I will say I do think the building is
10 well designed and thought out, and I think it fits.
11 As has been said before, if it was commercial on the
12 bottom rather than parking, I would get behind it a
13 hundred percent, but not now.

14 ACTING CHAIRMAN COHEN: Commissioner
15 Grana?

16 COMMISSIONER GRANA: So I think a lot
17 of the testimony that I heard is there has been
18 reference to the emerging area, and also a lot of
19 discussion about things that happened closer to 14th
20 Street.

21 You know, I would argue in those areas,
22 when there is an application there, these are --
23 these are application by application, lot by lot
24 discussions.

25 14th Street has not necessarily been

1 part of the redevelopment plan, but the county and
2 the city has certainly rebuilt the infrastructure of
3 that area, signaled it as a pedestrian use. This, I
4 think, is a site that has kind of the opposite.

5 This is a request for two D variances,
6 a residential and small commercial, that would be a
7 property that is surrounded by unresidential uses,
8 and three of those are -- qualify as industrial
9 uses.

10 When I did a site visit, you know, I
11 looked at what was across the street. There were
12 two active industrial sites on 15th Street. There
13 were actually signs for hiring, so it didn't look
14 like at least one of them was going anywhere.

15 So, you know, I think there has also
16 been discussion about the potential of 15th as a
17 boulevard. As a result, it is very hard for me as a
18 Commissioner to say which way does this go.

19 I mean, it is industrial uses. It's a
20 street that provides access to industrial uses, and
21 there's also the potential of what it could be, but
22 then we put parking on a corridor that would be
23 ideal for a commercial corridor. Currently, again,
24 the lot is surrounded by non commercial -- non
25 residential uses.

1 If I were to evaluate it, you know, on
2 architecture alone, I think there's a -- I think
3 it's a beautiful building. If it was a bookend to
4 the Pilsener Haus, it is a fantastic bookend to the
5 Pilsener Haus, and it looks wonderful, but I don't
6 think in terms of what the positive criteria would
7 be and the reason why the Zoning Board should move
8 away from what the zoning is, especially when there
9 is a signal here from the governing body it's been
10 reevaluated, I don't see a justification for voting
11 for approval.

12 ACTING CHAIRMAN COHEN: My comments: I
13 think it is a beautiful building. I think that it
14 would add a lot to 15th Street. I don't have a
15 problem with the height. I don't have a problem
16 with the structure at all. In fact, I think it
17 would be an excellent addition to the neighborhood.

18 My concern is just in terms of the
19 positive things that it adds to the neighborhood.
20 I think that the small commercial space probably
21 isn't enough.

22 I think a lot of the other applications
23 we have seen in this neighborhood have put more
24 creativity into what the public benefits are. We
25 have seen theaters. We have seen, you know, German

1 beer halls and office buildings and interesting
2 creative uses to make what is possibly an exciting
3 neighborhood more exciting.

4 And I think that if the applicant put
5 more thought into how to use the interior of this
6 facility in a way to really enhance the community,
7 it would be an excellent application, so I would say
8 to not be discouraged, but to go back to the drawing
9 board and see if you can come back with something
10 that shows a little more creativity than was shown
11 in this application.

12 So with that, I think I'll take a
13 motion to deny, if somebody would like to make that
14 motion.

15 COMMISSIONER BRANCIFORTE: I'll make a
16 motion to deny.

17 COMMISSIONER FISHER: I'll second it.

18 ACTING CHAIRMAN COHEN: Pat, can you
19 call the roll?

20 MS. CARCONE: Sure.

21 Commissioner Grana?

22 COMMISSIONER GRANA: Yes.

23 MS. CARCONE: Commissioner Marsh?

24 COMMISSIONER MARSH: Yes.

25 MS. CARCONE: Commissioner Murphy?

1 COMMISSIONER MURPHY: Yes.

2 MS. CARCONE: Commissioner Branciforte?

3 COMMISSIONER BRANCIFORTE: Yes.

4 MS. CARCONE: Commissioner Fisher?

5 COMMISSIONER FISHER: Yes.

6 MS. CARCONE: Commissioner McAnuff?

7 COMMISSIONER MC ANUFF: Yes.

8 MS. CARCONE: Commissioner Cohen?

9 ACTING CHAIRMAN COHEN: Yes.

10 Okay. Let's take a break. Maybe 10
11 minutes, 15 minutes, 10 minutes, and we will return
12 for 100-108 Paterson.

13 (Recess taken)

14 (The matter concluded.)

15

16

17

18

19

20

21

22

23

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, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 9/17/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
HOBOKEN ZONING BOARD OF : Tuesday, 9 pm
ADJUSTMENT REGULAR MEETING :September 15, 2015
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Acting Chairman Philip Cohen
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff

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

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

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

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

2 DENNIS M. GALVIN, ESQUIRE
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 Attorney for the Board.

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

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (After recess)

2 ACTING CHAIRMAN COHEN: We will go back
3 on the record.

4 Mr. Matule, I understand that you are
5 carrying 101-108 Paterson. Is that correct?

6 MR. MATULE: Yes. I am making an
7 application to carry it since we don't have a full
8 Board, and we have D variances.

9 I don't know what the availability is.

10 MS. CARCONE: Well, can I lead into my
11 other question?

12 All right. We are kind of booked up
13 for October, full agendas.

14 In November, our meeting dates are the
15 17th and the 24th. The 24th is Thanksgiving week,
16 which is not a great week to have a meeting.

17 MR. GALVIN: It's a lousy week to have
18 a meeting.

19 MR. MATULE: How about the 17th?

20 MS. CARCONE: So I was thinking if we
21 added another meeting on the 10th of November.

22 COMMISSIONER MURPHY: I won't be here.

23 COMMISSIONER BRANCIFORTE: When is the
24 Municipalities Convention?

25 MR. GALVIN: The 17th. I probably

1 won't be here that night --

2 MS. CARCONE: Oh, the 17th is the
3 League.

4 MR. GALVIN: -- but I can send Steven
5 up.

6 MS. CARCONE: Okay.

7 MR. MARSDEN: I won't be available. I
8 will be at the League for sure.

9 MS. CARCONE: So the 17th isn't
10 going -- well, you're going to send --

11 MR. MARSDEN: I can send Paul or Jamie.

12 MR. GALVIN: But we have to make sure
13 we have enough Board members, but I have a lot of
14 speaking engagements on the 18th and 19th.

15 MS. CARCONE: The meeting is on the
16 17th.

17 MR. GALVIN: I know, and I have to go
18 to Atlantic City the next day, and I am killing
19 myself, but I will send Steve Gleason up if you have
20 enough Board members.

21 COMMISSIONER MC ANUFF: No. I am not
22 available for November 17th.

23 MS. CARCONE: Okay. I was actually
24 asking if we could add a meeting on the 10th.

25 MR. GALVIN: But you won't be adding a

1 meeting, if you cancel the 17th and the 24th.

2 MS. CARCONE: Well --

3 COMMISSIONER MARSH: It will be adding
4 one on the 10th, and taking one away on the 17th and
5 one on the 24th.

6 ACTING CHAIRMAN COHEN: The 24th, is
7 not going to -- that's not happening --

8 COMMISSIONER MURPHY: We cancelled it
9 last year.

10 MS. CARCONE: Right, right.

11 So do we want to do the 10th? Are you
12 available?

13 ACTING CHAIRMAN COHEN: Yes, I am.

14 COMMISSIONER BRANCIFORTE: As far as I
15 know, I am, yes.

16 COMMISSIONER FISHER: I don't think I
17 am.

18 MS. CARCONE: Diane and Tiffanie are
19 not.

20 Dennis, are you available?

21 MR. GALVIN: I have to look at my
22 calendar.

23 MS. CARCONE: I was going to suggest
24 for 100-108 Paterson to do the 10th of November.
25 Does that work?

1 MR. MATULE: That works for us.
2 Want to do a public announcement
3 tonight?

4 ACTING CHAIRMAN COHEN: I will take a
5 motion to move 101-108 Paterson Avenue to November
6 10th without further notice.

7 MS. CARCONE: Are you checking, Dennis?

8 COMMISSIONER MC ANUFF: Second.

9 ACTING CHAIRMAN COHEN: Is that okay?

10 MR. GALVIN: I'm just trying to get an
11 idea, Pat.

12 MS. CARCONE: The only people I heard
13 who couldn't make it are Tiffanie and Diane, and you
14 can't?

15 The 10th, you can't make?

16 COMMISSIONER MARSH: No.

17 MS. CARCONE: Okay, and Carol.

18 MR. GALVIN: Okay. We have no Planning
19 Board stuff on that night. I should be good.

20 MS. CARCONE: Okay.

21 ACTING CHAIRMAN COHEN: Okay.

22 COMMISSIONER BRANCIFORTE: So the 17th
23 is out then. We are cancelling the 17th?

24 MS. CARCONE: Well, I didn't cancel the
25 17th yet.

1 MR. GALVIN: Hold on one second.

2 ACTING CHAIRMAN COHEN: Well, let's
3 deal with the 10th first.

4 MR. GALVIN: Bob, are you okay on the
5 10th?

6 MR. MATULE: Well, you just said
7 something, so I want to look and see.

8 November 10th, November 10th is the
9 Planning Board meeting.

10 MS. CARCONE: November 10th is a
11 Tuesday.

12 MR. MATULE: But I think the Planning
13 Board is meeting on the 10th because of Veterans'
14 Day or something.

15 MR. GALVIN: Election Day.

16 (Everyone talking at once.)

17 MR. MATULE: Maybe that, I don't know.

18 Do you have the calendar, the Planning
19 Board calendar?

20 MS. CARCONE: I don't have the Planning
21 Board calendar.

22 MR. MATULE: I have it in my diary as
23 November 10th.

24 MS. CARCONE: I know it was rescheduled
25 because --

1 ACTING CHAIRMAN COHEN: Veterans Day is
2 the 11th, and Election Day is the 3rd.

3 MR. MATULE: Well, I know normally, the
4 Planning Board would be on the 3rd, but because the
5 3rd is Election Day --

6 MS. CARCONE: Yeah, we bumped it up.

7 MR. MATULE: -- they bumped it to the
8 10th.

9 MS. CARCONE: All right. You are
10 right.

11 MR. MATULE: So we can't have it -- I
12 don't know how we could have -- I am not available.

13 MR. MINERVINI: The Planning Board, I
14 might be there, too.

15 MS. CARCONE: So no 10th.

16 MR. MATULE: So the 10th doesn't work.

17 MS. CARCONE: Can we do another day in
18 November then?

19 COMMISSIONER MURPHY: What about like
20 the 19th?

21 ACTING COMMISSIONER COHEN: A Wednesday
22 night?

23 COMMISSIONER MURPHY: Well, we are
24 doing a Wednesday this month.

25 MS. CARCONE: The 19th Dennis isn't

1 available.

2 MR. GALVIN: Well, because it is a --

3 MS. BANYRA: I'm not available that
4 week either.

5 MR. MATULE: Is that the same week as
6 the League?

7 MR. GALVIN: It is. It is trouble --
8 it's like, you know, like if we meet on the 17th, I
9 will either come, you know. I might still come, or
10 I will send Steven up, so it shouldn't be a problem
11 for me on the 17th.

12 The question is, Pat, do you have
13 enough Board members for the 17th. It is hard to
14 tell.

15 MS. CARCONE: We didn't do a head count
16 for the 17th yet.

17 Who can't make it on the 17th?

18 COMMISSIONER MC ANUFF: Me.

19 MR. GALVIN: What is the last meeting
20 in October?

21 MR. MATULE: 27th.

22 MS. CARCONE: 27th.

23 MR. GALVIN: Here is what I recommend
24 we do.

25 I think we carry tonight's hearing to

1 October 27th.

2 MS. CARCONE: And we will sort it out.

3 MR. GALVIN: Yes. We need a little bit
4 more time to find out who is available, because if
5 we have enough Board members to field the Board on
6 the 17th, we should meet, okay, and that will be our
7 night in November.

8 COMMISSIONER MURPHY: But on the 27th,
9 we have 302 Garden, plus the Bijou --

10 MR. GALVIN: No. We are not really
11 going to hear this case. We are carrying it to the
12 27th, but we're not going to hear it, just so you
13 don't have to renote --

14 (Everyone talking at once.)

15 MS. CARCONE: Then we'll --

16 MR. GALVIN: -- or unless two of the
17 other cases drop off for whatever crazy reason.

18 MS. CARCONE: Okay. So we will carry
19 it to the 27th.

20 COMMISSIONER MC ANUFF: You need a
21 motion, right?

22 ACTING CHAIRMAN COHEN: Okay. I will
23 take a motion to carry it to the 27th without
24 further notice.

25 COMMISSIONER GRANA: Second.

1 ACTING CHAIRMAN COHEN: All in favor?

2 (All Board members answered in the
3 affirmative)

4 MR. GALVIN: All right.

5 Do you waive the time in which the
6 Board has to act until the end of November, because
7 we are not going to hear you on that October
8 meeting. We're just going to reschedule --

9 MR. MATULE: Unless the calendar
10 changes with the things that you have listed.

11 MR. GALVIN: Exactly. I am trying to
12 help you. That's what I'm trying to do. I am
13 trying to make sure that you don't have to renotece
14 everything.

15 ACTING CHAIRMAN COHEN: Mr. Matule, so
16 that is okay with you?

17 You the waive time for the Board to act
18 until the end of November?

19 MR. MATULE: Yes, through the November
20 24th meeting.

21 MR. GALVIN: Sure.

22 ACTING CHAIRMAN COHEN: Okay. Are
23 there other administrative matters for us to handle
24 tonight?

25 MS. CARCONE: Hum, 70 Monroe, that was

1 the site plan that had an approval from 2007. That
2 was being tossed around what we were going to do
3 with it. Maybe review it on the 30th. That's the
4 same night as our Stevens application.

5 MR. GALVIN: Oh, okay.

6 MS. CARCONE: That is the Tom
7 Chartier --

8 MR. GALVIN: You probably could do it
9 now, right?

10 MS. CARCONE: Can we do it now?

11 MR. GALVIN: Do you have the letter
12 there?

13 MS. CARCONE: I don't. I could grab
14 it, if you want to do it.

15 MR. GALVIN: I might have it.

16 It's 70 what?

17 MS. CARCONE: 70 Monroe.

18 Eileen, did you talk to him?

19 MS. BANYRA: I didn't. I was preparing
20 for tonight. I think he called me, but I didn't get
21 a chance to call him back.

22 MR. GALVIN: Let me tell you the
23 substance -- if I have the Board's attention, the
24 substance of the letter was -- 70, is that you also?

25 MR. MINERVINI: That's me as well.

1 MR. GALVIN: 70 Monroe, that you
2 completely changed the facade of the building,
3 right?

4 I think you have to have an amended
5 site plan, because from 2007, you know --

6 MR. MATULE: I don't think I was the
7 attorney on that.

8 MR. GALVIN: You know, my reasoning is
9 the Board probably based its approval on the look of
10 the building, and now they completely changed the
11 look of the building.

12 MS. CARCONE: Just have the file that's
13 from 2007.

14 MR. MINERVINI: So that's
15 administratively or --

16 MR. GALVIN: No. You have to file an
17 application -- in my view, you have to file an
18 application for an amended site plan.

19 If you were just swapping out a door,
20 if you were changing it from a glass door to a wood
21 door or some other kind of door, I think that is an
22 administrative change. I think you can do that by a
23 letter. But if you're going to change the wholesale
24 look of the building, you --

25 MR. MINERVINI: I just wanted to know,

1 if there is no variance, either granted, nor are we
2 proposing a variance in terms of materials --

3 MR. GALVIN: I got that. But the
4 variances that they granted to do it in the first
5 place, and none of the Board members exist -- well,
6 they do exist, but --

7 (Laughter)

8 -- they are not here. They are not
9 Board members any longer, so I have no way of
10 knowing of them saying, oh, no, Minervini's design
11 is much nicer than what was there before, but I
12 don't think it should be a normal case for us.

13 MR. MINERVINI: So if I'm going to --
14 pardon -- I am sorry -- if I am going to resubmit, I
15 am really only resubmitting for the part that is
16 changing the facade.

17 We are not asking for variances,
18 whatever was approved prior. We are only here just
19 for the facade.

20 MR. GALVIN: The only other thing I
21 didn't know, and I asked Eileen, and she wasn't able
22 to respond to me or hasn't had a chance to was: Did
23 the roof coverage require a variance.

24 She made some kind of a change on the
25 roof.

1 MS. BANYRA: I mean, I think Tom
2 indicated that it didn't, but I didn't double check
3 it, and in order for me to know, I would have to go
4 into the case, and I didn't want to get into the
5 case until I knew we were getting into the case.

6 MR. GALVIN: And the bottom line is,
7 you know how this stuff works. Once you put an
8 application in, you are opening yourself up to all
9 kinds of crazy stuff, you know, but I think that
10 that is the proper way to do that --

11 MR. MINERVINI: I will let him know
12 that.

13 MR. GALVIN: -- or just go with what
14 you had.

15 MR. MINERVINI: It was a really ugly
16 building.

17 (Laughter)

18 MR. GALVIN: Well, if you want that
19 upgrade, then you got to --

20 MR. MATULE: Can I just go back to
21 100-108? Have we agreed to move it to the 27th of
22 October with no further notice?

23 ACTING CHAIRMAN COHEN: Yes.

24 MR. MATULE: And we extended the time
25 to the meeting of November 24th.

1 MR. GALVIN: Yes. We got it. It's
2 under control.

3 Thank you for checking, though.

4 MR. MATULE: We got it under control.

5 MR. GALVIN: That was the point, sir.
6 We are trying to get it, so you didn't have to
7 renotice.

8 MR. MATULE: Okay. Anything else?

9 MR. GALVIN: What do you got?

10 MS. CARCONE: So has 70 Monroe settled?

11 MR. GALVIN: 70 Monroe, they are not
12 happy about it, but they're going to file --

13 MR. MATULE: I'll find out what the
14 client wants to do.

15 MR. GALVIN: Maybe they won't. Maybe
16 they will go with the existing plan.

17 MS. BANYRA: Bob, is that you?

18 You said you didn't know.

19 MR. MATULE: Apparently, but I have no
20 recollection of it. I am being told it was me.

21 MR. GALVIN: What other administrative
22 matters do you have?

23 MS. CARCONE: We got a letter from
24 Bijou requesting a special meeting. We were going
25 to discuss that and also Stevens.

1 MR. GALVIN: I don't think you should
2 be discussing that because the Chairman is not here
3 tonight.

4 Oh, no, wait a minute. The Chairman
5 can't comment on that anyway.

6 COMMISSIONER BRANCIFORTE: Yes, he's
7 off. He removed himself from Bijou.

8 MR. GALVIN: Right.

9 COMMISSIONER FISHER: But is he always
10 out? It's a lawyer thing.

11 MR. MATULE: Anything else I need to be
12 here for?

13 MR. BANYRA: No, I don't think so.

14 MR. GALVIN: And he told me today it
15 might be resolved, so I think we should hold that.

16 MR. MATULE: Pat, am I done?

17 MS. CARCONE: I think you're done.

18 MR. GALVIN: I think we should hold
19 that. Hold that.

20 COMMISSIONER BRANCIFORTE: 900
21 Garden -- getting to 901 Bloomfield --

22 MS. CARCONE: 901 Bloomfield --

23 MR. MATULE: Oh, yeah.

24 MS. CARCONE: He wanted a site visit.

25 MR. MATULE: Somebody wanted to make a

1 site visit?

2 COMMISSIONER BRANCIFORTE: Yes. I
3 think a lot of Board members wanted a site visit of
4 901 Bloomfield.

5 MR. MATULE: You want to go inside the
6 building?

7 COMMISSIONER BRANCIFORTE: Yeah.

8 MR. MATULE: You know, let me talk to
9 the applicant, because I know John Sisti is the
10 realtor. He may have the keys to the building
11 and --

12 MR. GALVIN: Since this is the first I
13 heard of this, there will be rules. No more than
14 two Board members at a time, okay?

15 And no, you know, you can have some
16 pleasantries, but you are not going into a -- you
17 can't be discussing your views while you are
18 standing there --

19 MR. MATULE: Well, that is why I was
20 going to see if I could get the realtor to be
21 literally the gatekeeper --

22 MR. GALVIN: -- no milk and cookies.

23 MR. MATULE: -- that they could -- as
24 the Board schedules this, because, you know, they
25 are here on Saturdays and Sundays, and you know --

1 COMMISSIONER MURPHY: I would love to
2 go during the week.

3 MR. MATULE: All right. Well, I will
4 talk to the applicant. I will go back to Pat, and
5 she can get back to you all as to just some process
6 or procedure --

7 MS. CARCONE: Can they contact the
8 realtor directly?

9 MS. BANYRA: No, no.

10 MR. GALVIN: They can. But he's going
11 to tell you what the process is, and then you tell
12 them. Okay?

13 You're the conduit to the Board.

14 MS. CARCONE: Yeah. It just sounds
15 like a lot to facilitate to schedule everybody. If
16 they just could contact the realtor independently --

17 MR. GALVIN: As long as all the Board
18 members are told in your email that I said no more
19 than two at a time to go together, and no discussing
20 their opinion about anything when they are out
21 there.

22 COMMISSIONER FISHER: Why don't --
23 instead of Pat organizing it, once you have the
24 connection, why don't you just make sure that Pat is
25 cc'd on it?

1 MR. GALVIN: No, no. Bob is going to
2 send it to Pat, and Pat has to send it to all the
3 Board members.

4 COMMISSIONER FISHER: But you are not
5 facilitating it --

6 MR. GALVIN: No. The Board members
7 themselves will do it.

8 ACTING CHAIRMAN COHEN: Can you send me
9 the transcript on that one?

10 MS. CARCONE: Sure.

11 MR. MATULE: That's what I am trying to
12 set up, a system where you can reach out directly to
13 John Sisti's office, and they could make
14 arrangements to meet you there at a mutual time with
15 the keys kind of a thing.

16 MR. GALVIN: Yes.

17 MS. CARCONE: Actually all of the
18 transcripts are on the website now. If you want to
19 go there yourself and grab it, it was the hearing
20 from 8/11. You can just click.

21 ACTING CHAIRMAN COHEN: They are on the
22 website?

23 MS. CARCONE: Yes.

24 MR. GALVIN: What other things do you
25 have administratively?

1 Come on. Let's go. Stay away from the
2 rose bushes.

3 (Laughter)

4 MS. CARCONE: Again, another -- Stevens
5 had asked for a date for their follow-up meeting and
6 again --

7 MR. GALVIN: All I keep saying is I
8 think that you should schedule it after the
9 election. I don't care when it is after the
10 election, but after the election.

11 MR. MATULE: Good night.

12 MR. GALVIN: Good night, Bob.

13 COMMISSIONER MURPHY: We're not going
14 to hear them on the 30th?

15 MS. CARCONE: We are. They are
16 looking --

17 MR. GALVIN: We're not going to decide
18 them.

19 MS. CARCONE: -- but we're not going to
20 decide, so they are looking for a date for a
21 follow-up meeting.

22 ACTING CHAIRMAN COHEN: Why aren't we
23 going to decide it on the 30th?

24 MR. GALVIN: Trust me, you're not going
25 to decide them on the 30th.

1 MS. BANYRA: They just sent in revised
2 plans today, too.

3 MR. GALVIN: Oh, they did? I didn't
4 know. That wasn't my reasoning.

5 MS. BANYRA: No, but they did.

6 Correct, Pat?

7 MS. CARCONE: Yes. We just got them
8 today.

9 MR. GALVIN: Let me just say this:
10 When you have a really big case like Stevens, it
11 does make some sense to get the public comment and
12 then reserve your decision, go home, think about it,
13 maybe draft up your comments, so that you are very
14 well prepared to give your opinion on it, because it
15 is an important case. It might get challenged, you
16 know. Think about what I am saying.

17 COMMISSIONER FISHER: Are you going --
18 on that case, just the complexity about the
19 bridge -- was it going for Planning Board approval?
20 Like we don't necessarily have jurisdiction over --

21 MR. GALVIN: The Council does.

22 COMMISSIONER FISHER: -- so like how
23 like -- what is the framework for our decision --

24 MR. GALVIN: I will do that when it is
25 time, and I am not going to talk about that case,

1 but anything that projects into a city right-of-way
2 requires the City Council's approval, so I don't see
3 that bridge across any different than I see a curb
4 cut or a bay window that protrudes into the
5 sidewalk. I see it exactly the same, so they will
6 need to get -- anybody who wanted -- anybody, and I
7 am not talking about Stevens, anybody who wants to
8 protrude or cross a city right-of-way must get city
9 approval.

10 COMMISSIONER FISHER: I guess my
11 question is: How would we potentially factor that
12 into -- do we get to factor the bridge then, and the
13 esthetics of the bridge, or whatever it is of the
14 bridge into our --

15 MR. GALVIN: I can't discuss that.

16 COMMISSIONER FISHER: You are not going
17 to give us guidance on it?

18 MR. GALVIN: I will, but not tonight.
19 When he is there, I will be happy to answer -- I can
20 answer that right now, but if I do it, I will be
21 messing up the case.

22 COMMISSIONER FISHER: Okay. No
23 worries. But that's the kind of guidance that night
24 if you can --

25 MR. GALVIN: That's why you pay me.

1 That is why you got me.

2 COMMISSIONER BRANCIFORTE: You make the
3 big bucks and then you stopped --

4 MR. GALVIN: I was thinking about what
5 I get paid lately and how hard I'm working.

6 (Laughter)

7 No. You can't discuss specific
8 cases --

9 COMMISSIONER MARSH: Right, but in
10 general, is it always that when an applicant comes
11 before a Zoning Board anywhere, and is it -- is
12 there a prescribed order to when it goes to the
13 Council?

14 MR. GALVIN: It could have went either
15 way, but I don't like it when it goes -- in my other
16 towns, in Point Pleasant Beach, the Council recently
17 approved a curb cut, that the Board totally
18 disagreed with, and we made the guy give it up, even
19 though he got it from the Council.

20 It's almost like, well, since the
21 Council gave me this, you have to do it.

22 It's like no, the Zoning Board is an
23 independent body, and we didn't like that curb cut,
24 and we think that it is bad for that neighborhood,
25 that you would have parked your whole front yard,

1 and we don't think that that is what the governing
2 body intended anyway. We think you misled them, so
3 we are going to say no.

4 I think it is better in most cases to
5 have the Zoning Board rule first, and then go to the
6 Council and then let the Council say if they are for
7 or against it.

8 (Everyone talking at once)

9 MR. GALVIN: But in any case -- think
10 about this: In any case that we approved subject to
11 an outside agency approval, like you are going to go
12 to the Sewer Authority, or you're going to go to
13 DEP. DEP is going to let me do this. They're going
14 to cap it. It's not going to be a problem.

15 If DEP says it is a problem, they have
16 to come back to us, or FEMA says it's a problem --
17 we got a lot of guys, who say, oh, we will get the
18 approvals. And then FEMA says, no, you got to come
19 up two feet, we approved them at 44 feet, and now
20 they have to be 46 feet, they got to come back here
21 and get a new variance.

22 COMMISSIONER FISHER: But flip it
23 around the other way, which is what this is, where
24 there is a potential that we don't -- in your curb
25 cut example, okay?

1 So forget the big thing.

2 In your curb cut example, we have -- we
3 really, really struggled with the curb cut, and we
4 say a condition to this project is they can't do the
5 curb cut, and they go to City Council and City
6 Council says --

7 MR. GALVIN: No, that ain't happening
8 that way.

9 If you were -- if they were to come --

10 COMMISSIONER FISHER: -- or said
11 different --

12 MR. GALVIN: -- no, no. If they came
13 to the Zoning Board and they said, we want two curb
14 cuts where only one is permitted, and the Board
15 rejects it, it never goes to the Council.

16 COMMISSIONER FISHER: Okay.

17 So we have the ability in that case to
18 turn down an entire project because of the curb cut?

19 MR. GALVIN: Or to tell them to -- you
20 wouldn't just necessarily do that. In Point
21 Pleasant Beach, we are kind of nice, and we say,
22 eliminate that curb cut, and we will give you an
23 approval.

24 COMMISSIONER FISHER: Walk me through
25 this not real life example, but a -- but a -- as an

1 example. If it's something that the jurisdiction
2 is -- the jurisdiction is not with the Zoning Board,
3 it's with City Council. Can we turn something down
4 based on something that is not within our
5 jurisdiction?

6 MR. GALVIN: Yes.

7 COMMISSIONER FISHER: If there is a D
8 variance?

9 MR. GALVIN: Yes, because that is what
10 you are doing in the curb cut scenario.

11 MS. BANYRA: You need site plan
12 approval --

13 MR. GALVIN: Yeah. You're
14 considering -- you don't want them to park on the
15 front lawn. And if you give them two curb cuts,
16 that is what is going to happen on a little itty
17 bitty lot, they are going to have two driveways and
18 cars are going to be everywhere out there.

19 So you think that is a negative impact,
20 and you turn it down for that reason. I mean, it is
21 like you would hope that the Council and the Zoning
22 Board decisions would kind of sync up.

23 COMMISSIONER FISHER: It is more of
24 a -- the question that I am asking, just so you know
25 for when we do talk about it, it's more the -- kind

1 of the legalities on how the curb cut we -- how we
2 can potentially factor the curb cut into a decision,
3 and that is the question, and we can leave it later
4 on for the curb cut, but --

5 MR. GALVIN: Yeah.

6 MS. BANYRA: Except you can just also,
7 just as an aside to that, the City Council generally
8 with most communities, they want your opinion. So
9 if the Board says this is good and we like it, you
10 are supposed to know, you evaluated the entire
11 package, and you are saying we like this.

12 So you would hope when they go to City
13 Council, City Council says cool, we will take that.

14 COMMISSIONER FISHER: When you came
15 down here, and you gave earlier guidance about how
16 to recharacterize my comments tonight on this
17 application in a way that's better for the record,
18 that's the kind of advice I want to get on this
19 complex situation, so it's more I wanted to make
20 sure --

21 MS. BANYRA: No, understood.

22 MR. GALVIN: Can we just -- I am
23 going -- don't -- I am not intending to be rude, but
24 I am stopping the conversation.

25 Do you have other stuff that we have to

1 handle?

2 MS. CARCONE: The awning at 1404, 1406
3 Grand Street. Bob Matule submitted a letter
4 requesting whether --

5 MR. GALVIN: The same thing.

6 MS. CARCONE: -- this application
7 should go back to the Board for amended site plan
8 approval or a variance or just a standalone
9 application for a variance.

10 MR. GALVIN: Listen, my opinion is they
11 need an amended site plan, and they need a variance
12 for that awning, and just like the curb cut
13 scenario, they are going to need permission of the
14 governing body to invade the right-of-way.

15 MS. CARCONE: Okay. So you are saying
16 they need both. He was asking one or other. You're
17 saying he needs amended site plan approval with a
18 variance --

19 MR. GALVIN: Well, the other thing is
20 when it gets to -- listen, he might ask for a waiver
21 of the site plan, which we don't see very often
22 here, and it might be justified, but he has to file
23 for it. He has to file and request a waiver, right?

24 MS. BANYRA: Absolutely.

25 MR. GALVIN: The building exists. We

1 have already reviewed it. It's existing. I think I
2 don't want to put him through all of the costs and
3 expense of a site plan review, but he needs an
4 amended site plan just for that awning. Everything
5 of the original site plan remains the same, except
6 for the awning.

7 Everybody agree?

8 MS. BANYRA: Yeah.

9 MS. CARCONE: But he can request a
10 waiver from the site plan --

11 MR. GALVIN: Which you will give to
12 this guy, and then we will vote on it -- we'll
13 consider it.

14 MS. BANYRA: Pat, going back with the
15 fees thing, then you just make sure that you are
16 covered because we had that conversation in terms
17 of --

18 MR. GALVIN: Better to take the fees
19 and give them back than to not take them.

20 MS. BANYRA: Right, because otherwise,
21 you are chasing everybody for fees, correct?

22 MS. CARCONE: Yes.

23 MS. BANYRA: So just be careful with
24 that.

25 MS. CARCONE: I don't know if it's

1 appropriate, I have some questions about a couple of
2 appeals --

3 MR. GALVIN: Boy, you're really working
4 us. Keeping going.

5 (Laughter)

6 MS. CARCONE: I got a little hit list.
7 I have two appeals from neighbors that
8 came in yesterday and today, two different projects,
9 and both of them are unhappy about the fees, having
10 to pay the fees.

11 MR. GALVIN: Go see your boss. That's
12 nothing that the Board can do anything about. We
13 have to follow the ordinance.

14 MS. CARCONE: Okay.

15 MR. MARSDEN: From the neighbors?

16 MS. CARCONE: Different neighbors.

17 MS. BANYRA: Dennis, on an appeal, most
18 of the time it is the applicant that is appealing
19 the zoning officer's decision as opposed to a
20 neighbor. You know what I mean?

21 MR. GALVIN: Right. But I don't think
22 that they can -- I think that that would be a
23 violation of people's constitutional right to say,
24 if you are a neighbor, there is no cost to file an
25 appeal. But if you are an applicant, there is a

1 cost to appeal. But that is not my job. That's the
2 city attorney's job to make the call.

3 COMMISSIONER MARSH: What is the fee?

4 MR. GALVIN: A thousand dollars.

5 MS. CARCONE: \$300 application fee,
6 \$1,000 escrow fee, and that's where it gets kind of
7 dicey, too because a thousand dollars we got goes
8 pretty fast, so what do I tell them?

9 What's the cap on that?

10 MR. GALVIN: That is a problem for us,
11 too. How much work do we have to do and not get
12 paid because it is an appeal of the neighbors, so
13 somebody has to figure that out, unless the
14 governing body wants to pay for that work and pay it
15 out of the general fund.

16 If not, I'd make the escrow \$3,000. We
17 don't really want to encourage appeals.

18 (Laughter)

19 MS. BANYRA: It's a little unusual,
20 though, because you don't generally get the
21 neighbors. It's an odd thing. It's usually
22 somebody has asked that is changing up what they
23 were doing before a Board, and the zoning officer
24 says, you can't do that, and then they are appealing
25 her decision.

1 COMMISSIONER MARSH: Except that it is
2 not that unusual around here.

3 MS. BANYRA: It's not unusual around
4 here. It's odd, though.

5 MR. GALVIN: Not if you get two --

6 MS. BANYRA: It's odd.

7 MR. GALVIN: -- I think the other
8 thing, too, is Ron Cucchiaro, I think you should
9 talk to Brandy about having Ron take a look at both
10 of those appeals and evaluate whether there is any
11 merit to the request, because if there is merit, the
12 zoning officer might want to reconsider her position
13 and then we can eliminate the appeals.

14 And if the zoning officer feels she is
15 correct, after she discussed it with Ron, then we
16 will hear it.

17 COMMISSIONER MARSH: So the cost of the
18 neighbor doesn't kick in until it goes to the Board.

19 MR. GALVIN: Well, if you want to file
20 the application -- if you want to file the appeal,
21 you only have 20 days to file it, and you have to
22 pony up this \$1300.

23 Now, maybe they could make a request of
24 the governing body to refund it, you know.

25 COMMISSIONER MURPHY: That's what

1 happened with Angly, too.

2 MS. CARCONE: Were they successful in
3 getting it back?

4 COMMISSIONER MURPHY: No. They got
5 back, right, money from the city for that part of
6 it --

7 MS. CARCONE: For the application fee
8 or not for the escrow --

9 MR. GALVIN: Whatever you want to do.

10 MS. CARCONE: -- so you are saying to
11 have Ron at look at --

12 MR. GALVIN: I think it is a good idea,
13 to have Ron -- because it is a new ordinance. I am
14 sure that Ann is making her best effort to comply,
15 but it may not be a bad idea to have Ron look and
16 see if Ron is agreeing with her --

17 MS. CARCONE: Uh-huh

18 MR. GALVIN: -- before we start -- why
19 should we start investigating it?

20 MS. CARCONE: Well, one is applicable
21 to the new ordinance, and one is not applicable to
22 the new ordinance. Okay.

23 MS. BANYRA: Dennis, how does it work,
24 though? You know, somebody has 20 days. However,
25 like an aggrieved neighbor won't have -- they don't

1 go in and get a permit, so how do they find out?

2 MS. CARCONE: Right.

3 MR. GALVIN: I teach the zoning officer
4 class, and I teach that. It is from the time of
5 discovery.

6 So when you see the fence go up or you
7 start to see the building go up, or you start to see
8 the patio go up, that is when your 20 days starts
9 to --

10 MS. CARCONE: Well, that's how this
11 neighbor -- they saw advertisements for this new
12 future and --

13 MS. BANYRA: As long as that's the --

14 MR. GALVIN: No. The new ordinance
15 requires them to notice, right?

16 MS. CARCONE: Yes, but it hasn't even
17 hit that point yet.

18 MR. GALVIN: All right.

19 MS. CARCONE: It's just something that
20 they saw actually like in a real estate
21 advertisement.

22 MR. GALVIN: So they are on notice, and
23 they acted. That is good, so we don't have a
24 problem with that.

25 MS. CARCONE: All right.

1 Can everybody just hang on to the stuff
2 for the 27th, the 302 and 108, so I don't have to
3 copy it again, all of the materials?

4 COMMISSIONER BRANCIFORE: Motion to
5 adjourn.

6 COMMISSIONER MC ANUFF: Second.

7 MS. CARCONE: Hang on to your materials
8 from 302 and 108 that we're carrying.

9 MR. GALVIN: All right.

10 Can we close the meeting then, Mr.
11 Chair?

12 ACTING CHAIRMAN COHEN: We already
13 adjourned.

14 Aye?

15 (All Board members answered in the
16 affirmative)

17 (The matter concluded at ten p.m.)

18

19

20

21

22

23

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, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.
Dated: 9-17-15
This transcript was prepared in accordance with
NJAC 13:43-5.9.