

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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REGULAR MEETING OF THE :
HOBOKEN ZONING BOARD OF : July 15, 2014
ADJUSTMENT : Tuesday 7:07 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Phil Cohen
- Commissioner Diane Fitzmyer Murphy
- Commissioner Carol Marsh
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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

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

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I N D E X

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1 CHAIRMAN AIBEL: Good evening,
2 everyone.

3 It is about seven after seven o'clock.
4 You are at a Hoboken Zoning Board of Adjustment
5 Regular Meeting on July 15th, 2014.

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

14 If you would all join me in the Pledge
15 of Allegiance.

16 (Pledge of Allegiance recited)

17 CHAIRMAN AIBEL: So we are going to
18 start with a few administrative matters. It will be
19 very quick.

20 First, we are going to do a roll call.

21 MS. CARCONE: Commissioner Aibel?

22 CHAIRMAN AIBEL: Here.

23 MS. CARCONE: Commissioner Greene is
24 absent.

25 Commissioner Cohen?

1 COMMISSIONER COHEN: Here.

2 MS. CARCONE: Commissioner DeFusco is
3 absent.

4 Commissioner Grana is absent,
5 Commissioner Marsh hasn't been sworn in
6 yet.

7 MS. MARSH: Here.

8 MS. CARCONE: Here.

9 Commissioner Murphy?

10 COMMISSIONER MURPHY: Here.

11 MS. CARCONE: Commissioner Branciforte?

12 COMMISSIONER BRANCIFORTE: Here.

13 MS. CARCONE: Commissioner Fisher?

14 COMMISSIONER FISHER: Here.

15 MS. CARCONE: Commissioner Mc Anuff?

16 COMMISSIONER MC ANUFF: Here.

17 MS. CARCONE: Commissioner Tremitiedi?

18 COMMISSIONER TREMITIEDI: Here.

19 CHAIRMAN AIBEL: Great.

20 So our first order of business this
21 evening is to swear in our newest appointee, our
22 newest member of the Board, Carol Marsh.

23 MR. GALVIN: Carol, please raise your
24 hand.

25 Do you swear that you will faithfully,

1 impartially and justly perform all of the duties of
2 a Board member to the Hoboken Zoning Board of
3 Adjustment to the City of Hoboken, according to the
4 best of your ability?

5 MS. MARSH: I do.

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

13 MS. MARSH: I do.

14 MR. GALVIN: All right.

15 Congratulations.

16 MS. MARSH: Thank you.

17 MR. GALVIN: Please sign that.

18 CHAIRMAN AIBEL: Welcome.

19 Now we will take care of three
20 resolutions. The first is 618 Madison.

21 Want to do the honors on that?

22 MR. GALVIN: All right.

23 Commissioner Greene, Commissioner
24 Cohen, Commissioner Murphy, Commissioner McAnuff,
25 and Chairman Aibel all voted in favor of this

1 decision.

2 CHAIRMAN AIBEL: So we need a motion.

3 MR. GALVIN: 618 Madison Street, you
4 need a motion to approve the resolution.

5 COMMISSIONER COHEN: Motion to approve.

6 COMMISSIONER MC ANUFF: Second.

7 MR. GALVIN: Thank you.

8 Mr. Cohen?

9 COMMISSIONER COHEN: Yes.

10 MR. GALVIN: Ms. Murphy?

11 COMMISSIONER MURPHY: Yes.

12 MR. GALVIN: Mr. McAnuff?

13 COMMISSIONER MC ANUFF: Yes.

14 MR. GALVIN: Chairman Aibel?

15 CHAIRMAN AIBEL: Yes.

16 MR. GALVIN: Then we have a resolution
17 of denial on Gold Coast Parking, also known as 307
18 Newark Street.

19 Those voting to deny were Commissioners
20 Greene, Grana, Murphy and Aibel, so only Murphy and
21 Aibel can vote on this.

22 Can I have a motion?

23 COMMISSIONER MURPHY: Motion to deny
24 307.

25 MR. GALVIN: Second?

1 CHAIRMAN AIBEL: Second.

2 MR. GALVIN: Ms. Murphy?

3 COMMISSIONER MURPHY: Yes.

4 MR. GALVIN: Chairman Aibel?

5 CHAIRMAN AIBEL: Yes.

6 MR. GALVIN: Resolution approved.

7 And then the final matter is 155 Third
8 Street, and then we have, let's see, Mr. Cohen,
9 Ms. Murphy, Mr. McAnuff and Chairman Aibel voting in
10 favor of 155 Third Street.

11 Can I have a motion?

12 COMMISSIONER COHEN: Motion to approve.

13 COMMISSIONER MC ANUFF: Second.

14 MR. GALVIN: Thank you.

15 Mr. Cohen?

16 COMMISSIONER COHEN: Yes.

17 MR. GALVIN: Ms. Murphy?

18 COMMISSIONER MURPHY: Yes.

19 MR. GALVIN: Mr. McAnuff?

20 COMMISSIONER MC ANUFF: Yes.

21 MR. GALVIN: And, Chairman Aibel?

22 CHAIRMAN AIBEL: Yes.

23 And our final matter involves a
24 developer's agreement, final site plan approval,
25 City of Hoboken, Hudson County, New Jersey with Pump

1 House, 128, LLC, with premises commonly known as
2 128-132 Harrison Street, and I will ask counsel to
3 describe this.

4 MR. GALVIN: Yes. Let me explain this
5 to you.

6 There was a matter in 2007 involving
7 128 Harrison Street. As part of that approval, the
8 Board required that the developer enter into a
9 developer's agreement.

10 It is my legal opinion that developer's
11 agreements are usually entered into between the city
12 and the applicant, not necessarily the Board and the
13 applicant, because normally what we are talking
14 about are things like sidewalks, roadways, detention
15 basins, things that the city's going to have control
16 over, and the Board by requiring them to have a
17 developer's agreement has met their obligation.

18 Based on my position, Mr. Cucchiaro for
19 the city has done an awesome job and a very detailed
20 developer's agreement, and what they have asked the
21 Board is do we want to participate in this
22 developer's agreement by becoming a party and
23 signing off on it.

24 I don't believe that that is necessary,
25 but I would like you to vote whether or not you want

1 us to sign on to this developer's agreement.

2 Does anybody have a question?

3 COMMISSIONER FISHER: Can you just
4 maybe talk about what the implications are, you
5 know, going forward, if we sign it?

6 MR. GALVIN: If there is a problem
7 where the developer doesn't comply with this
8 developer's agreement, then you will be spending
9 money on me to get involved with that lawsuit
10 because we are a party.

11 If the city weren't to enforce some
12 part of the developer's agreement, you kind of like
13 theoretically we could, even though the city
14 doesn't, but that's unlikely. I think we would also
15 defer to what the city government wants us to do, so
16 I think it is superfluous for us.

17 You have a questioned look.

18 COMMISSIONER MURPHY: Yeah. I am not
19 sure. Would it benefit the city for us to be
20 involved?

21 MR. GALVIN: They are not asking us to
22 be.

23 What they are doing is, they are saying
24 does the Board agree that you don't have to be on
25 this --

1 COMMISSIONER MURPHY: Oh, I see.

2 MR. GALVIN: -- if you want to be on
3 it --

4 COMMISSIONER MURPHY: So we're
5 saying -- okay, I understand.

6 MR. GALVIN: They are actually
7 respecting us. They are saying if you want to be on
8 it, you can, and I am thinking we don't need to be.

9 COMMISSIONER MURPHY: Okay. So, Phil,
10 what do you think, like do you --

11 COMMISSIONER COHEN: Well, my question
12 is, I mean, is it possible for us to review it
13 before we vote on it?

14 MR. GALVIN: Absolutely.

15 COMMISSIONER COHEN: It is not that I
16 don't accept what you are saying, but I think to
17 Commissioner Murphy's point, I mean, if we read it
18 and there was something that was important to us in
19 there that we cared about, you know, that might
20 affect our vote.

21 MR. GALVIN: Okay. But I think the
22 concept -- you have to understand what my position
23 is. The basic concept between the developer's
24 agreement, it is an agreement between the city and
25 the developer that he is going to do things. He may

1 have promised it to us in the resolution --

2 COMMISSIONER COHEN: Right.

3 MR. GALVIN: -- but there are things
4 that occur, like if you are going to put in a bay
5 window, that is going to be into the right-of-way,
6 or if you are going to put something in the
7 right-of-way, you might have to move it in the
8 future, and that would be covered in the agreement.

9 If you are going to put a road in, if
10 you promise not to have traffic at certain times of
11 the day, it wouldn't be us to enforce it. It would
12 be the city to enforce it.

13 COMMISSIONER COHEN: But I have heard
14 Commissioners say that, you know, we get
15 representations of their plans. We approve them.
16 We approve them with lots of bells and whistles that
17 we agree on and include in the resolution, and then
18 people say they drive by the property, and that
19 isn't the way it was represented to us.

20 So I just would like an opportunity to
21 take a look at this to see if there is something in
22 here --

23 MR. GALVIN: Yes, I have no problem
24 with that.

25 COMMISSIONER COHEN: -- that's agreed

1 to, that actually we would care about, or you know,
2 it may not be worth the money even if we did care
3 about it to have you involved, but I would like to
4 know what this is, so that we could consider that.

5 MR. GALVIN: So, Pat, you are going to
6 have to provide a copy of the developer's agreement
7 to --

8 MS. CARCONE: I never got one.

9 MR. GALVIN: Oh, okay. We will have to
10 get you a copy of the developer's agreement and a
11 copy of the resolution, because it won't make any
12 sense. It is from 2007, and it predates everyone's
13 service also.

14 COMMISSIONER COHEN: I mean, is there a
15 time urgency with respect to this?

16 MR. GALVIN: No. We are just trying to
17 get it done. I thought if you said "no problem,
18 it's okay, we don't need to be on it," then --

19 MS. CARCONE: We have a meeting next
20 week.

21 MR. GALVIN: What's that?

22 MS. CARCONE: We have a meeting next
23 week, so --

24 MR. GALVIN: Yes.

25 COMMISSIONER MURPHY: Maybe we can

1 review it before and talk about it next week.

2 MR. GALVIN: Yes, sure.

3 MS. BANYRA: Dennis, do you have it in
4 an email form, so it doesn't have to be printed?

5 MR. GALVIN: I don't know that right
6 now, but we will work that out tomorrow. I know I
7 have both of these things. I must have it in a
8 digital format in my office.

9 CHAIRMAN AIBEL: Okay. So we will take
10 it up next week.

11 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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RE: 8-10-12 Paterson Avenue :
Applicant: James & Frances Buonavolonta :July 15, 2014
Preliminary Site Plan & Variances :Tuesday 7:15 p.m.
Carried from 7/24/14 :
----- X

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Hoboken, New Jersey

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10 (201) 659-0403
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I N D E X

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WITNESS

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FRANK MINERVINI

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EDWARD KOLLING

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E X H I B I T S

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EXHIBIT NO.

DESCRIPTION

PAGE

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A-1

Photo Board

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A-2

Proposed rendering

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1 CHAIRMAN AIBEL: We will get started
2 with our hearings.

3 Mr. Matule, 8-10-12 Paterson for
4 preliminary site plan and variances, and we are
5 carried from 7/24.

6 Just for everybody in the audience, the
7 order of our hearings tonight will be: This will be
8 followed by 40 Willow Court, and then our last
9 application will be 926 Garden.

10 MR. MATULE: Good evening, Mr.
11 Chairman, and Board Members.

12 Robert Matule appearing on behalf of
13 the applicant.

14 This application is with respect to
15 property commonly referred to as 8-10-12 Paterson
16 Avenue. We were originally on the agenda for June
17 24th, and the matter was carried with no further
18 notice until tonight.

19 The property is currently used for a
20 commercial use and parking. Some of you may be
21 familiar with it. The building sits all the way at
22 the rear of the property.

23 Tonight we are requesting preliminary
24 site plan approval and variances to construct a new
25 five-story, four over one building with 12

1 residential units, with parking at grade and a
2 commercial space at grade.

3 One of the things that we requested
4 when we filed the application was that because this
5 is a county road, that depending on what the Board's
6 decision is this evening, that any approval would be
7 subject to us going before the county and getting
8 county site plan approval as a condition of final,
9 as this is only preliminary.

10 I am going to have the testimony of our
11 architect, Frank Minervini, and our planner, Edward
12 Kolling.

13 So on that note, Mr. Minervini?

14 MR. GALVIN: Raise your right hand.

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

18 MR. MINERVINI: I do.

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

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

23 THE WITNESS: Frank Minervini,
24 M-i-n-e-r-v-i-n-i.

25 CHAIRMAN AIBEL: We do.

1 MR. GALVIN: We accept your
2 credentials.

3 (Laughter)

4 MR. MATULE: Thank you. Thank you, Mr.
5 Chairman.

6 Mr. Minervini, as always, if we are
7 going to refer to any exhibits, we need to mark
8 them. If you have some specific ones, we could
9 premark them now.

10 THE WITNESS: I got a board showing
11 site photographs, photographs of the context.

12 MR. MATULE: Okay. So we will call
13 that A-1, a photo board showing the site conditions.

14 (Exhibit A-1 marked.)

15 THE WITNESS: And A-2 would be our
16 proposed rendering of what the facade would look
17 like.

18 MR. MATULE: Okay. So we will mark
19 that A-2.

20 (Exhibit A-2 marked.)

21 And with respect to the photographs on
22 A-2, they were taken by your office?

23 THE WITNESS: A mixture of my office
24 and internet sites,

25 MR. MATULE: Okay. And they show the

1 current state of the property?

2 THE WITNESS: Yes.

3 CHAIRMAN AIBEL: Mr. Matule, before we
4 get started, is anybody from the public here for
5 this application?

6 MR. MATULE: 8-10-12 Newark Street --

7 THE WITNESS: Paterson.

8 MR. MATULE: -- Paterson. I'm sorry,
9 Paterson.

10 CHAIRMAN AIBEL: That was last week.

11 MR. MATULE: A freudian slip.

12 MR. GALVIN: Tricked you, tricked you.

13 (Laughter)

14 MR. MATULE: All right.

15 Mr. Minervini, if you would be good
16 enough, could you please describe for the Board
17 members the existing site and the surrounding area?

18 THE WITNESS: Yes.

19 The existing site is a 8600 square foot
20 irregularly shaped lot, one building in off the
21 intersection of Paterson Avenue. And as a matter of
22 fact, as I think about this, the building next door
23 was recently an application in front of this Board
24 that was denied, and it will come back in some
25 fashion.

1 Anyway, it is an irregularly shaped
2 lot, and I'll go through the dimensions, 8600 square
3 feet. What is there is a one-story commercial
4 building. It is a food warehouse, and it's got a
5 small restaurant component. The owner is here if
6 you need to ask questions about his business.

7 What we are proposing is to remove the
8 existing structure and build a new five-story,
9 12-unit residential building with one commercial
10 space at grade level. It will make more sense as I
11 go through the plans.

12 So in terms of context, and as I
13 mentioned before, Vera's Florist, the building that
14 we kind of know as Vera's Florist for a few years
15 now was recently an application in front of this
16 Board.

17 Here is the island, as we know it,
18 where there is a restaurant soon to be. This
19 parking lot --

20 COMMISSIONER COHEN: Any day.

21 THE WITNESS: -- this parking lot, the
22 city has proposed a park.

23 Directly adjacent to our property is a
24 five-story residential building, and to the rear are
25 a series of residential buildings that are along

1 Monroe Street.

2 Jackson Street, which maybe I didn't
3 mention, but the intersection of Paterson and
4 Jackson.

5 To our north are two residential
6 buildings, a converted convent and school, St.
7 Joseph's School, and then next to us is Vera's
8 Florist.

9 So we are in the R-2 district, which --
10 R-3 zone, excuse me, which allows residential use,
11 so we are proposing a five-story residential
12 building with 12 residential units, where 13 are
13 permitted and a ground floor commercial space, which
14 is a bit less than a thousand square feet. As I go
15 through the plans, I will explain some of those
16 things in more detail.

17 In terms of the unit breakdown, we are
18 proposing four two-bedroom apartments ranging from
19 1,160 square feet to 1,280 square feet.

20 We are proposing six three-bedroom
21 apartments at 1800 square feet, and those are all
22 included there, and we are proposing two
23 four-bedroom apartments at two -- one of 2,240
24 square feet, and one of 2,544 square foot.

25 Now I will probably go through the

1 plans.

2 Here is the site, as I mentioned,
3 Jackson Street, Paterson Avenue, Monroe Street, our
4 facade is along Paterson Avenue, of course. The
5 main facade, which is the rendering, and I will get
6 into that as I get into the facade elevation
7 drawings.

8 See, what was the St. Joseph's School,
9 which is now rental apartments, the convent and the
10 school got both inverted -- converted in the early
11 '90s, and along Monroe Street is a series of 25 foot
12 for the most part residential buildings.

13 Directly to our east are two buildings,
14 each a five-story, both residential as well.

15 So sheet Z-1, as I described, has the
16 vicinity map, the 200-foot radius map.

17 Here's an elevation showing what the
18 building looks like in context, so this is the
19 adjacent building I mentioned, and here is Vera's
20 Florist to our west.

21 Sheet Z-2 is a property survey showing
22 what the existing conditions are. So right now,
23 here is Vera's Florist. This area, that I am
24 pointing to, is a paved parking area.

25 This is a one-story commercial

1 building, so this building is where the spaces as I
2 mentioned currently exist. This is all empty lot.

3 What we are proposing is at ground
4 floor that building that goes back 53 feet, two
5 inches on the western side because, again, the
6 property is irregularly shaped, so -- and I should
7 get to it, the actual shape of the front and the
8 dimension of the property, and I skipped right over
9 that.

10 98.75 feet along Paterson Avenue, the
11 property line along our western adjoining the
12 building to the west is 83.16 feet.

13 The rear property line facing the north
14 is 75 feet, and our property line towards the east
15 is 147.4 feet, and this shaped property is caused
16 solely because Paterson Avenue enters on kind of an
17 angle. It is not part of the regular grid system
18 that Hoboken has as the majority.

19 So we are proposing a building that
20 goes back 53 feet two inches on that shorter side,
21 has a 30-foot rear yard, which is a common rear yard
22 and conforms to the code, and that rear yard is set
23 back as the property increases in depth.

24 So at 147 feet, we have got an
25 additional just under ten feet of rear yard, so it

1 is 39 feet six inches at that point.

2 As I am pointing to the rear of the
3 building on floors two through five step back like
4 that.

5 At floor number one, it is straight
6 across at 30 feet, and that is to accommodate the
7 parking, so that is Sheet Z-3.

8 Sheet Z-4 shows our actual ground floor
9 plan. We are proposing ten parking spaces, no
10 variance required.

11 Again, the 30-foot rear yard, you can
12 see here landscaped, with common access, so any one
13 of them can use it.

14 What is relevant, of course, in this
15 particular drawing, which is our site plan, shows
16 our stormwater detention system.

17 But we got a 960 commercial space,
18 which is next to the Vera's Florist, which is a
19 commercial use now, and its previous application for
20 Vera's Florist also had a commercial use at that
21 ground floor. The new application coming before
22 this Board will also have a commercial use at that
23 floor.

24 So we have provided bicycle parking.
25 We provided a trash chute, a private storage for

1 each of the -- the common use of the parking spaces,
2 an electric car charging station. Our residential
3 entry lobby is along our eastern portion of the
4 facade. The vehicular entry is approximately
5 center, and the trash recycling room, so everything
6 needed to accommodate -- to accommodate a building
7 of this size works very nicely in this ground floor
8 plan.

9 The ground floor plan takes up -- goes
10 from property line to property line on both the east
11 and west property lines. It is right up to zero lot
12 line on the front facade, which is in keeping with
13 the adjacent buildings, and we have left a 30 foot
14 rear yard, which is per the ordinance requirement.

15 Sheet Z-5 has more specific information
16 about the landscaping, but it is the same floor plan
17 that I already mentioned. We are proposing four
18 street trees in the donut.

19 Sheet Z-6 gets to our floor plan. So
20 the ground floor plan at the bottom as I
21 described -- and correction -- I said 960 square
22 foot commercial space, and it is actually 930 square
23 feet, so the ground floor I have already described.

24 The second floor has five units. We
25 got one means of egress along our western wall, and

1 one means of egress and an elevator along our
2 eastern wall, and a hallway that bifurcates the
3 building allowing access to all of these five
4 apartments.

5 On the second floor only, where this
6 roof section is, above the garage there are two
7 small terraces apportioned to these two apartments,
8 each being three-bedrooms.

9 The third floor, a similar floor plan
10 as the second.

11 The fourth floor is where we get into
12 our duplex apartments, so the three apartments
13 towards the rear are duplex three-bedrooms --
14 actually they are both duplexes on each of the
15 floors. So if I go back to the third floor, that is
16 the upper duplex of the second floor.

17 The fourth floor is a lower duplex
18 between the fourth and fifth. Those are all 1800
19 square feet in the back of the building. The front
20 apartment is a four at 2544 square feet.

21 Sheet Z-8, which is the fifth floor, we
22 set the building back five feet off of the western
23 facade, five feet off of a portion majority, which
24 is in this case 51 feet four inches off the street
25 facade. And as I get to the facade, the reason for

1 that is to minimize the visual mass of the building.

2 So that as I described, the floor plan
3 on the fourth floor and the floor plan on the fifth
4 floor, which is the upper duplexes, each again, 1800
5 square feet, and this fifth floor has a second
6 two-bedroom of 2,240 square feet.

7 The roof plan, there is no proposed use
8 plan for the residents on the roof. We are
9 proposing an extensive green roof, which as this
10 Board knows, and I've described many times, is a
11 not-walkable green roof, but it does help with our
12 water detention issue, as well as solar radiation,
13 something that this Board generally wants, and we
14 have got an extensive use of the extensive roof.

15 Facades: The original design of this
16 building, I will tell you is slightly different,
17 after learning some lessons at Vera's Florist, the
18 building next door, we toned it down a bit in terms
19 of the modern portion of the architecture, and we
20 have also -- and I see John smiling -- we also
21 diminished parts of the building in size, so what we
22 have done basically is we turned what we think would
23 be a very long building into smaller segments,
24 and it's a tri-part type design.

25 That setback on the fifth floor, I

1 described before, here is again, as I mentioned, a
2 way of minimizing what would be a larger visual
3 mass. So we have got this five section building of
4 brick and glass in common Hoboken proportions.

5 This section of metal and glass, that
6 is slightly irregular, a bit more modern, and this
7 setback back section, which has wood with panels and
8 glass, and the idea there is to incorporate three
9 different materials, and I think in a tasteful way.

10 We also went through a design exercise,
11 which often doesn't happen at the rear of the
12 building, so we proposed those same wood panels and
13 metal panels that the front facade has on the rear,
14 and by jockeying the building, as we did in terms of
15 design, it creates a more visually pleasing facade.

16 Now is probably a good time to show the
17 rendering.

18 We see a portion of the adjacent
19 building directly to our east. That is a full five
20 stories, and that was built in 2004, 2005, I
21 believe.

22 What we have done is we matched that
23 section of the building with a similar brick,
24 exactly the same height of this proportion.

25 We set back our fifth floor here, which

1 makes this be a bit more obvious, and then a
2 three-story section of metal and glass panels as
3 well as some metal panels in there.

4 I think as a composition, it is very
5 tasteful. It is certainly something that is --
6 wouldn't have been built in the 1920s, but still
7 something modern enough I think to keep we
8 architects happy, and hopefully after the last --
9 the project on the corner, 14 Paterson, that is
10 something that this Board will feel the same as we
11 do.

12 The building will be concrete
13 construction. It has to meet the New Jersey DEP
14 standards in terms of flood, so our -- everything on
15 the ground floor will be protected. The commercial
16 space on the ground floor will be completely
17 protected from floods, as well as the garage, as
18 well as the lobby.

19 Our first residential floor is nine
20 feet above the flood plain, so there is no issue
21 there.

22 New sidewalks will be proposed.

23 As I mentioned, the street trees. The
24 building has to be fully sprinklered, and I think in
25 terms of context, in visual context, it makes

1 perfect sense given the adjacent structures as well
2 as its use.

3 We have reduced the density in terms of
4 the residential portion, where 13 is allowed, we are
5 proposing 12. That additional fifth floor makes --
6 seems to make perfect sense to us in terms of the
7 context, but also in this case allows for these
8 larger apartments.

9 So the reasoning for this extra floor
10 is the larger apartments, and we have reduced the
11 density, got larger apartments.

12 The building is serviced by an
13 elevator. It has got parking. It has got, as I
14 mentioned many times and had many discussions with
15 this Board, it has the things that the city tells
16 us, tells developers, tells architects that they
17 want.

18 It's got larger apartments. It is
19 visually appealing. It has parking inside of the
20 building, and it has got an elevator, so all of the
21 things that we think we need to keep families here
22 are within this project. And, again, I think the
23 architecture, although not what it originally was,
24 we still think it is a very nice building.

25 MR. MATULE: Frank, would you just -- I

1 see on your plans, you have a Sheet Z-10. Also,
2 you did a sight line study?

3 THE WITNESS: Oh, yes. I'm sorry.

4 Yeah. We often do a sight diagram
5 showing what can be seen from the street.

6 Now, keep in mind, this diagram is set
7 up specifically for that portion of the fifth floor
8 that is set back. So if you are across the street,
9 and these are all accurate dimensions, you really
10 won't see the fifth floor at these particular areas.

11 What I am speaking of specifically is
12 here. Certainly you can see it from far away, but
13 from directly across the street, this won't be seen.

14 I am not making the case at all that if
15 you walk a little further, you know, like, excuse
16 me, 200 feet down the street, that you won't see it,
17 but it is just another way of reducing again the
18 visual mass.

19 MR. MATULE: And the lot coverage up on
20 that fifth floor is how much?

21 THE WITNESS: Yeah. The lot coverages,
22 our planner will go through each of the variances in
23 detail.

24 So our first floor is at 74.3 square
25 feet. What we did there as we brought the building

1 to the point where we meet the city's intention with
2 the rear yard.

3 The second through fourth floors are 70
4 percent, we reduced it, as I mentioned, with the
5 jogs, and I described that.

6 And on the fifth floor, we are down to
7 67 percent, so that that three percent is accounted
8 for in that small section of setback that I
9 described.

10 MR. MATULE: And just one more
11 question.

12 I guess on Sheet Z-3 or Z-4, the
13 apartment, the school and the convent that has been
14 converted to apartments to the north of the site,
15 the rear, in the rear of that is open parking?

16 THE WITNESS: Yeah. Sheet Z-4 shows it
17 best.

18 This particular building is what was
19 the convent, so I don't know if everybody can see.

20 Right here is an existing driveway that
21 is attached to that convent, that brings vehicles in
22 and out of the rear parking lot, so the rear yard of
23 the convent is purely parking, but we are proposing
24 now a new 30-foot rear yard.

25 As the site survey shows, the majority

1 of that section as exists is built right up to the
2 property line, so as it exists right now, this
3 entire wall section is built up to the property
4 line. We are in effect removing that and taking it
5 back 30 feet and putting it here.

6 MR. MATULE: And that rear yard behind
7 the proposed building will be fenced in?

8 THE WITNESS: It is fenced in, and we
9 got details on the landscaping sheet.

10 MR. MATULE: All right. Thank you.

11 I have no further questions.

12 CHAIRMAN AIBEL: Board members, anybody
13 wish to start with Mr. Minervini?

14 COMMISSIONER FISHER: I just have a
15 quick question. This is because I'm not as
16 knowledgeable.

17 Is there an affordable housing
18 requirement?

19 THE WITNESS: No, there is not --

20 COMMISSIONER FISHER: Okay.

21 THE WITNESS: -- I am sorry. I take
22 that back --

23 MR. MATULE: I'm sorry, what?

24 THE WITNESS: -- no, there is no
25 affordable housing requirement because we are not

1 asking for a density calculation -- a density
2 variance. We are less than permitted in terms of
3 the residential units.

4 COMMISSIONER FISHER: Okay.

5 THE WITNESS: I'm sorry, Bob.

6 MR. MATULE: That is okay.

7 CHAIRMAN AIBEL: Any Board members,
8 questions?

9 COMMISSIONER COHEN: Yes.

10 Mr. Minervini, you said that there
11 would be flood protection for the ground floor. I
12 think I saw in the plans how there was in the
13 parking areas, that there was going to be allowances
14 for the flood waters to go through.

15 I don't know if I saw anything with
16 respect to the commercial space, which is going to
17 be on the first floor. I don't know if you are the
18 proper witness to talk about that.

19 THE WITNESS: I think I would be.

20 I generally have our flood vent
21 details. I may be missing them. I can certainly
22 provide them, and I do have them on most drawings in
23 effect, and I will give you the information similar
24 to the other designs. The glass itself is designed
25 to withstand hydrostatic pressures of the flood up

1 to --

2 MR. MATULE: Z-9.

3 THE WITNESS: -- thank you, Bob.

4 So the glass itself is designed to
5 withstand hydrostatic pressures of a flood up to the
6 base flood elevation, the advisory base flood
7 elevation, and doors that are operable -- obviously
8 if it is a door, it is operable -- will have a flood
9 panel installed.

10 So what the DEP requires is -- and I
11 should also mention that we couldn't get this
12 building approved at the construction office without
13 these things. We have to have DEP approval first,
14 and then we go to the construction office, so if it
15 was missed by me here, it will be caught by someone
16 along the way.

17 So in essence, flood panels, and we
18 talked about them before, but they are posts that
19 are slotted into the ground, a metal panel that is
20 designed to withstand hydrostatic pressures again up
21 to the flood level.

22 COMMISSIONER COHEN: Do they have any
23 connection with the detention basin?

24 THE WITNESS: No. There's no
25 connection. It's just purely to keep water from

1 entering.

2 COMMISSIONER COHEN: Okay. Thanks.

3 COMMISSIONER MURPHY: I have a question.

4 So since I have been sitting on this
5 Board, I have been hearing a lot about these
6 retention walls. Have they been tested yet?

7 THE WITNESS: Not in Hoboken.

8 I will tell you that the specifics and
9 the designs have come from Florida, where they have
10 been tested and used all of the time.

11 COMMISSIONER MURPHY: They are used all
12 the time?

13 THE WITNESS: Yes, for sure, which is
14 why the DEP allows us to specify them because they
15 have done more research than I certainly could have.

16 COMMISSIONER MURPHY: Are we going to
17 see anything in Hoboken soon?

18 THE WITNESS: As soon as these
19 buildings are approved, are constructed, they have
20 to have them.

21 COMMISSIONER MURPHY: Right. Okay.
22 All right.

23 COMMISSIONER MC ANUFF: I have a
24 question.

25 On the first floor, is it permitted to

1 take up that rear yard with the garage, and then put
2 the yard on the second floor?

3 THE WITNESS: We would need an
4 additional variance. We would need a rear yard
5 variance. That was our initial design to this
6 Board.

7 After some discussion with the city
8 planner and after having attended the meeting for 14
9 Paterson, we thought it a better project and a
10 better design for the city to give a rear yard.

11 COMMISSIONER MC ANUFF: And the only
12 way to really access it for the residents of the
13 building is to come down the garage and walk out?

14 THE WITNESS: That's right.

15 We got residential apartments, so the
16 other option would have been to bifurcate those with
17 a hallway, and then stairs enter into lot coverage,
18 or doing it this way, which is a common area anyway.

19 COMMISSIONER MC ANUFF: Okay.

20 COMMISSIONER MARSH: I have a couple
21 questions.

22 You made a reference to the city
23 wanting three-bedroom apartments.

24 THE WITNESS: Uh-huh.

25 COMMISSIONER MARSH: Was that expressed

1 somehow? I mean --

2 THE WITNESS: We have had this
3 discussion at this Zoning Board many, many times.

4 COMMISSIONER MARSH: At this Zoning
5 Board, okay. But there is no like policy that
6 says --

7 THE WITNESS: No, but it is common
8 knowledge, and it is mentioned in the master plan.
9 By the way, it is family-friendly, and our planner
10 can discuss that in more detail than I could.

11 Certainly the city wants it, and that
12 is one way of us known as architects, but we also --
13 just not only does the city want it, frankly, the
14 market wants it, the people.

15 There are people who want to stay in
16 this town, and as of not so long ago, there was no
17 place -- not no place -- there weren't enough places
18 for them to live. So by providing projects and
19 apartments like this, people who may want to
20 obviously stay here with their family can have some
21 place to go.

22 COMMISSIONER MARSH: You don't have any
23 statistics about how many of these three-bedrooms
24 are --

25 THE WITNESS: Of course not. I am an

1 architect. Why would I have statistics?

2 (Laughter)

3 COMMISSIONER MARSH: You said people
4 have a place to stay. I wondered if you knew how
5 many were staying. That was --

6 THE WITNESS: Well, I was just speaking
7 anecdotally, and that's what I'm doing.

8 COMMISSOINER MARSH: Okay.

9 COMMISSIONER FISHER: Carol, it used to
10 be -- I know that the statistic was less than ten
11 percent of the housing stock in Hoboken was greater
12 than three-bedrooms --

13 COMMISSIONER MARSH: I am not arguing
14 with you --

15 COMMISSIONER FISHER: -- well, no. I'm
16 just saying that that was -- I am focused on it, and
17 that's --

18 COMMISSIONER MARSH: My question was:
19 Is that what they are really being used for.

20 I hope they are.

21 THE WITNESS: Meaning are they used for
22 three or four-bedrooms?

23 COMMISSIONER MARSH: Are those
24 three-bedrooms apartments being used for families or
25 are they being used by roommates?

1 That was my question.

2 THE WITNESS: Well, these are condos,
3 and these will be condominiums, and if you think,
4 and hopefully you don't, that three roommates are
5 going to buy it, that's not what happens generally
6 speaking. I don't have --

7 COMMISSIONER MARSH: I don't know what
8 happens.

9 THE WITNESS: -- I understand the
10 point. But generally speaking, it is families who
11 move into these -- similar projects that we have
12 done, it's families. There is no need otherwise for
13 three or four-bedrooms.

14 COMMISSIONER MARSH: I'm just asking a
15 question.

16 THE WITNESS: And I am answering.

17 (Laughter)

18 COMMISSIONER MARSH: So far I haven't
19 got -- oh, never mind.

20 So my next question is: If this was
21 built to the allowable height and lot coverage, how
22 many -- how many units would that allow?

23 THE WITNESS: We are allowed 13
24 apartments here.

25 COMMISSIONER MARSH: Because of the

1 square footage of the lot?

2 THE WITNESS: Of the lot, correct.

3 COMMISSIONER MARSH: Okay. If those
4 were -- okay, thank you.

5 THE WITNESS: I think your question is:
6 Would they be smaller or how much smaller --

7 COMMISSIONER MARSH: Right.

8 THE WITNESS: -- they would be
9 substantially smaller by the square footage of that
10 top floor.

11 COMMISSIONER MARSH: Do you know what
12 they would be?

13 THE WITNESS: I can give you square
14 footage of the top floor and how much it would be
15 losing, if that is helpful.

16 COMMISSIONER MARSH: Sure.

17 THE WITNESS: I have it on my first
18 sheet.

19 So it is 5,745 square feet would be
20 taken -- 5,745 square feet would be removed from 13
21 apartments.

22 COMMISSIONER MARSH: Okay.

23 Thank you.

24 THE WITNESS: You are welcome.

25 CHAIRMAN AIBEL: So the lot coverage is

1 to allow for family-friendly units?

2 THE WITNESS: Certainly. That is what
3 this project is about.

4 COMMISSIONER FISHER: So I mean --

5 THE REPORTER: I'm sorry. I can't hear
6 you.

7 COMMISSIONER COHEN: You have to speak
8 for the court reporter.

9 COMMISSIONER FISHER: -- we bump into
10 this with almost all of the projects now because the
11 ratio doesn't support a lot of large families.

12 THE WITNESS: And this project
13 specifically in terms of its context, we have got
14 several five-story buildings. Certainly behind us
15 they are taller than us, and directly adjacent to us
16 is a five-story building.

17 CHAIRMAN AIBEL: Good.

18 Other Board members, questions?

19 COMMISSIONER BRANCIFORTE: Frank, going
20 to Z-5 --

21 THE WITNESS: Uh-huh.

22 COMMISSIONER BRANCIFORTE: -- I see you
23 are very specific about the exit on the garage.

24 THE WITNESS: In terms of its location?

25 COMMISSIONER BRANCIFORTE: No. In

1 terms of its design, flashing pedestrian warning.

2 signals --

3 THE WITNESS: Uh-huh.

4 COMMISSIONER BRANCIFORTE: -- but you
5 have a different shaded driveway. That doesn't mean
6 that it is a different material color?

7 THE WITNESS: It doesn't. It is just
8 to delineate what the driveway area would be,
9 because the driveway is at an angle, we thought
10 graphically it would show that.

11 If we were proposing -- I don't think
12 at this point, the county would allow it. You would
13 have to get county approval for these things.

14 THE WITNESS: No. I wasn't asking if
15 it could be. I was asking if it was.

16 Have you made any safety designs there,
17 you know, for pedestrians walking by the garage
18 besides the flashing light?

19 THE WITNESS: We hadn't, other than the
20 flashing light, the visual warning.

21 Certainly, and I am happy to do this
22 based on the discussions I had with this Board, we
23 can put up the mirrors that probably would be
24 effective.

25 COMMISSIONER BRANCIFORTE: Yeah.

1 COMMISSIONER MC ANUFF: And you have
2 planters on one --

3 THE WITNESS: Yes. We have planters on
4 the eastern side that act as a good buffer.

5 COMMISSIONER BRANCIFORTE: Not on the
6 west side.

7 THE WITNESS: Not on the west side.

8 The thinking there is that we've got
9 the commercial space with as much visual frontage as
10 possible, which would afford a more successful
11 commercial space.

12 COMMISSIONER BRANCIFORTE: Actually,
13 now that I see the commercial space door entry is
14 right -- only a few feet away from the garage, which
15 makes me more nervous.

16 THE WITNESS: Well, this does not
17 have -- it is not set in stone for any specific
18 reason. I would happily understand your point.
19 Slide this down and then that would allow us also to
20 provide planters there, which would help the
21 situation as you are describing.

22 COMMISSIONER BRANCIFORTE: Yeah. That
23 would be nice to see.

24 Also, the setback now on the fifth
25 floor is only five feet back?

1 THE WITNESS: Yes.

2 COMMISSIONER BRANCIFORTE: I mean, I am
3 just not totally convinced that you won't be able to
4 see that from the street.

5 THE WITNESS: I didn't mean to, and
6 hopefully I didn't, I didn't make the case that it
7 wouldn't be seen. I was trying to lessen the visual
8 impact.

9 Will it be seen?

10 Absolutely.

11 The further away you get, the more
12 linear line sight you've got --

13 COMMISSIONER BRANCIFORTE: Yeah. It is
14 just, you know, if you wanted to try to hide the
15 fifth story, then why don't we just really hide the
16 story all together rather than --

17 THE WITNESS: The intention isn't
18 solely to hide the fifth story.

19 The intention there was to break up the
20 visual mass of the facade, which I guess is the same
21 thing. But if we did it everywhere, it wouldn't
22 have the same effect as it does now.

23 Could this be moved back seven feet?

24 I guess it could at the experience of
25 the apartment size, but that is for the Board to

1 decide, if you want me to.

2 COMMISSIONER BRANCIFORTE: I mean, I am
3 also kind of curious to see what you are going to
4 propose next door.

5 (Laughter)

6 THE WITNESS: We are coming back very
7 soon I hope.

8 COMMISSIONER BRANCIFORTE: I was really
9 hoping that the setback on the fifth floor and
10 everything is going to run and continue with the
11 next building. I just don't want to see this
12 building -- this lot is monolithic.

13 I know that you are breaking it up with
14 wood panel and stuff, but --

15 THE WITNESS: Commissioner Branciforte,
16 I hope you don't think that's monolithic.

17 COMMISSIONER BRANCIFORTE: No.

18 THE WITNESS: We went through extra
19 efforts to make sure --

20 COMMISSIONER BRANCIFORTE: Actually I
21 was thinking of the building next door being all
22 brick going into your brick --

23 THE WITNESS: Although you have seen
24 the previous design of the Vera's Florist, the new
25 design will be something much more palatable to the

1 Board, but still contecturally work within the
2 street scape.

3 COMMISSIONER BRANCIFORTE: Okay. So
4 it's not just going to be an extension of what you
5 have now?

6 THE WITNESS: Absolutely not.

7 COMMISSIONER BRANCIFORTE: That is what
8 I meant when I said "monolithic."

9 THE WTINESS: No, no. I would be
10 failing as an architect, if that's what we do, and
11 it wouldn't be the first time.

12 (Laughter)

13 MR. GALVIN: You know, you guys got to
14 lighten up. It's like we're not judging you as a
15 person, if we don't like the plan.

16 THE WITNESS: Are you kidding me?

17 (Laughter)

18 COMMISSIONER BRANCIFORTE: And then the
19 mechanicals on the top --

20 THE WITNESS: Yes.

21 COMMISSIONER BRANCIFORTE: -- those air
22 conditioning units --

23 THE WITNESS: Air conditioning units,
24 and we got shown on the roof plan, we got our stair
25 and elevator core along the eastern wall here.

1 COMMISSIONER BRANCIFORTE: Okay. Those
2 boxes there --

3 THE WITNESS: Yes.

4 COMMISSIONER BRANCIFORTE: Okay.

5 You know, the fifth story, if you are
6 going to hide it, set it back, you know, or try
7 to -- I would rather just see it hidden, because the
8 fifth story makes it -- to me, might make it look
9 cheap. Hide it, and at least if you set it back,
10 the illusion of it not being there might help me,
11 you know, the whole extra story.

12 CHAIRMAN AIBEL: Let me just throw this
13 out, though.

14 Is the five-foot setback going to be
15 sort of a Juliet balcony?

16 THE WITNESS: It's not proposed -- I'm
17 sorry, it is. Pardon me.

18 There are doors to it, yes, so it is a
19 small outdoor space. Five feet is not necessarily
20 big enough for a chair. If it were bigger, we had
21 more usable outdoor space, that's something we can
22 discuss with our client.

23 CHAIRMAN AIBEL: I guess that is the
24 question.

25 John, you are going to increase the

1 open space in the front of the building?

2 COMMISSIONER BRANCIFORTE: Hum, I am
3 sorry, Jim. How is that?

4 CHAIRMAN AIBEL: I understood your
5 suggestion was to set back the fifth floor further,
6 and so you would create a larger space for outdoor
7 recreation in the front of the building, which may
8 or may not be a benefit.

9 COMMISSIONER BRANCIFORTE: Right.

10 You are not talking about additional --
11 less lot coverage. You are just talking about less
12 coverage on the fifth floor, which I mean, you
13 know --

14 MR. GALVIN: No. You are setting the
15 building back, and you are making it not visual from
16 the street. You are creating more of a deck area in
17 the front of the --

18 CHAIRMAN AIBEL: I am just raising it
19 as an issue, whether it is a benefit or a detriment
20 I think to everybody else.

21 COMMISSIONER MC ANUFF: What is the
22 testimony before, that you can't see it from across
23 the street, correct?

24 THE WITNESS: Directly across the
25 street. Our sight line diagram shoes that, but I

1 wasn't trying to make the case that this cannot be
2 seen. Certainly we have portions of the building
3 that are five stories.

4 Certainly our perspective here, which
5 is at that height shows it minimally, but it is an
6 effort to break up the facade into three portions --
7 three parts, as well as minimize that view of the
8 portion of the floor.

9 COMMISSIONER BRANCIFORTE: Yeah. I am
10 not saying that, you know, you are going to lose my
11 vote if you don't do it. I am just putting it out
12 for discussion for the Board to discuss and think
13 about.

14 CHAIRMAN AIBEL: Are there other
15 balconies on the building I guess to the east?

16 THE WITNESS: On the adjacent building?

17 CHAIRMAN AIBEL: Yes.

18 THE WITNESS: I don't think the
19 adjacent building has any. I will look at the
20 photograph.

21 No. It has got two bay extensions and
22 actually the bay extension goes up the full five
23 stories. So from the bay extension to our setback
24 we have got seven feet. Nevertheless, no, there are
25 no outdoor spaces on that existing building.

1 CHAIRMAN AIBEL: Okay.

2 Any other Board members?

3 Professionals, questions?

4 MS. BANYRA: Frank, can I ask you a
5 question regarding that space?

6 It is a south exposure. How is that
7 going to be, if it is used for outdoor area, how is
8 it going to be -- the sun going to be obscured
9 without somebody putting an awning or an umbrella
10 or --

11 THE WITNESS: Understood.

12 We are not proposing any coverage of
13 that, and again, I think the outdoor use is
14 ancillary. It's just a result of the setback, and
15 five foot is just enough space to go out and get
16 some air and maybe two chairs. We are not proposing
17 any coverage in terms of a roof canopy.

18 MS. BANYRA: I'm just saying
19 practically speaking, if someone wants to use that
20 area, it's going to be really sunny.

21 THE WITNESS: It will be very hot at
22 certain times of the day.

23 CHAIRMAN AIBEL: That's it?

24 MS. BANYRA: The last question was, I
25 think you saw my report that the survey didn't

1 indicate the building corners.

2 How confident are you that the height
3 of the building is not going to change based on a
4 revised survey?

5 THE WITNESS: Very confident, because
6 we have surveys of both buildings to the east and
7 the west. Of course, if it is, we would have to
8 come back to this Board.

9 MR. MARSDEN: You are in receipt of my
10 October 22nd, revised June 19th, 2014 letter?

11 THE WITNESS: Yes.

12 MR. MARSDEN: I just want to make it
13 for the record.

14 Item number one says, "The survey does
15 indicate." It is a typo. It should say "does not
16 indicate," and that is it. Eileen pointed that out.

17 The existing grade and so forth, we
18 really need, because I believe a large portion of
19 the curb along the front of that building is
20 depressed, existing --

21 THE WITNESS: Correct. There is a
22 large --

23 MR. MARSDEN: Large driveway or
24 parking --

25 THE WITNESS: -- paved parking area.

1 MR. MARSDEN: -- so in order to know,
2 number one, you need good shots on each building
3 corner and good shots on the top and bottom of the
4 curbs --

5 THE WITNESS: Well, to be fair, we've
6 got -- we are pretty close on this corner, 3.4 feet.

7 MR. MARSDEN: Right.

8 THE WITNESS: Here, we are pretty close
9 at 5.5.

10 Here we have four and a half feet
11 straddling between those two, and here we have
12 five-foot curbs, so I understand the point --

13 MS. BANYRA: You know, there is no
14 corner on the street. It's in terms of building --

15 MR. MARSDEN: Right.

16 THE WITNESS: Building corners, you are
17 asking?

18 MS. BANYRA: Right.

19 MR. MARSDEN: No --

20 THE WITNESS: Well, in this case it
21 only goes to the rear of the property line --

22 MR. MARSDEN: I'm just -- you really
23 should have a rear corner, the western corner in the
24 back, that should be there because then you will
25 know what effect it will have on the adjacent

1 property.

2 And the other thing is you need to give
3 proposed top and bottom curbs, so I know you have at
4 least the minimum two percent cross slope on your
5 sidewalk, and whether you have to kind of like
6 finagle it to make that happen.

7 THE WITNESS: Yeah. I will have the
8 surveyor revise their survey showing the top and
9 bottom curb.

10 MR. MARSDEN: Right.

11 And then your proposed has to show top
12 and bottom curbs --

13 THE WITNESS: Yes.

14 MR. MARSDEN: -- so that we make sure
15 we have a good grade across the driveway and so you
16 have ADA compliance.

17 THE WITNESS: Yeah. We have a detail
18 on there showing the two percent, but you're --

19 MR. MARSDEN: Right.

20 THE WITNESS: -- absolutely right,
21 which way is it going to go is the question --

22 MR. MARSDEN: Right. How does it work.

23 THE WITNESS: -- okay.

24 MR. MARSDEN: Other than that, do you
25 have any other issues with my report and anything

1 that you don't feel you could, you know, address?

2 THE WITNESS: No. None of it was
3 insurmountable.

4 MR. MARSDEN: And the only other issue
5 or other concern that I have, and it is kind of like
6 I should have brought it up in other applications,
7 too, when you are dry flood proofing, and you have
8 the detention inside of the building, how are you
9 going to prevent -- how are you going to drain into
10 the detention basin, and are you going to have some
11 sort of methodology to prevent from that basin back
12 waters because it will --

13 THE WITNESS: I don't understand the
14 question.

15 Well, how does the dry flood proofing
16 have to do with the detention system --

17 MR. MARSDEN: The detention system is
18 inside of the parking lot --

19 THE WITNESS: Certainly.

20 MR. MARSDEN: -- and you're dry
21 proofing the parking lot --

22 THE WITNESS: Uh-huh.

23 MR. MARSDEN: -- which means that you
24 can't allow any water to come out of the detention
25 system.

1 THE WITNESS: Yes. Well, there was a
2 back flow preventer at each entry point to the
3 detention system, so if there is no room, the water
4 cannot get in there.

5 MR. MARSDEN: That is what I wanted you
6 to say.

7 (Laughter)

8 THE WITNESS: Yeah.

9 MR. MARSDEN: Okay. I am good.

10 THE WITNESS: And that for the Board,
11 for the rest of the Board members, as part of our
12 construction drawings and the DEP approval, that has
13 to be engineered prior to construction.

14 COMMISSIONER BRANCIFORTE: Are you
15 done, Jeff?

16 MR. MARSDEN: Yes.

17 COMMISSIONER BRANCIFORTE: Just two
18 minor questions.

19 Have you -- does the ADA have a
20 requirement for electric car chargers? Like do they
21 have to be at a certain height or --

22 THE WITNESS: Not that I am aware of,
23 not that I am aware of, not that I have come across.

24 COMMISSIONER BRANCIFORTE: You know, I
25 wouldn't mind seeing you put in a few more outlets.

1 THE WITNESS: I don't think there is
2 any problem with that.

3 COMMISSIONER BRANCIFORTE: Yeah. If
4 you could maybe add -- you know, outlets need to be
5 shared between spaces, so two cars can share the
6 same outlet.

7 THE WITNESS: Okay. Understood.

8 COMMISSIONER BRANCIFORTE: I think that
9 was the only question I had.

10 Thanks.

11 CHAIRMAN AIBEL: Okay, good.

12 MR. MARSDEN: If -- I'm sorry.

13 If I may just add, with that in mind,
14 your existing elevation is around five, your flood
15 is at 12, so your minimum height for your electric
16 soffits are going to have to be at, you know, seven
17 feet above grade --

18 THE WITNESS: Yes, yes.

19 MR. MARSDEN: -- so that will make it
20 difficult, okay? You probably will have to have
21 retractable --

22 THE WITNESS: They will be retractable,
23 yes.

24 MR. MARSDEN: -- right, so I just
25 wanted to make that clear.

1 CHAIRMAN AIBEL: Good. Let me open it
2 up to the public.

3 Does anybody in the public have
4 questions for the architect?

5 Seeing none, may I have a motion?

6 COMMISSIONER COHEN: Motion to close
7 the public portion for this witness.

8 COMMISSIONER MC ANUFF: Second.

9 CHAIRMAN AIBEL: All in favor?

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

12 MR. MINERVINI: Thank you.

13 CHAIRMAN AIBEL: Thank you.

14 MR. MATULE: Mr. Kolling?

15 MR. GALVIN: Raise your right hand.

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

19 MR. KOLLING: Yes, I do.

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

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

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

1 MR. GALVIN: Do we accept Mr. Kolling's
2 credentials?

3 CHAIRMAN AIBEL: We do.

4 MR. GALVIN: You may proceed.

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

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

9 THE WITNESS: Yes, I am.

10 MR. MATULE: And you are familiar with
11 the site and the proposed project?

12 THE WITNESS: Yes.

13 MR. MATULE: And you prepared a report,
14 dated July 31, 2013 when this application was
15 originally submitted, correct?

16 THE WITNESS: That's correct.

17 MR. MATULE: And you are aware that
18 since that time, the plan has been revised to scale
19 down the ground floor?

20 THE WITNESS: Yes.

21 MR. MATULE: Okay. Could you go
22 through your report, and I guess deviate as
23 necessary to reflect the current plan --

24 THE WITNESS: Right.

25 MR. MATULE: -- and give us your

1 professional opinion regarding the variances
2 requested?

3 THE WITNESS: Okay.

4 Well, the architect has described the
5 location on Paterson Avenue. It is about three
6 blocks or so from the Second Street light rail
7 station, about 30 feet east of the intersection with
8 Jackson Street.

9 The property is irregular in shape.
10 The side lot line to the west is only about 83 feet
11 deep. The side property line on the east is 147
12 feet deep, and the front property line runs at an
13 angle, as you can see on the site, along Paterson
14 Avenue.

15 It is a rather large site. It is 8600
16 square feet, and it currently has a one-story
17 commercial building, only commercial, no
18 residential, and it is pushed all the way to the
19 rear property line, and there is a chain link fence
20 there as well.

21 The surrounding area, as the architect
22 has described, is primarily a residential area with
23 a ground floor, commercial in certain locations, but
24 in the larger area it is relatively more in terms of
25 mixed use.

1 Off to the southwest, there is an
2 industrial area there. There is larger industrial
3 buildings and some vacant land. More across to the
4 south across the street and extending that way are
5 multi-story mid-rise and high-rise structures, five,
6 seven, twelve, fourteen stories,

7 Immediately adjacent is a five-story
8 building going to the west and more five-story
9 buildings along Paterson Avenue, so they can take on
10 some of that character.

11 And as the architect pointed out, to
12 the rear are several five-story type buildings as
13 you extend to the north along the side streets.

14 Directly behind the site is a
15 conversion of a convent and school into residential
16 uses, and I was there counting some of the floors,
17 and some of the buildings or portions of the
18 buildings are as high as six stories.

19 The proposed development, as the
20 architect mentioned, is a five-story building, so I
21 think it is consistent with the character of the
22 area.

23 There are ten parking spaces, which
24 meet what is required, 12 residential units. And as
25 the architect pointed out, they vary in size, and

1 there is two-bedrooms, three-bedrooms, a four and a
2 five-bedroom unit, and they are all rather large,
3 which I think is important in terms of meeting
4 the -- one of the goals or objectives or
5 recommendations of the master plan.

6 The lot coverage at the ground floor is
7 74 percent, and that encloses all of the parking,
8 which is another one of the recommendations of the
9 master plan.

10 The setback, as proposed, in the rear
11 is 30 feet, which meets the criteria. Actually it
12 exceeds the criteria in certain locations because
13 the criteria is 30 feet or 30 percent, whichever is
14 less. So along the lesser property line, it could
15 actually be at 25 feet, but it's maintained at 30,
16 but along the longer property line it is also 30, so
17 the rear yard setback is met. There is a variance
18 for distance from the front property line, but I
19 will address that later.

20 The zoning of the property is an R-3,
21 and the purpose of that is to advance the
22 achievement of a viable residential neighborhood, to
23 encourage conservation and rehabilitation of
24 existing sound residential blocks, to support
25 residential revitalization by a variety of housing

1 types and related uses, and to otherwise reinforce
2 the residential character of this district by
3 regulating uses and structures not compatible with
4 district objectives.

5 The retail uses are also permitted. Of
6 course, you have to meet Section 196-33, which is
7 two additional commercial uses on the block at no
8 greater than a thousand square feet of service area,
9 separate entrance, and the property meets that. So
10 both the retail commercial business and the 12 units
11 of residential are permitted, and we are within the
12 permitted density as well.

13 We exceed all of the lot areas because
14 this is a large lot, so if you look at the variances
15 that we are asking for, we are asking for height.
16 Instead of three stories over parking, we are asking
17 for 40 feet. We are asking for a fifth story and 50
18 feet.

19 The front yard required is five to ten
20 feet. We are asking for zero, which is consistent
21 with the block and the character of the area.

22 The rear yard setback, as I mentioned,
23 we comply. However, there is a second aspect to the
24 rear yard, where it says that no building can be
25 built -- a rear wall can be no further than 70 foot

1 from the street line, and obviously on the longer
2 lot line, which is really an extraordinary
3 situation, we do extend further than the 70 feet,
4 and then the coverage we are at 74 percent versus 60
5 percent.

6 Looking at the master plan, the master
7 plan was adopted in 2004, and there was a subsequent
8 reexamination report adopted in 2010, and all the
9 master plan had suggested merging the R-2 into R-3
10 districts. The newer reexamination report suggested
11 not merging them at this time, but other than that,
12 there was really no other specific recommendation.

13 So If you look at the general
14 recommendations in the master plan, one speaks to
15 transportation improvements would make Hoboken a
16 better place for pedestrians, cyclists, transit
17 riders while improving conditions for those who
18 drive.

19 Now, the proposed development is about
20 three blocks from the Second Street light rail
21 station. There is biking storage included within
22 the building, so I think that this does encourage
23 the use of bicycles and pedestrians, and it does
24 encourage the use of transit.

25 Recommendation number nine talks about

1 encouraging a mix of uses in new developments to
2 provide supporting services to workers and
3 residents, and I think this project also does that
4 because it is mixed residential and commercial, not
5 exclusively commercial like the existing property
6 is.

7 Another recommendation resolution talks
8 about promoting compatibility in scale, density and
9 design and orientation between new and existing
10 development. I think this project is consistent
11 with the scale of the neighborhood. It's consistent
12 with the permitted density, so therefore, I believe
13 that it is consistent with that recommendation as
14 well.

15 The master plan talks about buildings
16 being oriented to the street, and clearly this
17 building is in terms of the residential lobby and
18 the retail opening on to Paterson Avenue.

19 The master plan wants to prohibit new
20 surface parking lots and other open parking areas,
21 and this project encourages that or supports that
22 recommendation by having all of the parking enclosed
23 within the building.

24 The project provides additional street
25 trees, which the master plan recommends.

1 Then also in the housing element, and
2 this goes to the larger family-sized units, the
3 master plans recommends providing diversity in types
4 of housing, not just the smaller units, that in the
5 past Hoboken was, you know, more or less getting
6 large percentages of, but in this case by having a
7 mixture of not only larger two-bedrooms units, but
8 also threes and fours and even fives, we do provide
9 that diversity of housing.

10 There is another suggestion about
11 creating a quality housing model for new and
12 rehabilitative housing, and again, this
13 recommendation suggests assigning points for larger
14 units, the three-bedrooms or more, again to
15 encourage the larger bedrooms, which this project
16 does.

17 And then another one talked about
18 requiring minimum average unit size in the
19 development. Again, this was an idea to effectuate
20 a way to diversify the number and types of housing
21 units, which again, this project does.

22 There are green architectural
23 recommendations within the master plan, which we
24 have addressed through the green roof, the car
25 charging station, and bicycle storage, and any

1 number of other features that the architect has
2 already mentioned.

3 So I think we have advanced many
4 recommendations of the master plan, as well as
5 meeting the intent of the zone plan.

6 So although we do comply in terms of
7 the use for both the commercial and the retail, we
8 do need a D-6 variance, which is for height, as
9 previously mentioned. I think that this property is
10 particularly well-suited to accommodate the
11 additional height without any adverse impacts
12 because of its size and because of the character of
13 the area.

14 The design also minimizes to an extent
15 the upper floor, so also that it mitigates any
16 impact of the additional story.

17 The buildings on one side -- the
18 building on one side is five stories. The buildings
19 further west are five stories. The buildings behind
20 us are five and six stories, so I think that we do
21 fit into the surrounding area, and we actually are
22 consistent with the recommendations of the master
23 plan to promote compatibility in scale, density and
24 design.

25 In terms of the positive criteria also,

1 I think that we are consistent with the purpose of
2 the zone, which is to advance the achievement of a
3 viable residential neighborhood and to support
4 residential revitalization by a variety of housing
5 types.

6 I think that what we are recognizing
7 here is that we are taking a proposed project, which
8 is going to be built on what is now a large vacant
9 commercial store site, and which is, in my opinion,
10 contrary to the intent of the zone plan, and instead
11 replacing it with a conforming use and -- in this
12 neighborhood, which is consistent with that, a
13 mixture of commercial and residential uses.

14 The project also advances many of the
15 recommendations of the master plan, and in terms of
16 advancing the purposes of the Municipal Land Use
17 Law, I believe that the granting of the requested
18 variance will guide the appropriate use and
19 development of the site in a manner that will
20 promote the general welfare, which is consistent
21 with NJSA 40:55D-2(a) through the provision of the
22 housing and supporting services in a neighborhood,
23 which is exactly zoned for that, and replacing a
24 nonconforming commercial structure with a more
25 conforming and more compatible land uses.

1 It also promotes the general welfare by
2 advancing the principles of smart growth because of
3 our location and proximity to mass transit.

4 The project also promotes the
5 establishment of appropriate population density. We
6 are consistent with the density within the area, and
7 that is consistent with 40:55D-2(f).

8 The project provides sufficient space
9 in an appropriate location for this proposed use.
10 It is a larger site. It is near mass transit and
11 other residential and commercial uses, so I think it
12 meets that criteria as well, which is 40:55D-2(g).

13 And the project also promotes a
14 desirable visual environment. Currently there's a
15 one-story commercial structure, which is older and
16 with a lot of asphalt and parking out front, and
17 this will replace that with a building that is more
18 in keeping with the scale and the character of the
19 use of the surrounding area, which is consistent
20 with 40:55D-2(i).

21 Now, looking at the negative criteria,
22 I don't believe that the granting of the variance
23 will result in a substantial detriment to the public
24 good. In fact, the character of the area is very
25 similar, where as exactly like what we are

1 proposing.

2 So to put residential uses in a
3 residential zone, and a commercial use where
4 commercial is permitted, and something that is
5 consistent with the size and scale certainly
6 wouldn't be contrary or result in a detriment to the
7 public good, and it will not substantially impair
8 the intent and purpose of the zone plan.

9 As I was describing in the past, it
10 would actually promote the purpose of the zone plan
11 in terms of the uses, the permitted density, and we
12 also advanced many recommendation of the master
13 plan.

14 Now, in terms of the C variances, the
15 front yard is required to be between five and ten
16 feet, and we are proposing zero feet. However, this
17 is consistent with the character of the block, in
18 keeping with the general development pattern in
19 Hoboken.

20 I think to set the building back would
21 be more detrimental than keeping it where it is. I
22 think this is a better approach to development, and
23 as I mentioned, the project does promote many of the
24 purposes of the Municipal Land Use Law, which would
25 be considered a benefit in this regard, so

1 therefore, with a lack of substantial detriment,
2 this front yard variance can be granted pursuant to
3 the C-2 criteria, wherein the benefits of granting
4 the variance substantially outweigh the detriment.

5 In terms of the rear yard, as I
6 mentioned, we actually meet and actually exceed on
7 the one side the rear yard requirement. However, we
8 do exceed the maximum building depth requirement of
9 70 feet, so I think in this case you also have a
10 situation of hardship.

11 This is a very unusual situation, where
12 you have a lot with a lot line of this length, so it
13 creates a difficulty in designing the building in a
14 consistent manner where you have like a straight
15 rear wall, so I think in that regard we do have a
16 C-1 type of criteria that we met here because of the
17 unusual and exceptional shape of the property.

18 But also in terms of the benefits
19 outweighing the detriment, we are providing a
20 30-foot rear yard, which meets the criteria, along
21 the whole length of the property, so that creates
22 the rear yard open space, which is one of the goals
23 and objectives really of not just the master plan,
24 but of the zone plan, so I think that the benefits
25 outweigh the detriments for the rear yard as well.

1 The coverage is also impacted by the
2 unusual lot size, because in trying to maintain a
3 consistent rear building depth, but we do cover more
4 of the lot than we typically would in the lot
5 angling, as it does in the front, so I think you can
6 also look at that as being a C-1 type of condition
7 as well.

8 But I think more clearly, even as with
9 the other C variances, we do have significant
10 benefits in this design in terms of replacing the
11 nonconforming commercial structure, in terms of the
12 advancement of the master plan recommendations, et
13 cetera, that we could apply the C-2 benefit criteria
14 as well in this situation.

15 So I believe that in conclusion, that
16 we have met both the positive and the negative
17 criteria for granting the variances. There should
18 be no substantial detriment to either the public
19 good or the zone plan, if the variances were
20 granted, and the site can accommodate the added
21 height without detriment, in my opinion, and
22 therefore, I think we have met our burden.

23 CHAIRMAN AIBEL: Thanks, Mr. Kolling.

24 Board members, questions for the
25 planner?

1 Mr. Branciforte?

2 COMMISSIONER BRANCIFORTE: Mr. Kolling,
3 you talked about the recommendations starting on
4 Page 5, but I actually want to talk about number
5 two, which is on Page 6, two and five on Page 6.

6 "Require buildings to be oriented to
7 the street," you know, are there any buildings being
8 designed anywhere in an urban area that are not
9 oriented to the street?

10 THE WITNESS: They have been in the
11 past. It was not uncommon -- and I will tell you a
12 place where it is, and it happens to be in the
13 Northwest Redevelopment area.

14 You have a one-story commercial
15 structure on Fourth Street, where it is pushed back
16 from the street, and you have a parking lot in front
17 of it, and even the ShopRite, which is sort of a
18 necessary evil, because supermarkets by their nature
19 have to have blank walls, but those are things that
20 would sometimes happen.

21 I have seen in my experience, where,
22 for instance, a fast food restaurant comes up or a
23 drugstore, and you want it to be on the corner. You
24 want to orient it to the street or whatever.
25 Everybody insists on pulling the buildings back and

1 putting in parking in front or something like that,
2 so it's rare in Hoboken especially, but it has
3 occurred.

4 COMMISSIONER BRANCIFORTE: And the same
5 thing about the surface parking lots. I mean,
6 every -- the city doesn't even allow surface parking
7 lots to be attached to new buildings any more, do
8 they really?

9 THE WITNESS: Well, yeah, again, I
10 think why the recommendation is in the master plan
11 is because in the past, you did find that.

12 Church Towers, for instance, you
13 have --

14 COMMISSIONER BRANCIFORTE: Yeah.

15 THE WITNESS: -- parking around
16 mid-rise or high-rise buildings, that type of thing,
17 so that is why it is there. It's just to say that
18 we don't want to do that any more.

19 COMMISSIONER BRANCIFORTE: Yeah. I
20 mean, they are a bit outdated. That's why -- I
21 think those two reasons, you know, being oriented to
22 the street and the surface parking, they are kind of
23 weak. I would rather see a stronger case set for
24 that.

25 I mean, it is a given now that we are

1 going to have our lobbies oriented to the street,
2 and it is a given that we are not going to have any
3 exposed parking spaces, so that -- and that is all I
4 have.

5 Thanks, Mr. Chair.

6 CHAIRMAN AIBEL: Any other
7 Commissioners, questions?

8 Professionals?

9 MS. BANYRA: I just have one question.
10 I am not sure if this is for you, Mr. Kolling, or
11 for the architect.

12 But if you look on Z-1, your testimony
13 was that almost all of the buildings surrounding are
14 five-story. And when you look at the radius map,
15 almost everything shows four stories or, you know,
16 so maybe you could kind of look at that and correct
17 that or --

18 MR. MINERVINI: I can answer that.

19 They are four-story, but their heights
20 floor to floor are very tall. So, for example, the
21 building directly behind us, the convent is four
22 stories, but it is 55 feet plus or minus, as I
23 recall.

24 MS. BANYRA: Okay.

25 And is the same true for the building

1 going across Jackson, is that a four-story
2 residential building?

3 MR. MINERVINI: Across that,
4 five-story --

5 MS. BANYRA: It says four stories --

6 MR. MINERVINI: This one is four and a
7 quarter. This is a five that wraps around it. I
8 know because we designed it.

9 MS. BANYRA: Okay.

10 THE WITNESS: I know that building is a
11 four-story building, but they seem to be taller --

12 MR. MINERVINI: Taller --

13 THE WITNESS: -- and possibly
14 industrial --

15 MR. MINERVINI: -- industrial --

16 THE WITNESS: -- and then the next
17 building up is five stories.

18 MS. BANYRA: Okay.

19 So your testimony then is that the
20 stories height-wise, it is compatible.

21 Is that correct?

22 THE WITNESS: Well, both in height and
23 in stories, yes. Not every building is five
24 stories. I didn't mean to imply that.

25 But -- and obviously on Monroe, it is

1 different than on I guess Jackson --

2 MS. BANYRA: Uh-huh.

3 THE WITNESS: -- so as I walked down
4 Jackson, there were a greater percentage of the
5 taller buildings, and I did stop in front of St.
6 Joseph's school and look like down the alleyways and
7 things and counted the number of windows, and in a
8 couple locations, I did count even six windows,
9 although one of those may have been a raised
10 basement.

11 MS. BANYRA: Okay.

12 And then the other thing maybe is a
13 point of clarification.

14 The zoning table says it's 50 feet
15 above grade, and again, this might be Frank, the
16 last -- on the back sheet it shows 50. Your block
17 diagram says it's 52-6, so --

18 MR. MINERVINI: That is to the parapet.

19 MS. BANYRA: That's to the parapet?

20 MR. MINERVINI: Yes.

21 MS. BANYRA: Okay. Thank you.

22 That is all I have.

23 COMMISSIONER BRANCIFORTE: 52-6 to the
24 parapet --

25 MR. MINERVINI: We measured -- our

1 zoning chart measured to the roof plane --

2 MS. BANYRA: Right.

3 COMMISSIONER BRANCIFORTE: Right.

4 MR. MINERVINI: -- and the parapet is
5 slightly higher than that.

6 MS. BANYRA: Okay.

7 COMMISSIONER BRANCIFORTE: How many
8 more feet are we adding to the parapet, to the top
9 of the parapet?

10 MR. MINERVINI: I think our
11 intention --

12 MS. BANYRA: 2.2 --

13 COMMISSIONER BRANCIFORTE: So six
14 feet --

15 MR. MINERVINI: -- was to have the
16 parapet also act as the railing for that space
17 behind it.

18 MS. BANYRA: Parapets are not counted
19 for the height, as long as they are below four feet.

20 COMMISSIONER BRANCIFORTE: Yeah. I
21 know that they are not counted as the height, but
22 when I'm standing across the street looking at the
23 building, you know, I see the height, so that is why
24 it is hard for me to separate the two.

25 MR. GALVIN: Any other questions by the

1 Board?

2 COMMISSIONER MURPHY: Oh, I guess I am,
3 you know, we talked about things that, like
4 buildings face forward. We have this -- when we
5 looked at Vera's Florist, we talked about the fact
6 that we weren't really sure we liked the fact that
7 it was going right up to the edge of the property,
8 and this is an opportunity on a block that is like
9 half of the block is going to be redeveloped
10 basically.

11 Why would we have to go all the way up
12 to the front of the -- I mean, we have this -- you
13 need a variance not to do it, and every application
14 that we see, everybody wants to go right up to the
15 lot line in the front, and I think we talked about
16 that not being something that we wanted done on that
17 corner.

18 I guess I am just putting it out there
19 as an observation for another thing that just always
20 seems to get pushed aside, and nobody wants to
21 develop anything that is back.

22 COMMISSIONER MARSH: What is the
23 depth -- I'm sorry --

24 MR. MATULE: Is that a question, and I
25 am not being facetious --

1 COMMISSIONER MARSH: -- I guess it
2 wasn't --

3 MR. GALVIN: No, no. I think there was
4 a question there.

5 I think what the Commissioner is saying
6 is, I understand that it is a common practice for us
7 to go to the front line, and the reason why we are
8 doing that is we are creating consistency along the
9 street, and if you were to pick up that five feet,
10 if you were going to have some kind of an eatery or
11 something out there, that would definitely be an
12 advantage to have additional, and in this location
13 you might see it as being better to have it set back
14 five feet, because maybe it opens up that space in
15 some manner.

16 So the question is to the
17 professionals: If we wanted it stepped back five
18 feet, is there some possibility that you could do
19 that, to eliminate that variance.

20 MR. MINERVINI: It probably could be
21 accommodated on the ground floor with losing parking
22 spaces as a result.

23 But in terms of the bigger picture, we
24 are designing very often to context, and frankly, I
25 think that is such a flawed, flawed ordinance in a

1 city environment, where the predominant planning
2 method has been to zero lot line, which is why we
3 asked for the variance, and if we prove, and if you
4 decide whether we do or not, that the property line
5 in this case makes sense, then we receive the
6 variance.

7 But almost every project we come to
8 this Board with has context, and there's a reason
9 for us asking for that variance because almost
10 always the adjacent property is at zero lot line.

11 In my opinion, architecturally and in a
12 small way in a planning sense, this is Ed's
13 profession, consistency on the street in terms of
14 the street, it is a good thing.

15 COMMISSIONER COHEN: Well, isn't the
16 adjacent property at zero lot line on this one?

17 MR. MINERVINI: Yes, exactly right.
18 Exactly and --

19 COMMISSIONER MURPHY: On the east side.

20 MR. MINERVINI: In both cases right
21 now.

22 COMMISSIONER BRANCIFORTE: Yeah. You
23 know, I appreciate what you are saying, because you
24 are coming in next week you are saying with the
25 corner design --

1 MR. MINERVINI: Well, not next week,
2 but soon hopefully.

3 COMMISSIONER BRANCIFORTE: -- soon with
4 the other design for that corner, and it is a chance
5 to -- I mean that is -- we are talking about what --
6 what is the frontage along Paterson Avenue and then
7 we add --

8 MR. MINERVINI: Less than 100.

9 COMMISSIONER BRANCIFORTE: What?

10 MR. MINERVINI: We're less than 100.

11 COMMISSIONER BRANCIFORTE: Oh, it used
12 to be 85 feet --

13 MR. MINERVINI: Yeah.

14 COMMISSIONER BRANCIFORTE: -- and then
15 we add what is coming in next door and basically
16 redeveloping that, almost a hundred and whatever
17 feet, 120 or whatever.

18 MR. MINERVINI: But that is if this
19 Board thinks that a building set back makes any
20 sense in this location.

21 COMMISSIONER BRANCIFORTE: Right.

22 MR. MINERVINI: I, as a designer, and
23 this is again for you to decide, we come here with
24 an application that we think makes sense, and I
25 think that makes zero sense.

1 COMMISSIONER BRANCIFORTE: Well --

2 THE WITNESS: I point out that at the
3 end of the property where the newer building I guess
4 would be at the east end, the lot becomes rather
5 shallow.

6 COMMISSIONER BRANCIFORTE: You showed
7 the sidewalk on Paterson Avenue being 16 feet wide.
8 That's fairly wide.

9 MR. MINERVINI: That is wide, but what
10 you are saying, and this is a bigger discussion, it
11 would also apply to anywhere in the R-2 or R-3 zone,
12 for example. So if you got a consistent street,
13 let's just say it's Madison Street, because most of
14 it is at zero lot line, if we are building a new
15 building, and we don't ask for that variance, it is
16 the one building that's set back, so yeah, and this
17 is the bigger concept here for we as designers.

18 COMMISSIONER BRANCIFORTE: Okay.

19 COMMISSIONER MARSH: I have a slightly
20 related, but slightly a different question.

21 Are you done?

22 COMMISSIONER MURPHY: Go ahead.

23 COMMISSIONER MARSH: That is, in
24 this -- what page was I on -- the one with the --
25 Z-4, and you show all of these trees planted, and I

1 think one of them says it's a Japanese lilac.

2 MR. MINERVINI: It may. The trees that
3 we use are the recommended trees from the Hoboken
4 Shade Tree Commission.

5 COMMISSIONER MARSH: Well, right. But
6 I just -- I mean, I just looked it up. That's the
7 north side of the building. There's a five-story
8 building. Japanese --

9 MR. MINERVINI: Uh-huh. And this is
10 the south side of the building.

11 COMMISSIONER MARSH: No. I am talking
12 about on the right.

13 A VOICE: Rear yard.

14 MR. MINERVINI: Pardon me.

15 COMMISSIONER MARSH: On the north side,
16 right?

17 MR. MINERVINI: Yes.

18 COMMISSIONER MARSH: Those trees need
19 full sun. I don't think there is going to be any
20 sun there at all ever --

21 MR. MINERVINI: I won't argue with you
22 on that point, because maybe that's -- we'll take a
23 look at that --

24 COMMISSIONER MARSH: -- so my point is
25 if you are going to plant trees, the place to make

1 sense is on the south side actually, where they
2 might grow.

3 MR. MINERVINI: And to that point --
4 thank you. We will take another look at the species
5 at the rear.

6 COMMISSIONER BRANCIFORTE: Well, even a
7 seeded lawn sounds suspicious, because it is going
8 to be in shade.

9 COMMISSIONER MARSH: Right.

10 MR. MINERVINI: It is not going to be
11 in the shade all of the time. Just because the
12 facade faces north and the yard faces north does not
13 mean that it is in shade all of the time.

14 Any time when the sun is -- in the
15 warmer weather, it rises from the east --

16 COMMISSIONER BRANCIFORTE: Well, you
17 have parking there anyway --

18 COMMISSIONER MARSH: And it sets in the
19 west --

20 MR. MINERVINI: -- sets in the west.

21 COMMISSIONER MARSH: -- and it's in the
22 south, because we are in the northern hemisphere,
23 right, yes.

24 MR. MINERVINI: And I understand this
25 completely.

1 (Laughter)

2 COMMISSIONER BRANCIFORTE: You have a
3 parking lot at grade next door anyway, so --

4 MR. MINERVINI: We have a parking lot,
5 yes.

6 COMMISSIONER BRANCIFORTE: Yeah, okay,
7 so it is not a solid brick building there.

8 CHAIRMAN AIBEL: Okay. Questions?

9 Okay. Seeing none, Eileen, are you
10 finished?

11 MS. BANYRA: Just maybe in response to
12 Commissioner Murphy's question and in response to
13 the architect's characterization of the setback
14 requirements.

15 I believe that ordinance was changed in
16 2002 to move from zero to five feet back, and I have
17 to say that it has been recommended to be changed
18 probably since that time back, back to zero
19 because -- the architect accurately reported that,
20 because the characterization, most of it, I am not
21 sure, I don't remember why the Planning Board -- why
22 we changed it, but, you know, just so you know that
23 because most of the city is.

24 And what we do allow, sometimes we have
25 some plantings in different areas. It used to be

1 zero to five feet, and now to have it as a mandated
2 setback sometimes doesn't work, so you have to then
3 evaluate that based on the testimony that was
4 provided.

5 COMMISSIONER MURPHY: And then the
6 width of a sidewalk depends on the street that it is
7 on?

8 MS. BANYRA: Yes, and this is a county
9 street --

10 COMMISSIONER MURPHY: And this is
11 March --

12 MS. BANYRA: -- and the county is going
13 to control -- and they are going to control street
14 trees, and right up to the building face I think is
15 in the right-of-way, if I am not correct, and it may
16 actually extend into the right-of-way. I don't a
17 hundred percent know, but it goes certainly right up
18 to the face, so --

19 COMMISSIONER MURPHY: Right.

20 MR. MATULE: We will, assuming that it
21 is approved at this level, we will have to as part
22 of our county site plan approval, request an
23 easement ordinance from the Board of Freeholders for
24 our planters and stuff along the street.

25 MS. BANYRA: Great. All right.

1 COMMISSIONER BRANCIFORTE: Is the
2 county in the practice now of asking for bike racks
3 on the sidewalk, or do you have to promote them to
4 the county?

5 MR. MATULE: They have green
6 initiatives, and bike racks are one of them. The
7 fact that we have a lot of bike racks inside, they
8 may or may not ask us to put one out there. The
9 fact that this sidewalk is 16 feet wide, we could
10 probably accommodate a bike rack --

11 COMMISSIONER BRANCIFORTE: Would you
12 have a problem asking the county to install bike
13 racks more for the retail space?

14 MR. MATULE: I don't have any issue
15 with raising it with them and asking them --

16 COMMISSIONER BRANCIFORTE: So we can
17 put that in the resolution that you will ask.

18 MR. MATULE: -- if they could do it,
19 but it is certainly up to their discretion.

20 COMMISSIONER BRANCIFORTE: Sure.

21 COMMISSIONER FISHER: I just have one
22 question. I think it should have been to Frank, but
23 maybe, Mr. Matule, you will know.

24 How close is this building to -- there
25 is one building on -- is it Monroe -- hum -- where

1 it looks like this will be very close. It is about
2 the third building in, and on this it looks like it
3 is number 31 on Z-1. If you look across Monroe
4 Street, it goes 33, 32, 31. How wide is that?

5 Do you see it?

6 MR. MATULE: Pardon?

7 COMMISSIONER FISHER: I'm sorry. It's
8 right here.

9 MR. MATULE: This building right here?

10 COMMISSIONER FISHER: This building.

11 THE REPORTER: I can't hear you over
12 here.

13 MR. MATULE: Yes.

14 COMMISSIONER FISHER: I'm just pointing
15 to the building.

16 MR. MATULE: Okay. So the building
17 that is on Lot 31.

18 COMMISSIONER FISHER: Uh-huh.

19 I'm just curious. This new building,
20 how close is it going to be to the back of the
21 building number 31, because right now it's --

22 MR. MATULE: I don't know. Mister --
23 I'm sure -- well, we are at our lot line, so I don't
24 know what the rear yard depth there is.

25 If you could figure that out, Mr.

1 Minervini.

2 MR. MINERVINI: That building looks --
3 the lot is 100 feet deep, and it looks to be about
4 70 feet already, that building.

5 Actually -- pardon me. This says 25,
6 so it is just about 70 feet, because this lot width
7 is 25, and our yard for number 31 is as shown here
8 larger, and this one was taken from the tax maps, so
9 that is about 30 feet.

10 COMMISSIONER FISHER: Great.

11 COMMISSIONER BRANCIFORTE: Tiffanie,
12 are you done now?

13 COMMISSIONER FISHER: Yes.

14 COMMISSIONER BRANCIFORTE: What is this
15 LED wall?

16 Are you just talking about two lights
17 on Z-5?

18 MR. MINERVINI: The two facade lights.

19 COMMISSIONER BRANCIFORTE: Okay.

20 You're not talking about a wall light?

21 MR. MINERVINI: No.

22 COMMISSIONER BRANCIFORTE: Just sell me
23 on this. What other green initiatives besides bike
24 racks --

25 MR. MINERVINI: Green roofs, if they

1 want -- you know what, I did mention --

2 COMMISSIONER BRANCIFORTE: -- inside
3 the building --

4 MR. MINERVINI: -- pardon me.

5 We are going to be getting LEED
6 certification, so that --

7 COMMISSIONER BRANCIFORTE: You really
8 should have mentioned that.

9 MR. MINERVINI: I should have, but the
10 reason I don't always, although I should, is that
11 that happens post construction, so generally as we
12 have been directed, and it makes perfect sense to
13 me, you talk about the ways to get there, and
14 sometimes on low VOC materials, and you got the
15 extensive green roof, we will --

16 COMMISSIONER BRANCIFORTE: Lighting in
17 the hallways?

18 MR. MINERVINI: Lighting in the
19 hallways. We will very easily in this case with
20 what we are proposing meet the LEED requirement for
21 LEED certification.

22 COMMISSIONER BRANCIFORTE: But not a
23 certain level, just a base certification?

24 MR. MINERVINI: That's correct.

25 CHAIRMAN AIBEL: Okay. Let me open it

1 up to the public.

2 Anybody have questions for Mr. Kolling?

3 Seeing none, may I have a motion?

4 COMMISSIONER COHEN: Motion to close
5 the public portion for this witness.

6 COMMISSIONER MC ANUFF: Second.

7 CHAIRMAN AIBEL: All in favor?

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

10 CHAIRMAN AIBEL: Do you want to do some
11 deliberations and then go to the public or --

12 MR. GALVIN: No. Open it up to the
13 public and then --

14 CHAIRMAN AIBEL: Okay. Let me open it
15 up to the public for comments, and then Mr. Matule
16 will give us a closing.

17 MR. GALVIN: Anybody in the public want
18 to be heard on this matter?

19 Seeing no one.

20 CHAIRMAN AIBEL: Close the public.

21 COMMISSIONER BRANCIFORTE: Motion to
22 close.

23 CHAIRMAN AIBEL: Thank you.

24 COMMISSIONER COHEN: Second.

25 CHAIRMAN AIBEL: All in favor?

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

3 CHAIRMAN AIBEL: Okay.

4 MR. GALVIN: Please sum up.

5 MR. MATULE: Just very briefly, I don't
6 want to repeat all of the testimony of the
7 professionals, but the building is in keeping with
8 the scale of the existing street scape on Paterson
9 Avenue. It has been designed to compliment the
10 irregularly shaped lot. It is within the permitted
11 density with predominantly larger three and
12 four-bedroom units. There is extensive landscaping
13 in the rear yard and street trees.

14 Right now the lot is 100 percent
15 impervious coverage between the asphalt and the
16 commercial building that is there. There is no
17 on-site detention, so basically everything that runs
18 off, runs off right into the storm system. We are
19 now going to have on-site stormwater detention, plus
20 an extensive green roof, which will help alleviate
21 some of the runoff.

22 We are eliminating a nonconforming
23 structure at the rear of the lot line, which will
24 actually open up that rear yard for the surrounding
25 properties.

1 As Mr. Minervini said, the building
2 will also be LEED certified.

3 So all things considered relative to
4 what is there now, we think this is a much better
5 zoning alternative, and we would request that the
6 Board grant the requested variance relief.

7 I would just for the record remind the
8 Board, this is preliminary site plan approval.
9 Should they see fit to approve this, we would then
10 have to go to the county and then have to come back
11 to this Board for final site plan approval.

12 Thank you.

13 CHAIRMAN AIBEL: Thank you, Mr. Matule.

14 I'll open it up to the Board members.

15 Anybody care to start off?

16 Nobody has comments?

17 COMMISSIONER FISHER: I am happy to
18 start.

19 CHAIRMAN AIBEL: Thanks, Tiffanie.

20 COMMISSIONER FISHER: Hum, I actually
21 used to live around the corner from this property
22 years and years ago.

23 I appreciate Frank's effort in
24 responding to a lot of what my comments have been
25 historically about being a little bit too shiny and

1 too modern, et cetera.

2 Personally, I think it is a great,
3 great design, and it does have a little bit more of
4 that traditional element, but yet still has some,
5 you know, more modernized, providing continuity
6 around that block, so consistency with the buildings
7 next door and the height of the building and the lot
8 line of the building next door, as well as the
9 buildings right around the corner.

10 I am actually okay with it. I think
11 this is, you know, this is consistent with what the
12 master plan wants for an R-3 zone, and I just think
13 it is a good development on an odd-shaped lot, and I
14 appreciate a lot of the efforts to, you know,
15 preserve some open space, et cetera, and I mean, I
16 am in support of it.

17 CHAIRMAN AIBEL: Thanks.

18 COMMISSIONER TREMITIEDI: I agree with
19 the Commissioner. It is consistent in scale with
20 the height and the lot line.

21 I heard mentioned today, it is removing
22 the nonconforming use, but the word "vacant" wasn't
23 mentioned, and that is very important to me from a
24 fire protection standpoint because vacant buildings
25 are breeders for fires, so if I could vote tonight,

1 I would definitely vote for this project.

2 CHAIRMAN AIBEL: Does anybody else wish
3 to comment?

4 COMMISSIONER COHEN: I think that it is
5 a good design. I think that it matches the lot line
6 and it matches the height. It recognizes the
7 concerns of the Zoning Board that were expressed
8 with respect to the Vera's Florist property.
9 Although I was someone who liked that design, I was
10 in the minority, but I appreciate the fact that
11 people who designed this building listened and
12 addressed those concerns.

13 I do think that there is a demand and a
14 need and a benefit to the community to have
15 family-friendly units, and the three and
16 four-bedroom units here, I believe, will be in
17 demand and will add a lot of family street life to a
18 block that is lacking that.

19 So I think there will be a lot of
20 benefits to the community, and having the commercial
21 space is also a benefit and appropriate in this
22 zone.

23 CHAIRMAN AIBEL: Anybody else wish to
24 comment?

25 COMMISSIONER MC ANUFF: I like the

1 design. I think it is esthetically pleasing. I
2 think it fits well within the neighborhood.

3 My only concern, as I said in my
4 comments to the architect, is I would rather the
5 rear yard be elevated to the second floor and saw
6 more parking put into the garage.

7 I just think the ten spots that are
8 provided, three of them go to the commercial space.
9 Seven are provided for the 12 units in the building,
10 and I just don't think that is going to be enough.
11 I would rather pick up another six spots in the rear
12 yard and elevate the rear yard to the second floor
13 units.

14 COMMISSIONER BRANCIFORTE: I may have
15 missed this.

16 How big is the retail space?

17 COMMISSIONER FISHER: 935 square foot.

18 COMMISSIONER BRANCIFORTE: You know,
19 this is usually -- well, first of all, I would like
20 to discuss whether the Board feels we should ask the
21 architect and the applicant to move the fifth story
22 balcony, the setback.

23 I mean, he said that you could push it
24 back an additional two feet to make the fifth floor
25 look a little bit more invisible from the street.

1 I would like to see that. I don't know how the rest
2 of the Board feels about it. But this is actually
3 the sort of building that I am usually not happy
4 about, because of the height, and I think it is
5 going to look monolithic once you hook it up to the
6 roof line of the building next door.

7 But, you know, when we approved that
8 restaurant across the street, we heard a lot from
9 the residents that talked about the lack of retail
10 space in the neighborhood, so the retail space and,
11 you know, I'll probably end up voting for it because
12 of the retail space, and yeah, maybe it is just time
13 we saw that lot developed anyway.

14 But what Carol Marsh was saying before,
15 Carol, you were talking about, you know, what
16 guarantees do we have that these actually end up in
17 the families and --

18 COMMISSIONER MARSH: I didn't ask that,
19 but yes --

20 COMMISSIONER BRANCIFORTE: -- well,
21 yeah --

22 COMMISSIONER MARSH: -- I asked what
23 the trend was.

24 COMMISSIONER BRANCIFORTE: Oh, what the
25 trend was.

1 I just want to say, you know, a lot of
2 times it is true that you see -- people say, well,
3 it is a million-dollar -- it a three-family --
4 three-bedroom unit, who is going to buy it and rent
5 it out to six college kids.

6 Come to my building, and you will see a
7 lot of, you know, very nice units on a Saturday
8 night with kegs out on the balconies. It is not
9 unusual.

10 So I said it before, there is a thin
11 line between fraternity-friendly and
12 family-friendly, so that is all I have to say about
13 that.

14 Thanks. I am done.

15 COMMISSIONER MURPHY: I generally like
16 the design.

17 I am kind of in agreement with you,
18 that if the top was pushed back a little, I am not
19 so worried about right across the street not being
20 able to see it, but further away it would just kind
21 of soften that idea and not make the building look
22 so big, and so even back a little bit further would
23 kind of soften that roof line, even though it is
24 pretty even, but it will just give you that look.

25 I am totally in favor of the

1 family-friendly apartments and the green space. I
2 like the green space on the ground level, and you
3 know, I think that the parking issue will not be a
4 big issue.

5 CHAIRMAN AIBEL: So, we've got
6 everybody weighed in here. Good.

7 So I will put my two cents in and say
8 that in contrast to what I would usually say, I have
9 no problem with the fifth story setting it two feet
10 back. It seems to be contextual with the portion of
11 the building to the right.

12 I would agree that I would not want to
13 see another floor built over the outdoor space in
14 the back. I think one of the real benefits of this
15 is that the owner and architects listened to us,
16 understand that open space is very important to us,
17 and I think developed a nice open space in the rear.

18 I would prefer that we go more closely
19 to the 60 percent lot coverage requirement. In this
20 case I am inclined to bend on it, because I do see
21 benefits in the larger apartments and obviously the
22 need for parking in the building.

23 So I guess on balance, I like the
24 project as it has been presented and would probably
25 vote for it as is, so --

1 MR. GALVIN: Read the conditions?

2 CHAIRMAN AIBEL: -- Counsel, read the
3 conditions.

4 MR. GALVIN: Okay.

5 One: The plan is to show top and
6 bottom elevation on all curbs.

7 Two: The applicant is to comply with
8 the Board engineer's and the Board planner's
9 reports.

10 Three: The plan is to be revised to
11 show additional retractable car charging stations as
12 discussed at the time of the hearing. This
13 condition is to be reviewed and approved by the
14 Board's engineer.

15 Four: The applicant is to revise the
16 landscaping in the rear of the building to insure
17 that the trees to be utilized will be a more
18 survivable species. The substituted species are to
19 be reviewed and approved by the Board's planner.

20 Five: The applicant is to install a
21 bike rack along the sidewalk, if the County of
22 Hudson approves of it in this location.

23 Six: The plan is to be revised to move
24 the fifth floor back two feet.

25 CHAIRMAN AIBEL: So let me raise the

1 last condition to the Board members.

2 Do we have a belief that a larger space
3 and a larger setback would be appropriate or --

4 COMMISSIONER COHEN: I agree with the
5 Chair on this. I mean, I think that it should be as
6 designed.

7 I think that by pushing -- by basically
8 designing it on the fly like this is creating
9 additional issues for people on a busy street with
10 having chairs and umbrellas and stuff out there,
11 which could create as many problems as we are trying
12 to solve. I don't think a two-foot difference is
13 going to be substantial, and I think we should just
14 vote on the design as submitted.

15 CHAIRMAN AIBEL: I think we should mark
16 this moment that Mr. Cohen and I have agreed on
17 something.

18 (Laughter)

19 MS. BANYRA: Dennis, besides the top of
20 the curb and the bottom of the curb, I think one of
21 the other conditions should be a revised survey. I
22 think that is what the architect -- and it's in both
23 of our reports.

24 But the other thing is probably there
25 should be some prohibition, I don't know, and maybe

1 when they come back at the time of final in terms of
2 putting umbrellas or some -- I am going to say
3 something on that front five-foot space because I
4 think it is going to be very sunny, and I am sure at
5 the time of final, maybe the architect will come
6 back with something and represent something for
7 that.

8 COMMISSIONER BRANCIFORTE: The only
9 other thing that we mentioned was moving the
10 entrance -- the door to the retail space further
11 west away from the garage door, and should put a
12 planting there.

13 MS. BANYRA: Yes.

14 MR. GALVIN: You guys are way ahead of
15 me, so I will come back to that in a second.

16 The applicant is to submit a revised
17 survey showing top and bottom curb.

18 Okay. Now, what do you want?

19 COMMISSIONER BRANCIFORTE: To move the
20 retail space entry door on Paterson Street further
21 west away from the garage door and to install
22 additional plantings -- planter, I guess, at the
23 west side of the garage for safety, and the mirrors
24 also on the garage.

25 MR. GALVIN: A convex mirror?

1 COMMISSIONER BRANCIFORTE: Yes, convex.

2 MR. GALVIN: So the retail door is to
3 be moved further away from the garage.

4 The addition of a convex mirror and --

5 COMMISSIONER BRANCIFORTE: Planter.

6 MR. GALVIN: -- planter --

7 MS. BANYRA: A planter should be
8 included in the revised landscaping plan.

9 MR. GALVIN: If it is the consensus of
10 the Board on removing the two-foot setback, so then
11 we have six conditions, plus my normal conditions.

12 CHAIRMAN AIBEL: Is that acceptable?

13 No objections stated.

14 Thank you.

15 MR. GALVIN: Please proceed.

16 CHAIRMAN AIBEL: Okay.

17 So we are at the point we have
18 conditions. Do we have a motion?

19 COMMISSIONER BRANCIFORTE: I'll make a
20 motion to approve the application with the
21 conditions that Dennis just went over.

22 CHAIRMAN AIBEL: Do we have a second?

23 COMMISSIONER COHEN: Second.

24 MS. CARCONE: Was that Phil?

25 CHAIRMAN AIBEL: Pat?

1 MS. CARCONE: Commissioner Cohen?

2 COMMISSIONER COHEN: Yes.

3 MS. CARCONE: Commissioner Marsh?

4 COMMISSIONER MARSH: Yes.

5 MS. CARCONE: Commissioner Murphy?

6 COMMISSIONER MURPHY: Yes.

7 MS. CARCONE: Commissioner Branciforte?

8 COMMISSIONER BRANCIFORTE: Yes.

9 MS. CARCONE: Commissioner Fisher?

10 COMMISSIONER FISHER: Yes.

11 MS. CARCONE: Commissioner McAnuff?

12 COMMISSIONER MC ANUFF: No.

13 MS. CARCONE: And, Commissioner Aibel?

14 CHAIRMAN AIBEL: Yes.

15 MR. MATULE: Thank you.

16 CHAIRMAN AIBEL: Thank you.

17 Before we go off the record, and I am

18 hoping -- let me ask the question, does anybody need

19 a break?

20 COMMISSIONER COHEN: I would like to

21 take a break. We've been going a long time.

22 COMMISSIONER MARSH: Yes.

23 CHAIRMAN AIBEL: Okay. We will take a

24 ten-minute break.

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

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

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

Notary Public of the State of New Jersey

Dated: 7/21/14

My commission expires 11/5/2015.

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
REGULAR MEETING OF THE :
HOBOKEN ZONING BOARD OF : July 15, 2014
ADJUSTMENT : Tuesday 8:50 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Phil Cohen
- Commissioner Diane Fitzmyer Murphy
- Commissioner Carol Marsh
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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

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

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6 Attorney for the Board.

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1 CHAIRMAN AIBEL: Are we ready?

2 We are going to go back on the record.

3 It is about five of nine.

4 A couple of pieces of administrative
5 business: One of the responsibilities of the Zoning
6 Board of Adjustment is to prepare an annual report
7 or a summary of the decisions made during the year.
8 We are a year behind, but our planner, Ms. Banyra,
9 has prepared annual reports and drafts for 2012 and
10 2013, and I am going to circulate it to our members
11 and ask that you to review it and be prepared to
12 either approve or reject it next week.

13 Dennis, if you would help us out with
14 the waivers.

15 MR. GALVIN: Yes.

16 The next thing we have is the ordinance
17 was recently changed. I don't know if you realize
18 what happens in all of these cases.

19 When somebody files an application,
20 there is a checklist, and they have to comply with
21 everything on the checklist. And the normal
22 procedure is for your Board professionals to check
23 this checklist, and now based on this ordinance
24 change, there is a procedure that we need to
25 implement regarding waiver of requirements.

1 So your professionals have looked at 14
2 Paterson Street, and Jeff is going to go over the
3 few things that they are looking to waive and tell
4 you what he is okay with and what he is not okay
5 with, and we just want to run that by you and have
6 you ratify the decision of the professionals.

7 So basically what it is, is you have to
8 do everything that is on the checklist, but it is a
9 pretty routine thing that they can't comply with
10 everything or they don't think it's necessary to
11 comply with everything. Sometimes if you have an
12 existing building some place, you would be kind of
13 crazy to supply a topographical survey, so they
14 asked for what, four waivers on 14 Paterson?

15 MR. MARSDEN: They asked for three
16 waivers on 14 Paterson.

17 Number 43 is cost estimates and
18 proposed construction and maintenance bonds and
19 construction time schedules relating to building
20 construction for any required improvement not
21 proposed to be completed before the issuing of the
22 CO. I am okay with approving that because of a
23 condition of completeness.

24 MR. GALVIN: Right.

25 We can still require, even though we

1 might -- what we are saying is once we reviewed the
2 checklist, and we see that everything is checked
3 off, then we deem the application complete.

4 When we deem the application complete,
5 we have 120 days to hear the case, so we are within
6 our time period right now. We have to make a
7 decision if what has been submitted to us is
8 complete or not complete.

9 So Jeff is saying he is okay with
10 waiving that requirement, but he is not saying that
11 we don't want that complied with at sometime during
12 the hearing. Just that it wouldn't be a basis upon
13 which we wouldn't deem the application complete.

14 MR. MARSDEN: Item 44 is plans for any
15 off-track improvements, including cost estimates and
16 calculations of the share to be borne by developer.

17 I believe that partially, I think
18 typically the developer provides the off-set track
19 improvements on his plans. He designs it. He puts
20 in new sidewalks, new curbs and new driveways.

21 MR. GALVIN: So you are not
22 recommending that?

23 MR. MARSDEN: So I don't think that
24 part of it, but I would waive including the cost
25 estimates at this point, so that would be a partial

1 waiver, just he needs to provide the off-track
2 improvements on his plans.

3 MR. GALVIN: But not the cost
4 estimates?

5 MR. MARSDEN: But not the cost
6 estimates.

7 MR. GALVIN: What else do you got?

8 MR. MARSDEN: And then 45 is copies of
9 approvals of other governmental agencies as may be
10 required or an affidavit indicating that the
11 application has been made to such agency, i.e., DEP,
12 Hudson County Planning Board, North Hudson Sewage
13 Authority.

14 MR. GALVIN: All right.

15 MR. MARSDEN: I am okay with waiving
16 that as an item of completeness.

17 MR. GALVIN: I think you might hear
18 that often, because I think Mr. Matule has explained
19 to us that that is something that they will comply
20 with everything, but they usually come in first to
21 see if they are going to get an approval and then
22 make all of those other filings.

23 But for right now, what I need the
24 Board to do is I need somebody to make a motion and
25 a second to approve of the professionals'

1 recommendations, yes.

2 COMMISSIONER FISHER: I will make a
3 motion to approve this.

4 COMMISSIONER COHEN: Second.

5 MR. GALVIN: Roll call.

6 MS. CARCONE: Commissioner Cohen?

7 COMMISSIONER COHEN: Yes.

8 MS. CARCONE: Commissioner Marsh?

9 COMMISSIONER MARSH: Yes.

10 MS. CARCONE: Commissioner Murphy?

11 COMMISSIONER MURPHY: Yes.

12 MS. CARCONE: Commissioner Branciforte?

13 COMMISSIONER BRANCIFORTE: Yes.

14 MS. CARCONE: Commissioner Fisher?

15 COMMISSIONER FISHER: Yes.

16 MS. CARCONE: Commissioner McAnuff?

17 COMMISSIONER MC ANUFF: Yes.

18 MS. CARCONE: Commissioner Aibel?

19 CHAIRMAN AIBEL: Yes.

20 MR. GALVIN: As we get used to this
21 process, we will try to streamline it so it won't
22 take so much time.

23 COMMISSIONER MARSH: Could I get a copy
24 of the checklist?

25 MS. CARCONE: Yes. I did bring

1 checklists for everybody.

2 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 RE: 40 Willow Court :
 Applicant: US Masters Residential :July 15, 2014
 Property/USA Fund :
 C Variance - Roof Coverage :Tuesday 9:10 p.m.
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Phil Cohen
- Commissioner Diane Fitzmyer Murphy
- Commissioner Carol Marsh
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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

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

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11 Attorney for the Applicant.

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I N D E X

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WITNESS

PAGE

THOMAS J. MESUK

123

1 CHAIRMAN AIBEL: Mr. Matule, 40 Willow
2 Court?

3 MR. MATULE: 40 Willow Court.

4 MS. BANYRA: Mr. Chair, just for the
5 record, I just want to say I have to recuse myself
6 on this application. You didn't receive a report
7 from me. I have previously represented the
8 applicant before a different town, so I am going to
9 leave for right now.

10 CHAIRMAN AIBEL: Thank you, Ms. Banyra.

11 COMMISSIONER FISHER: And just before
12 we just get into that, can you let me know where 14
13 Harrison is, because we're all talking about it, but
14 my guess is you are going to reference an address
15 that we are not going to hear for two months after
16 you deem it complete, so on other ones as me that
17 we're not as familiar with it, to spend just one
18 second describing what it is, because it may be that
19 those conditions may be more relevant, but we may
20 not be familiar with the site because we don't have
21 the information yet.

22 MS. BANYRA: Just so you know, though,
23 the completeness thing is kind of a technical thing
24 that may or may not be of interest to the Board.
25 I'm going to say it's things that we are going to

1 require a professional review, but -- understood,
2 just so you know.

3 COMMISSIONER FISHER: Uh-huh.

4 CHAIRMAN AIBEL: Okay.

5 So I understand we have a small
6 application for a small roof deck?

7 MR. MATULE: That's correct, Mr.
8 Chairman.

9 Robert Matule appearing on behalf of
10 the applicant.

11 This is an application with respect to
12 the existing building at 40 Willow Court. The
13 application is to - and right now the architect will
14 go through it - but basically to raise the third
15 floor peaked roof up, so it is flat and square off
16 the back of the building, and then add a deck to the
17 second floor extension that would be accessed from
18 that third floor. We are requesting a variance for
19 roof coverage.

20 As you know, the ordinance only allows
21 ten percent roof coverage, and the deck, which is
22 approximately 150 square feet, is going to take us
23 over the ten percent, and also the omnibus expansion
24 of a nonconforming structure, because the buildings
25 are all nonconforming in that neighborhood.

1 Our architect is Thomas J. Mesuk. He
2 has not appeared before the Board here before. He
3 has appeared before other Boards. I can qualify him
4 quickly.

5 MR. GALVIN: I just want to know if he
6 is a New Jersey licensed professional, and three
7 Boards that you have appeared before previously.

8 MR. MESUK: Yes. I am a licensed
9 architect in the State of New Jersey. I have
10 appeared before the Weehawken Zoning Board,
11 Wood-Ridge and Bloomfield Zoning Boards.

12 MR. GALVIN: All right.

13 Raise your right hand.

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

17 MR. MESUK: Yes, I do.

18 T H O M A S J . M E S U K, AIA, 197 Valley
19 Boulevard, Wood-Ridge, New Jersey, having been duly
20 sworn, testified as follows:

21 MR. GALVIN: State your full name for
22 the record.

23 THE WITNESS: Thomas Mesuk. My last
24 name is spelled M-e-s-u-k.

25 MR. GALVIN: Awesome.

1 Do we accept Mr. Mesuk's credentials?

2 CHAIRMAN AIBEL: We do.

3 MR. GALVIN: Are you an AIA or an RA?

4 THE WITNESS: Both.

5 MR. GALVIN: There you go. You're good

6 to go.

7 MR. MATULE: Mr. Mesuk, could you

8 please describe the existing building and the

9 adjoining building, and I know you have prepared a

10 picture board.

11 THE WITNESS: I have the same pictures

12 that the Board has.

13 MR. MATULE: Okay. So why don't you

14 describe the existing building and what it is we are

15 proposing to do?

16 THE WITNESS: We will go to the

17 pictures first and describe the existing building.

18 One of the -- there was two sets of

19 pictures. The first set of pictures had ten

20 pictures of a panoramic view of what you would

21 actually see from the roof.

22 Then there was a second set of pictures

23 that were smaller in nature in your package that

24 kind of showed the backyard as it exists presently.

25 MR. MATULE: Just stop for a minute.

1 Just stop for a minute.

2 MR. GALVIN: I like the speed, though.

3 (Laughter)

4 MR. MATULE: How do you want to mark
5 it, A-1?

6 MR. GALVIN: They were all previously
7 submitted, right?

8 MR. MATULE: Right.

9 Okay, fine. Continue.

10 Thank you.

11 THE WITNESS: Looking at the rear of
12 the building, the left similar structure with an
13 existing roof deck, and to the right of us -- to the
14 right of us there is -- it looks like there is a
15 roof structure lower on the adjacent property.
16 However, there is no roof deck at the same level on
17 the right side of us.

18 The property is very narrow. It is
19 12.42 feet wide. The current backyard is only 14.35
20 feet, so by us adding this outdoor deck, it was
21 increasing the outdoor space as their living space
22 for the occupants.

23 If I go to my A-1 drawing, what we are
24 proposing to do is keep the -- right now the
25 existing roof pitches down towards the rear. We are

1 proposing to keep the ridge where it is at, and just
2 extend the ridge out straight, so that we have
3 enough height to get in our sliding doors to access
4 the deck.

5 We are proposing a glass railing on the
6 two sides that currently do not have a rail, but
7 that would be along the back wall and on the
8 right-hand side, and the structure to the right -- I
9 mean to the left of us also has a similar raised
10 concept, where if you go back to the photos, this
11 first photo shows this property's roof in its
12 current condition, and then the views go around in a
13 clockwise manner.

14 This is the adjacent neighbor here.
15 You can see a skylight and a rooftop there.

16 Further down, you see more of the same.

17 Then you can start seeing here a
18 covered deck of some sort on an adjacent property.

19 Continuing around, now these are the
20 houses that would be opposite of our subject
21 property. There is a roof deck going on on this one
22 here.

23 And then you can start seeing, as you
24 pan around more, you can see many roof decks out in
25 this area.

1 And then as you come back around here,
2 this is our neighboring properties.

3 MR. MATULE: So that railing would be
4 in lieu of the glass railing that you will have?

5 THE WITNESS: We would just leave this
6 railing in place as is, and then we would continue
7 our railing off the front basically.

8 MR. MATULE: And the deck would be at
9 the same level --

10 THE WITNESS: The deck would be at the
11 same level.

12 MR. MATULE: And that is going to
13 generate total roof coverage of 38.8 percent?

14 THE WITNESS: Yes.

15 MR. MATULE: Are you doing any other
16 renovations to the building?

17 THE WITNESS: We are doing some minor
18 renovations. A new kitchen on the first floor,
19 because the kitchen that was there was destroyed.

20 And then all the way up on the third
21 floor, where we are just raising up that roof, that
22 is the only plan.

23 MR. MATULE: And you're still going to
24 remain a one-family house?

25 THE WITNESS: Still be a one-family.

1 MR. MATULE: This is just to create
2 more living space and a better living environment
3 for the --

4 THE WITNESS: It's really more of a
5 better living environment and some more outdoor
6 space.

7 There is a current -- I know it was one
8 of the questions that did come up in the past.
9 There is a small deck at grade, so when you step out
10 of the kitchen, there is this really tiny deck here
11 three steps down to grade. That would remain as is.
12 And the yard, what's enclosed in the fenced area,
13 would be cleaned up.

14 MR. MATULE: Okay.

15 It's pretty straightforward.

16 MR. GALVIN: Does the Board have any
17 questions?

18 CHAIRMAN AIBEL: Does anyone wish to
19 start?

20 COMMISSIONER BRANCIFORTE: Do I have to
21 state the obvious?

22 I mean, can you go back to the first
23 set of pictures? I guess A-2 maybe.

24 THE WITNESS: That would be --

25 COMMISSIONER BRANCIFORTE: Pictures of

1 the -- yeah -- there you go. The ones just before
2 that, I believe.

3 You know, one problem that I always
4 bring up with the decks is you have neighbors there.
5 The yellow house to the right, not only -- I don't
6 know if that is their bedroom, their living room, I
7 don't know what it is, but you not only have those
8 two windows there, but you also have a sky roof -- a
9 skylight that I am guessing looks down into another
10 room, their bedroom or their living room, I don't
11 know what.

12 But isn't it kind of an invasion to put
13 a roof deck right over a skylight like that?

14 THE WITNESS: We could do a solid rail
15 here, something to perhaps --

16 COMMISSIONER BRANCIFORTE: It would
17 have to be high enough where people wouldn't be able
18 to lean over the rail and look into the people's
19 living room or bedroom.

20 MR. MATULE: Could you put like a
21 six-foot high or a seven-foot high privacy screen on
22 that side?

23 THE WITNESS: Yes. We could do a
24 six-foot high privacy screen.

25 COMMISSIONER BRANCIFORTE: But then, of

1 course, then we're going to get into the idea that
2 you are blocking their sun from their windows and
3 stuff, so that is the first most obvious problem for
4 me.

5 So at the peak there, where the
6 exhaust --

7 THE WITNESS: This here.

8 COMMISSIONER BRANCIFORTE: -- that is
9 the peak. That's where you intend to cut?

10 THE WITNESS: We could come out exactly
11 kind of like our neighboring house here and
12 following the exact same kind of roof line.

13 COMMISSIONER BRANCIFORTE: The roof
14 line, oh, okay.

15 You know, that is a huge problem for
16 me, and I don't want to see the neighbors wake up
17 one day and find they have people standing outside
18 of their bedroom or staring through their skylight,
19 so...

20 CHAIRMAN AIBEL: Why don't you --

21 COMMISSIONER MARSH: I'm sorry. May I
22 offer an alternative?

23 CHAIRMAN AIBEL: Sure.

24 COMMISSIONER MARSH: Because I thought
25 about this, because I am trying to figure out how I

1 would put a roof deck on my own house.

2 You could make it wider. You could put
3 a planter there, so you couldn't lean over it.

4 COMMISSIONER BRANCIFORTE: Right. So
5 you are further away from the property line.

6 COMMISSIONER MARSH: Yes. So people
7 are further away from the property line.

8 COMMISSIONER BRANCIFORTE: Right.

9 COMMISSIONER MARSH: And you could make
10 it a planter, so it would absorb some of the water,
11 too. That is my suggestion.

12 MR. MARSDEN: Is that the south side?

13 COMMISSIONER MARSH: No.

14 COMMISSIONER MURPHY: It faces the --
15 the roof is facing north, but the building faces
16 south.

17 THE WITNESS: Yes. The backyard faces
18 north --

19 MR. MATULE: West. It is the west
20 side.

21 THE WITNESS: That would be west, yes.

22 MR. MARSDEN: The west side. Okay.

23 THE WITNESS: Yeah, because these
24 shadows are coming from the east because we were
25 doing the photos in the morning, so that would be

1 south.

2 CHAIRMAN AIBEL: So does the owner of
3 this property own the building to the left, where
4 the deck is being constructed, or is there separate
5 ownership?

6 THE WITNESS: No. It's separate
7 ownership, to my knowledge.

8 CHAIRMAN AIBEL: But you mentioned that
9 you were going to their the rail wall, the railing
10 on the one side.

11 THE WITNESS: Well, since there is
12 already the railing that comes off this deck, there
13 would be really no reason to put a second rail. We
14 could put a second rail --

15 CHAIRMAN AIBEL: I am certainly not
16 asking for it, but I guess I will raise the same
17 concern of privacy between the other two adjacent
18 properties.

19 MR. GALVIN: The other way, you know,
20 on the deck that exists, the next page.

21 Why don't you go -- where's the deck?

22 THE WITNESS: This deck here?

23 MR. GALVIN: Yes.

24 CHAIRMAN AIBEL: So you are going to
25 have your own doors right at the deck next to this

1 property?

2 THE WITNESS: Right.

3 CHAIRMAN AIBEL: Have you given any
4 thought to privacy concerns between the properties?

5 THE WITNESS: We did.

6 If you look at these decks back here,
7 they share rails in here. The planter boxes sitting
8 on top. We could mirror on this side what we plan
9 to do on the other side to meet the privacy needs.

10 MR. GALVIN: Put a planter on the north
11 and south side?

12 THE WITNESS: Right.

13 COMMISSIONER BRANCIFORTE: I don't know
14 if planters are really going to give enough privacy
15 especially through that window.

16 COMMISSIONER MARSH: It depends how
17 deep you are making them. If you make them six feet
18 deep, they will be plenty private.

19 (Laughter)

20 You might have a really small deck.

21 THE WITNESS: If you look at this one
22 picture here, you can see there are a lot of decks
23 with common rails on them.

24 COMMISSIONER COHEN: I mean, everybody
25 seems to be not asking questions, but just throwing

1 out their two cents, so I will do the same.

2 I think that it is very common to have
3 backyards with fences that are similar and open from
4 neighbor to neighbor. I don't see that as
5 presenting the same problem as staring into
6 someone's skylight that Mr. Branciforte pointed out,
7 which I think on that side it would actually make
8 more sense to have some sort of a barrier, but I
9 don't think there is anything objectionable to
10 having an open fence on --

11 THE WITNESS: Actually it is all back
12 in here --

13 COMMISSIONER COHEN: -- I think it is
14 typical of Hoboken backyards to share fences.

15 COMMISSIONER MC ANUFF: I agree.

16 COMMISSIONER BRANCIFORTE: I'm trying
17 to look down. It seems --

18 CHAIRMAN AIBEL: Not on the second
19 floor.

20 COMMISSIONER BRANCIFORTE: -- to be a
21 frosted glass as a barrier, privacy barrier -- I am,
22 because I think it still allows some sort of --

23 THE WITNESS: Right --

24 COMMISSIONER BRANCIFORTE: -- something
25 to go through to the neighbors --

1 THE WITNESS: -- right, but you can't
2 see through it.

3 COMMISSIONER MURRAY: But no air.

4 COMMISSIONER BRANCIFORTE: Yeah. I
5 know it's a shame because no matter what you put
6 there, you're probably going to cut off the light to
7 their skylight.

8 COMMISSIONER MURPHY: Yeah. We have
9 seen applications where the fencing is angled a
10 certain way, so that you really have to kind of like
11 be looking in, so that it is like your normal sight
12 line doesn't let you see, but air can get through.

13 COMMISSIONER FISHER: Is there -- has
14 there -- you say that you're going -- the starting
15 point was that you were going to like use the
16 existing rail to share that rail.

17 Has there been a conversation with that
18 neighbor about sharing it, and just kind of building
19 up to theirs?

20 Is there a requirement to do that?

21 THE WITNESS: Not to this point that I
22 am aware of has there been any conversations with
23 the adjacent neighbors.

24 I mean, the way I looked at it is like,
25 you know, if any normal fence, if it is there, it is

1 already there. It is not like you are using the
2 railing. It is just really to prevent people from
3 going on to the property next door, or in this case
4 from them to come on to this property.

5 MR. MATULE: You wouldn't be adverse to
6 asking the next door neighbor what their preference
7 was?

8 THE WITNESS: No. We could definitely
9 have a conversation with the next door neighbor.

10 COMMISSIONER MC ANUFF: Is it known
11 what room the skylight overlooks?

12 THE WITNESS: No, it's not.

13 COMMISSIONER FISHER: I agree with
14 Commissioner Cohen that I think the challenge on the
15 two sides are different.

16 One is: There seems to be a perceived
17 generally accepted practice in this community to
18 share that railing, so I am a little less concerned
19 about it, but I agree on looking into -- having
20 privacy to not look into somebody's bedroom and not
21 look into -- if we are starting new, and not look
22 into the skylight, I think is a different issue,
23 that John had mentioned.

24 COMMISSIONER BRANCIFORTE: No. My
25 privacy -- my concern is strictly with that house

1 next door with the skylight. It's much less with
2 the other building, the other house with the deck
3 already.

4 COMMISSIONER FISHER: I think it is
5 hard to make that judgment on the railing side just
6 because of what seems to be generally accepted
7 practices there, where people have an open railing
8 looking out into a very tight community and share a
9 railing, so it may even be a preference, like if we
10 enforce putting something solid and eight foot tall,
11 the neighbor may be like, wait a minute --

12 COMMISSIONER MC ANUFF: It's like a
13 backyard fence.

14 COMMISSIONER FISHER: -- we wanted to
15 share a back yard fence, yeah.

16 COMMISSIONER MURPHY: The other issue I
17 guess with this bubble would be how deep down is the
18 actual living space, because it may be that you may
19 not be able to see anything either.

20 It may be if the angle is like, you
21 know, I have one of these, and you know, it is so
22 high up from where the floor actually starts, that
23 if you were looking in, you wouldn't be able to see
24 in, so I guess that would be the question.

25 Can you see into the -- if you stood at

1 the end of the property --

2 MR. GALVIN: They are willing to put
3 the planter in, you know, whether we need it or not.

4 COMMISSIONER MURPHY: Right. A
5 planter, but then you could also just climb up on it
6 and look in.

7 MR. GALVIN: Oh, that's --

8 COMMISSIONER MURPHY: I mean --

9 THE WITNESS: We could put a
10 board-on-board fence, too, where it would allow air
11 to go through and --

12 COMMISSIONER MURPHY: And tall enough.

13 THE WITNESS: -- and tall enough that
14 you can't see into that or on to that roof.

15 COMMISSIONER MARSH: In fairness, you
16 can climb up on the planter and look in. You can
17 also climb out on the roof and look in, but you
18 really have to work at it.

19 THE WITNESS: Right. Well --

20 COMMISSIONER MURPHY: Well, right now
21 there is not even a fence stopping you. You can
22 walk right over to that.

23 (Laughter)

24 COMMISSIONER MARSH: And also in
25 fairness on the other side, they put a deck there

1 that's open. I mean --

2 COMMISSIONER COHEN: It is already
3 there.

4 COMMISSIONER MARSH: -- it's already
5 there. Like I guess that wasn't really a question.
6 I'm sorry.

7 (Laughter)

8 MR. GALVIN: I would just say to the
9 Board, I think what we need to do is you need to
10 open this up to the public and see if there is any
11 public comments, and then you can move into
12 deliberations and decide what to do.

13 CHAIRMAN AIBEL: Is there anybody who
14 wishes to comment on this application?

15 Okay. We don't have public here for
16 this.

17 MR. GALVIN: Mr. Marsden has something
18 to contribute.

19 CHAIRMAN AIBEL: Go ahead.

20 MR. MARSDEN: I just want to ask, did
21 you receive my memo --

22 THE WITNESS: Yes.

23 MR. MARSDEN: -- planning and
24 engineering memo?

25 I have no problem with waiving the curb

1 and elevation grades because we are doing nothing
2 outside, and you are only doing work on the third
3 floor, so you are well outside any potential flood
4 plain.

5 THE WITNESS: I do actually have that
6 information because I spoke with the engineer on
7 Friday, and he got it to me today and this morning,
8 so I have that information.

9 MR. MARSDEN: Okay.

10 Do you have any issues about my
11 engineering or planning comments?

12 THE WITNESS: Just finding a lot and
13 block number.

14 MR. MATULE: We are working on that.

15 MR. MARSDEN: Okay.

16 Other than that, I have no other
17 concerns. I mean, this appears to be very common
18 for the area, and there is very little impact that
19 would be associated with it, in my opinion.

20 COMMISSIONER BRANCIFORTE: Motion to
21 close the public portion.

22 CHAIRMAN AIBEL: Second?

23 COMMISSIONER FISHER: Second.

24 CHAIRMAN AIBEL: All in favor?

25 (All Board members voted in the

1 affirmative.)

2 MR. GALVIN: Thank you.

3 Closing argument?

4 MR. MATULE: The only comment I would
5 make, I think the picture is literally worth a
6 thousand words. It is a pretty tight situation
7 there.

8 MR. GALVIN: So you are not pointing at
9 the deck that's next door. You are pointing to the
10 valley where there is all of these decks, right?

11 (Laughter)

12 MR. MATULE: Well, only decks above the
13 first floor extensions, so those decks are all
14 raised up one story --

15 MR. GALVIN: I am trying to help you
16 actually --

17 MR. MATULE: -- I know.

18 MR. GALVIN: -- because when we're
19 looking at it, in the foreground I see the deck, and
20 I don't see the -- I saw those decks, though, over
21 here on Mr. Aibel's photo --

22 MR. MATULE: Yeah. No. It is a pretty
23 common condition back there, and I certainly
24 appreciate Mr. Branciforte's concern about the
25 skylight, and I think that could be addressed.

1 I think a board-on-board fence would
2 probably be better because it allows light and air
3 to pass through, but you don't have to worry about
4 plants or people climbing up on it or anything like
5 that.

6 As far as the other side, my suggestion
7 is that the applicant have a conversation with the
8 neighbor. If the neighbor has no objections to
9 leaving the situation the way it is, fine. If not,
10 we could put a board-on-board fence on that side
11 also.

12 COMMISSIONER BRANCIFORTE: Actually the
13 only other question we didn't bring up is the
14 lighting that you are going to attach to the back of
15 this building.

16 THE WITNESS: We are just proposing one
17 small light, very similar in style to what was
18 already here, just a wall mounted fixture. It won't
19 have a large light--

20 COMMISSIONER BRANCIFORTE: Could you
21 just please design a light that beams more down
22 rather across the backyard to the neighbor's across?

23 COMMISSIONER MARSH: Yes, please.

24 MR. GALVIN: Shoe box. You can do a
25 shoe box, right?

1 THE WITNESS: Right. I actually have
2 used a down light on some projects, where it is just
3 concentrated down in front. Then perhaps we could
4 do center over our door, so it would be just on our
5 property.

6 MR. GALVIN: If I said lighting is to
7 be limited to a wall mounted down light fixture,
8 does that work?

9 THE WITNESS: Yes.

10 COMMISSIONER BRANCIFORTE: And exactly
11 what is the exact variance they are here for?

12 MR. MATULE: 34.8 percent roof coverage
13 and expansion of a nonconforming structure.

14 MR. GALVIN: Any change to this
15 building requires a variance.

16 MR. MATULE: Two C variances, which
17 arguably are C1s and C2s, both.

18 CHAIRMAN AIBEL: Can we go into
19 deliberations?

20 COMMISSIONER MC ANUFF: Well --

21 CHAIRMAN AIBEL: Mr. McAnuff has a
22 question or a suggestion.

23 COMMISSIONER MC ANUFF: My suggestion
24 would be just hold off on voting until we get some
25 feedback from the neighboring properties, because as

1 the design stands, if they had a conversation with
2 the neighbors, maybe both sets of neighbors have no
3 problem with what is designed, be it the skylight
4 person or the person with the existing deck.

5 COMMISSONER MURPHY: Was everybody
6 notified?

7 CHAIRMAN AIBEL: Everybody was noticed.

8 COMMISSIONER MC ANUFF: But I would
9 rather not --

10 MR. GALVIN: How about I make this
11 suggestion?

12 How about before the time we
13 memorialize this resolution, that you will advise
14 us -- what were you thinking that you wanted to have
15 them tell us, that they were going to say --

16 COMMISSIONER MC ANUFF: That they were
17 okay with the way it is, that the skylight room is
18 whatever, a reading nook, and they don't really care
19 if somebody is standing over looking in.

20 COMMISSIONER MARSH: Or they are
21 planning on building a deck of their own.

22 COMMISSIONER FISHER: Yeah. I mean,
23 it's almost like two separate questions.

24 One is just generally approving the
25 deck.

1 Two is what the dividers look like, and
2 what we are -- I am not sure I would recommend
3 letting neighbors have a voice on the whole thing on
4 whether it's approved, but whether it is a solid
5 tall wall or an open wall, I think that is the thing
6 that seems like we are almost -- if we agreed to put
7 something tall and solid, we may be putting an
8 imposition on the property that the neighbors
9 don't --

10 MR. GALVIN: They may not want it.

11 COMMISSIONER FISHER: -- yeah, exactly.

12 MR. GALVIN: Yes.

13 The other thing, too, is you have to
14 design these things for the future and not for the
15 people that are there right now. Somebody might say
16 it is okay now, but the next person might hate it.

17 But I also want to say that I think the
18 suggestion by Commissioner McAnuff about there are
19 situations where it does make sense to like wait and
20 get some additional information.

21 If you are not agreeing this instance,
22 I just want you to know that I think that that is
23 not a suggestion we should ignore, you know, out of
24 hand as, you know, so I thought that was a good
25 suggestion.

1 COMMISSIONER COHEN: I was just going
2 to add, I think we had a consensus about the fact
3 that there should be some sort of protection on one
4 side versus the other, and, you know, I think that
5 should be a condition with respect to the side that
6 has the skylight adjacent, and just leave it at
7 that, because I don't really want to bring this
8 applicant back for another hearing.

9 COMMISSIONER MC ANUFF: Okay. I just
10 thought if the person who had the skylight said,
11 hey, I am doing a deck, too, and now we approved the
12 six-foot high wall --

13 MR. GALVIN: You know, the only thing,
14 too, if that does turn out to be the case, they
15 could always send us a letter to us saying we don't
16 want to put the planter in because the neighbor is
17 coming in with a deck right behind us --

18 COMMISSIONER MC ANUFF: Okay. Fair
19 enough.

20 MR. GALVIN: -- we could then scrap it
21 for them.

22 So I have --

23 COMMISSIONER COHEN: Can you read the
24 conditions?

25 MR. GALVIN: Yes. I have three

1 conditions:

2 A planter is to be added to the south
3 side of the deck.

4 Two: The planting material is to be
5 reviewed and approved by the Board's engineer.

6 Three: The lighting is to be limited
7 to a wall mounted down lit fixture.

8 COMMISSIONER FISHER: Dennis, I'm not
9 sure we agreed on a planter. I think what we said
10 was --

11 COMMISSIONER MURPHY: The south side of
12 the deck wouldn't make sense --

13 MR. MARSDEN: A board-on-board, right?

14 COMMISSIONER MURPHY: -- would it?
15 That is where the house is --

16 MR. MATULE: Yes.

17 We had suggested in light of a concern
18 about people climbing up the planter and looking
19 down the skylight, that we do a board-on-board
20 fence. Either way, we can go either way.

21 MR. GALVIN: No, no, no. The Board's
22 consensus -- you guys, let's get done with this.
23 You want the board-on-board fence on the south side.

24 COMMISSIONER MURPHY: No. On the west
25 side.

1 MR. GALVIN: Like I said, the west
2 side.

3 (Laughter)

4 COMMISSIONER BRANCIFORTE: Did we open
5 it for public comment?

6 MR. GALVIN: Yes, we did.

7 COMMISSIONER BRANCIFORTE: In case the
8 neighbors were here.

9 COMMISSIONER MARSH: Can you make it
10 subject to the neighbor's desire?

11 COMMISSIONER MURPHY: No. They were
12 notified, and if they wanted to be here --

13 MR. GALVIN: If they don't want -- let
14 me say this --

15 COMMISSIONER MARSH: Yeah, but they
16 were notified that they wanted to build what they
17 are proposing.

18 What if, exactly as everybody says, you
19 put up a board-on-board fence, and they have a deck
20 coming, and they don't want a board-on-board
21 fence --

22 MR. GALVIN: -- but here's what I
23 suggest: If they don't want it, they don't really
24 want to put this fence up, if they don't have to.
25 They can write us a letter saying they talked to the

1 neighbor, and the neighbor tells us that they don't
2 want it, then we can decide if we still want to
3 impose it, or if we want to give them relief.

4 It is easier to give them relief, than
5 to say you don't have to do it, then we can't make
6 them do it because then we lose jurisdiction.

7 COMMISSIONER MARSH: Okay.

8 MR. GALVIN: So we only have two
9 conditions. We have: There is going to be a
10 board-on-board fence on the west side, and the
11 lighting is to be down lit wall mounted.

12 Is there a motion?

13 COMMISSIONER COHEN: I will make a
14 motion.

15 MR. MARSDEN: I said the north-south
16 side.

17 COMMISSIONER MARSH: West side. Is it
18 south again?

19 (Laughter)

20 COMMISSIONER COHEN: I'll make a motion
21 to approve.

22 COMMISSIONER FISHER: I will second.

23 MS. CARCONE: Commissioner Cohen?

24 COMMISSIONER COHEN: Yes.

25 MS. CARCONE: Commissioner Marsh?

1 COMMISSIONER MARSH: Yes.

2 MS. CARCONE: Commissioner Murphy?

3 COMMISSIONER MURPHY: Yes.

4 MS. CARCONE: Commissioner Branciforte?

5 COMMISSIONER BRANCIFORTE: Yes.

6 MS. CARCONE: Commissioner Fisher?

7 COMMISSIONER FISHER: Yes.

8 MS. CARCONE: Commissioner McAnuff?

9 COMMISSIONER MC ANUFF: Yes.

10 MS. CARCONE: Commissioner Aibel?

11 CHAIRMAN AIBEL: Yes with an

12 explanation.

13 I don't think this is a common
14 condition in Hoboken. This is a rooftop deck on a
15 second or third story. We have always as a Board
16 been very careful about the privacy of neighbors,
17 and I don't want my yes vote to be misconstrued as
18 giving that up.

19 What I find is that this is a very
20 unique situation on Court Street, and I am prepared
21 to say yes for that reason.

22 MR. MATULE: Thank you, Mr. Chairman.

23 Just for the record --

24 MR. GALVIN: Do you want a roof now?

25 What's the --

1 MR. MATULE: -- I don't know if it's in
2 your normal conditions complying with Mr. Marsden's
3 report.

4 MR. GALVIN: Okay. Got it.

5 MR. MARSDEN: You will be modifying the
6 plans and resubmitting them?

7 MR. MESUK: Yes.

8 MR. GALVIN: Does everybody understand
9 that we have added a third condition, in compliance
10 with Mr. Marsden's report.

11 Thank you, Mr. Matule.

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

13 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 7/21/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

RE: 926 Garden Street :
Applicant: 926 Garden, LLC : July 15, 2014
Minor Site Plan with Variances : Tuesday 9:30 p.m.
Carried from 7/24/14 :

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel (Recused)
- Acting Chairman, Commissioner John Branciforte
- Commissioner Phil Cohen
- Commissioner Diane Fitzmyer Murphy
- Commissioner Carol Marsh
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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

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

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I N D E X

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E X H I B I T S

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20 N-2

Photo of after view

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1 CHAIRMAN AIBEL: We are
2 going to move to 926.

3 Back on the record, I am not leaving
4 for lack of interest. I am recused because I am
5 within 200 feet.

6 Mr. Branciforte is the most senior
7 member.

8 MR. GALVIN: We need to make a motion.
9 We need to have him sit as Chair based on a vote.

10 Our rules generally suggest that we
11 have the most senior member serve, and since now the
12 Vice Chair and Chair are absent, can I have a motion
13 to nominate Mr. Branciforte as our Acting Chairman
14 for this case?

15 COMMISSIONER COHEN: Motion to
16 nominate.

17 COMMISSIONER FISHER: I nominate --

18 COMMISSIONER MURPHY: Second.

19 COMMISSIONER MC ANUFF: Second.

20 MS. CARCONE: Well, how many people?
21 Who was that?

22 (Laughter)

23 MR. GALVIN: Mr. Cohen nominated.

24 Who seconded?

25 COMMISSIONER MURPHY: I did.

1 MR. GALVIN: Okay. Ms. Murphy
2 seconded.

3 MS. CARCONE: Do you want to vote on
4 this?

5 MR. GALVIN: All in favor?

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

8 MR. GALVIN: Okay. We took the
9 shortcut there, you know.

10 MR. MATULE: Good evening, Mr. Acting
11 Chairman, and Board members.

12 Robert Matule appearing on behalf of
13 the applicant.

14 This is an application with respect to
15 the renovation and expansion of an existing
16 structure at 926 Garden Street.

17 The application is for a D6 variance
18 for height in floors with respect to a fourth floor
19 rear extension, as well as a C variance for
20 expansion of a nonconforming structure.

21 There has been extensive renovation of
22 the existing structure that has been ongoing for
23 some time. Mr. Minervini, our architect, will give
24 the Board more of the detail about that, and we also
25 have our planner, Mr. Ochab, who will testify after

1 Mr. Minervini gets done testifying.

2 So on that note --

3 MR. GALVIN: Raise your right hand.

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

7 MR. MINERVINI: I do.

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

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

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

14 MR. GALVIN: Mr. Branciforte, do we
15 accept Mr. Minervini's credentials?

16 ACTING CHAIRMAN BRANCIFORTE: Yes.

17 MR. GALVIN: You may proceed.

18 MR. MATULE: All right.

19 Mr. Minervini, as always, if we are
20 going to mark any boards --

21 THE WITNESS: Start with our photo
22 board.

23 MR. MATULE: -- the photo board, which
24 will mark as A-1, which is labeled PB-1 on the
25 corner.

1 These are photos either you took or got
2 off the internet?

3 THE WITNESS: Correct.

4 (Exhibit A-1 marked.)

5 MR. MATULE: A-2 is a --

6 THE WITNESS: Rendering --

7 MR. MATULE: -- facade rendering.

8 THE WITNESS: -- of what the finished
9 product will look like.

10 MR. MATULE: A photo shot then between
11 the existing buildings I will mark.

12 THE WITNESS: Exactly, shown in
13 context.

14 MR. MATULE: And that was prepared by
15 your office?

16 THE WITNESS: Yes, it was.

17 MR. MATULE: Nothing else?

18 THE WITNESS: That is it.

19 MR. MATULE: Okay. So that will be
20 A-2.

21 (Exhibit A-2 marked.)

22 We obviously have a bench of neighbors
23 here, so I don't know if you can turn your easel to
24 the point where both the Board members can see it,
25 and the neighbors can see it, but otherwise we could

1 have Frank testify, and then turn around and testify
2 again, whatever the Board's pleasure is.

3 So, Mr. Minervini, would you describe
4 the existing site and the existing structure and the
5 work done to date on the structure?

6 THE WITNESS: Yes.

7 We are talking about a 25 foot wide by
8 100 foot lot on Ninth Street on the west side of
9 Ninth Street, about six properties off of the Tenth
10 Street intersection --

11 MR. MATULE: Garden Street.

12 THE WITNESS: -- I'm sorry, Garden
13 Street.

14 Six properties off the Tenth Street
15 intersection adjacent to our -- now I will use the
16 photo board -- street elevation.

17 This is our property prior to the
18 construction that is ongoing now, and I will
19 describe that.

20 Four-story residential buildings to
21 Tenth Street.

22 Directly adjacent to us is also a
23 four-story.

24 Adjacent to that, towards the south, is
25 the -- well, a parking garage that takes up 100

1 percent of the lot, and then a series of four-story
2 and three-story residential buildings as it goes
3 towards the south.

4 Our property prior to the construction
5 that is ongoing now was a four-story, four-unit
6 residential building. It took up the full width of
7 the lot at 25 feet, and it went back 40 feet.

8 The lowest residential floor was below
9 the base flood elevation, so what we -- what the
10 owner did, we received approval from the zoning
11 office to raise the building out of the flood plain
12 keeping the same four stories, as well as adding a
13 20-foot rear addition on floors one, two, and three,
14 which is what is permitted in the zone.

15 So if I go to Sheet Z-2, what we are
16 here for today is this fourth floor addition. The
17 addition on the first, second and third floor is
18 permitted, and we received zoning office approval
19 for that already. We are here today for this fourth
20 floor addition, which has not yet been constructed.

21 Prior to this renovation, there were
22 four two-bedroom apartments with one bathroom.
23 These three were approximately a hundred square
24 feet. This was approximately 900.

25 We are now with the addition on the

1 lower three floors, as well as this proposed fourth
2 floor. We are converting those 800 square foot
3 apartments to 1380 square foot apartments, now being
4 three-bedroom and two bathrooms.

5 So another way to describe more clearly
6 what we are here for today is to go to Sheet Z-3.
7 Z-3 shows the front facade as constructed almost
8 finished, and we are not here for that. We got
9 approvals already from the zoning office. It was
10 four stories. It is four stories.

11 What we are here for, if you look at
12 the building cross-section, is this section right
13 here, this fourth floor section. This is a 20-foot
14 rear addition on floors two and three that we are
15 under construction.

16 This is about an 11-foot rear addition,
17 because as the building originally existed, the
18 basement, we will call it the garden level, went out
19 an additional 11 feet relative to the floors above.

20 Looking at our proposed rear elevation,
21 this section here is what we are at this Board for.
22 So although I have a rendering of what the project
23 will look like, this is not here for the Board's
24 approval or not. We already have our zoning office
25 approval. We received zoning office approval --

1 MR. GALVIN: You have said it a few
2 times, and I am giving you latitude --

3 THE WITNESS: Why is that a problem?

4 MR. GALVIN: -- but anything that comes
5 before the Board -- the entire building is before
6 the Board. Any time you have an application, the
7 entire property, you can't have --

8 THE WITNESS: My job, pardon me, is to
9 distinguish between what is being constructed with
10 proper approvals. I don't want this Board to think
11 that we are here for this part that is already under
12 construction. That was the only difference I was
13 trying to portray --

14 MR. GALVIN: Okay. But I'm --

15 THE WITNESS: -- and it is with proper
16 approvals again, so I don't want the Board to think
17 that we are here for a four-story addition, and that
18 is the only purpose of me repeating that.

19 MR. GALVIN: I just want to make sure
20 that my Board understands that when somebody comes
21 before the Board for a variance application, the
22 entire application is before the Board's scrutiny.

23 THE WITNESS: Of course. And I will
24 make the point again referring to the facade that is
25 already constructed. And when I say it is not for

1 this Board to tell -- to decide, you certainly have
2 your opinion, but it is there. It's there.

3 MR. GALVIN: Right.

4 COMMISSIONER MARSH: Can I ask a
5 question?

6 I mean, I have gotten buildings -- you
7 get -- you get a certificate of zoning compliance on
8 the project, right, period?

9 THE WITNESS: Yes, which we received.
10 We received that.

11 COMMISSIONER MARSH: Well, then why --

12 THE WITNESS: Because the fourth floor
13 is not permitted. We are permitted --

14 COMMISSIONER MARSH: Wait a second.

15 Was the fourth floor part of the
16 project or not?

17 THE WITNESS: No.

18 COMMISSIONER MARSH: So this is a new
19 project?

20 THE WITNESS: No. Well, the
21 addition -- what we're here for -- and perhaps you
22 can't see this drawing. What we are here for is
23 this fourth floor section. That is what we are here
24 for.

25 What is under construction, which

1 received -- and we have already received our first
2 set of zoning compliance, is this section here, so I
3 am trying to distinguish, so the Board can know the
4 difference between what we are here for and what has
5 already been constructed. That's all.

6 COMMISSIONER FISHER: Go ahead.

7 Just maybe to clarify it with what
8 Commissioner Marsh is saying, when you went and got
9 the zoning officer or the zoning certificate, was
10 the plan for the building at that time not to have a
11 fourth floor addition?

12 So you had something different sitting
13 on the fourth floor?

14 THE WITNESS: Pardon me, if I didn't
15 make that clear.

16 Certainly what the zoning office has
17 approved did not include this fourth floor. That is
18 what we are here for because this is a fourth
19 floor --

20 COMMISSIONER FISHER: It's new.

21 THE WITNESS: -- this is new
22 construction -- it is proposed construction. It's
23 not existing. It's proposed.

24 COMMISSIONER FISHER: And it was never
25 considered when you went for the original approvals?

1 THE WITNESS: It is not part of our --
2 exactly. Not part of our zoning approval, and I
3 know it is kind of confusing, and I am trying to be
4 clear, but we are here not for this, because we
5 received on the first three floors, our first letter
6 of zoning compliance, and that's constructed

7 What we are here for today is this
8 fourth floor addition, which is --

9 MR. GALVIN: But at some point, I am
10 going to try to help, okay? And don't panic, I am
11 not trying to kill you --

12 (Laughter)

13 -- but I just want to make sure
14 everybody is treating each other fairly.

15 You took the whole building down,
16 right?

17 THE WITNESS: Absolutely not, and I
18 will get to that.

19 What we have done, we have taken down
20 the front facade because all of the floors are being
21 rearranged in height, that had to come down.

22 When the floor levels had changed
23 because of the base flood elevation, the two
24 structural walls on the side that were existing are
25 still there, and I have photographs. I visited the

1 site today just in case this question came up.

2 What is new is new, so to go back to
3 the plan, what we have kept relative to what we have
4 taken down, what we have kept are the low bearing
5 walls and foundation sections here and here. This,
6 because it is an addition that's obviously new. The
7 floor structures are new because they were revised
8 in height to get out of the base flood elevation,
9 but it is not a new building.

10 MR. GALVIN: Let me just -- okay. We
11 could argue that, too, but we are not going to.
12 There is a new decision in Seaside Heights. What
13 happened in -- we had -- the Board made a decision,
14 just so you guys are listening to this --

15 THE WITNESS: I am listening.

16 MR. GALVIN: -- the Board made a
17 decision in the Angley case, if you remember that
18 not too long ago, where the Board basically found
19 that the way the ordinance is written is that if you
20 have a nonconforming structure, any change to that
21 nonconforming structure will require the Board's
22 approval.

23 What happened in this case, if I am
24 understanding correctly, is those permits were
25 issued by the zoning officer prior to the Angley

1 decision, and she had a different understanding at
2 that time.

3 MR. MATULE: That's correct. Just for
4 the record, it was in July of 2013 when the
5 certificate was issued.

6 MR. GALVIN: Right. I am just saying,
7 I know you are trying really hard to keep us focused
8 on what you want us to focus on, but I want to make
9 sure my Board is not inadvertently being misled, and
10 I am being fair to you, too, and --

11 THE WITNESS: Yeah, and --

12 MR. GALVIN: -- and -- and because the
13 zoning officer issued those permits, if we were to
14 say, no, we don't want this, or we were to turn down
15 some other portion of this building, we never
16 discussed this issue, but then there is reasonable
17 reliance by the builder on this. The Court would
18 likely reverse us because -- on the issue of what is
19 called equitable estoppel, but they relied
20 reasonably to their detriment and they constructed
21 what they constructed.

22 So I'm just saying that that's how --
23 so I see how we got to here differently than you
24 do --

25 THE WITNESS: Yes.

1 MR. GALVIN: -- and I don't want to
2 spend any more time on that --

3 THE WITNESS: Okay.

4 MR. GALVIN: -- I want to focus -- and
5 I am sorry for interrupting your case, but I want
6 you to focus on what you are asking for, which is
7 the fourth floor.

8 THE WITNESS: And there is more, an
9 additional point related to all of the questions,
10 because the original intention here was to raise
11 this out of the flood plain, and we had to raise it
12 about 30 inches, our base -- we will call it a
13 basement because it wasn't a cellar, was below
14 grade. That triggered us to replace in terms of
15 cost more than 50 percent of the building. And the
16 city ordinance, which copies the construction code
17 is once you increase in terms of construction by
18 dollars, if you spend more than 50 percent of the
19 value of the building --

20 MR. GALVIN: You have to elevate.

21 THE WITNESS: -- it then has to conform
22 to every ordinance.

23 So what that meant in our case was not
24 only did we have to raise the floors, we had to
25 change the stairs. So the common stairs that we are

1 all used to in Hoboken on a 20-foot wide building,
2 are not here. They all now have to conform to a
3 seven-inch rise and 11-inch rung, which takes up
4 more space, but the point I am making is because of
5 the additional intent to move this out of the flood
6 plain, everything had to conform to the newest
7 construction code, which leads me back into the new
8 facade, which, you know, it wasn't this -- we didn't
9 want to replace floor levels, floor systems that
10 were working. But in order to realign the building,
11 they all had to change, and this is something --
12 this is something that's new for this Board and for
13 me as an architect to deal with, but these will be
14 coming to you because it is a very common condition.

15 How you get an apartment out of the
16 flood plain, either you have enough ceiling height
17 and you raise the floor, or when an owner is willing
18 to, and the cost works, you raise all of the floors.

19 MR. GALVIN: I think the Board -- there
20 are two issues here.

21 The one issue is what you just said
22 about changing conditions based on FEMA, that we're
23 going to have to come up and we are going to have to
24 deal with that. But the other thing is how we apply
25 the Hoboken's ordinance and whether -- and what you

1 do in a nonconforming structure, and whether it
2 should have come here in the first place before you
3 asked for that relief, and I am agreeing with you in
4 this instance that because the zoning officer had a
5 reasonable belief that what she was doing is
6 correct, I think you advanced from where you are at,
7 so please proceed.

8 THE WITNESS: Okay.

9 So then back to what we are here for,
10 exactly that. On our fourth floor as it currently
11 exists, it's 40 feet in depth. We are proposing
12 here to increase its depth to 60 feet exactly the
13 same as the floor below, exactly as the ordinance
14 permits in terms of depth and lot coverage.

15 We are also proposing that it fits
16 within the allowed 40-foot height. The ordinance
17 allows for three stories within 40 feet. We are
18 proposing four stories within that same 40 feet,
19 because along with the reconstruction of the
20 building, we had to compress four floor heights into
21 ten feet floor to floor, so with the ten-foot
22 floor-to-floor, we now have 40 feet of building at
23 the front, 60 feet.

24 This section is 40 feet of building
25 fitting within the ordinance height allowance at 40

1 feet -- I keep on saying "40 feet" because it was 40
2 feet long, and it's also 40 feet high. So this
3 section is four stories as it was, but it still fits
4 within the ordinance of 40 feet.

5 We are here for this last 20 feet,
6 which will again fit within the 40 foot height, but
7 won't match what's required in terms of stories.

8 I will show you the adjacent
9 properties, and I got a photo board as well.

10 I already described this drawing, and
11 the reason it is colored is because I realized that
12 our drawing has this all shaded, so I kept on
13 pressing the point because I thought it was easily
14 confused by anyone looking at this that we were here
15 for this entirely shaded area. We're not. The
16 shaded area just delineates what is new relative to
17 what the existing building was, and we are here
18 today for this section.

19 The rendering, and I have a photo, if
20 you want to see it, it looks just like this. We
21 revised the front still with brick that matches.
22 more glass. We have wood accents, and it allows
23 more light into the apartments. It's something that
24 is certainly more modern, but still fits
25 contextually within some of the adjacent properties

1 with the adjacent look of the street, let's say.

2 I also brought a photograph, and I
3 don't think we have to, Bob, if you don't want,
4 showing that we did use the existing structure, and
5 the foundation walls were all reused. I took that
6 photograph myself today.

7 MR. MATULE: We will mark it A-3.

8 (Exhibit A-3 marked.)

9 THE WITNESS: The best drawing to show
10 what is -- I'm sorry -- I am going to hold this, so
11 I can show it. It might be a better way to deal
12 with it. Here you go.

13 So first, I will show you what the two
14 adjacent properties look like in a plan on Sheet Z-5
15 based off the property survey. Our existing
16 building previously was about 40 feet in depth. We
17 had prior to this meeting added three stories. We
18 are now proposing to add a fourth story here.

19 The adjacent building to our south is a
20 four-story building, and I will show you the
21 photographs. We are still slightly -- this
22 rendering shows we are still slightly lower than
23 that, and the photograph that's being passed around
24 shows that as constructed, we are slightly lower
25 than that.

1 The adjacent building to our south is
2 four stories. It has a small cutout here, which is
3 towards the rear portion of what we are proposing in
4 terms of an addition. You got two windows, a window
5 here and a window there, and their property goes
6 back -- it looks to be about 65 feet.

7 The property to the north is a
8 four-story building that looks to go back about 45,
9 47 feet.

10 In terms of our context, it looks like
11 the -- I will go to the photo board --

12 COMMISSIONER MARSH: We don't have
13 Z-5 --

14 MR. GALVIN: What's that? I'm sorry,
15 guys.

16 COMMISSIONER MARSH: We end at Z-4.

17 THE WITNESS: Which one don't you have?

18 ACTING CHAIRMAN BRANCIFORTE: We're
19 missing Z-5. I was wondering why you weren't
20 showing the dimensions of the backyards in the
21 adjoining --

22 THE WITNESS: Z-5 is a blowup of the
23 property survey, and I don't know why you don't have
24 that. I can pass it around. It is our site plan
25 based on the property survey.

1 COMMISSIONER MURPHY: We have the small
2 one. It looks like --

3 ACTING CHAIRMAN BRANCIFORTE: Walk
4 through that, because we weren't paying attention
5 because we were looking for the plans. Just walk
6 through that one more time slowly for us and for the
7 neighbors.

8 THE WITNESS: Understood. Yes, I will
9 do it first for you, and then I'll turn to them.

10 Pardon me, sorry. It is hard to -- so
11 our project, 926, is right here. It originally was
12 a four-story, four-unit building, going back to keep
13 the floor at 40 feet. We are proposing a 20-foot
14 rear addition at the fourth floor.

15 The adjacent building to the south,
16 which is one in between our project and the
17 mechanical parking garage, which covers 100 percent
18 of the lot. Their property has a small cutout. I
19 am going to make a guess here, it looks to be about
20 four feet off of our property line and extends an
21 additional three, three and a half feet past our 60
22 foot point, so the adjacent property to the south,
23 this is the line of it.

24 The adjacent property to the north is
25 also a four-story building and it's shorter than

1 ours. It looks to be about 46 or 47 feet.

2 So what I just showed the Board was a
3 site plan based on the property survey of our
4 proposal relative to the existing property, so you
5 are very familiar with the existing property to the
6 south, so I just pointed out where the light rail is
7 as it exists. There is a window here and a window
8 here, and the property to the north. This is the
9 line, so this is 40 feet. This is 60 feet, and I am
10 approximating that at 47 feet.

11 MR. MATULE: Mr. Minervini, if I might,
12 while you are talking about that, the existing
13 three-story addition and the proposed fourth story
14 addition, neither of them have any lot line windows
15 on the side?

16 THE WITNESS: We are proposing no lot
17 line windows, only windows facing the west, our rear
18 property line, and we are proposing, and it will be
19 constructed below the second means of egress to be
20 served by a fire escape, which is replicating what
21 was there originally. And so the purpose of this
22 fourth floor addition is solely to have that
23 apartment be a three-bedroom, two-bathroom
24 apartment, relative to what it is currently, which
25 is an 800 square foot two-bedroom, one-bath

1 apartment. That is why we are here.

2 It is kind of convoluted because this
3 all started because we raised the building out of
4 the flood plain.

5 MR. MATULE: And is it your
6 understanding now based upon the recent decisions of
7 this Board, that were you to be asked to put
8 together this project today, the entire project
9 would have to come before the Board for the entire
10 four stories as opposed to going to the zoning
11 officer, because it is the expansion of a
12 nonconforming structure?

13 THE WITNESS: We have as architects and
14 designers in Hoboken learned, as the zoning officer
15 did, that certain approvals can no longer be given.
16 We have to come here.

17 MR. GALVIN: Cool. I said "cool."

18 ACTING CHAIRMAN BRANCIFORTE: We will
19 start with questions of the Board.

20 COMMISSIONER MURPHY: So in looking at
21 photo three, which is the back of it, it looks to me
22 as if the building to the north -- maybe it is
23 not -- maybe it is just the way the wiring is. Do
24 they have a little extension?

25 THE WITNESS: Here?

1 COMMISSIONER MURPHY: Yeah, I guess
2 that is it. That picture looks much better than --

3 THE WITNESS: It is not an extension.
4 Relative to our original building, it went further
5 back.

6 Now, relative to our building with this
7 already constructed three-story 20-foot rear
8 addition, they are not quite as deep as ours, and I
9 have a better drawing, Z-5, which you don't have
10 that describes that better.

11 COMMISSIONER MURPHY: Right.

12 THE WITNESS: So what that photograph
13 represents was the condition prior to this
14 construction, so what you were looking at was a
15 photograph from here seeing this face of our
16 building, and this face of the adjacent building.

17 COMMISSIONER MURPHY: So all four
18 stories -- all four stories are at that -- at
19 that --

20 THE WITNESS: Yes. All four stories,
21 and there is a front drawing -- front photograph
22 showing that as well.

23 COMMISSIONER MURPHY: Uh-huh.

24 ACTING CHAIRMAN BRANCIFORTE: Diane,
25 anything else?

1 COMMISSIONER MURPHY: I am okay right
2 now.

3 COMMISSIONER FISHER: Oh, no, I think
4 you are saying something else.

5 COMMISSIONER MURPHY: No. It looks
6 like this goes --

7 ACTING CHAIRMAN BRANCIFORTE: Anyone
8 else have a question?

9 COMMISSIONER MC ANUFF: No.

10 THE WITNESS: That is not even our
11 building.

12 COMMISSIONER FISHER: But not that --

13 COMMISSISONER MURPHY: Here --

14 COMMISSIONER FISHER: -- if you look
15 down --

16 THE REPORTER: Ms. Fisher, you have to
17 speak up, please.

18 COMMISSIONER MURPHY: Oh, is this a
19 wall?

20 THE WITNESS: That's a wall section.

21 COMMISSIONER MURPHY: Oh, you can't
22 tell in that picture.

23 THE WITNESS: Yeah, understood.

24 MR. GALVIN: I'm trying to make sure
25 Phyllis can hear the witnesses.

1 ACTING CHAIRMAN BRANCIFORTE: Okay.

2 Ms. Murphy, you are good for now?

3 COMMISSIONER MURPHY: I'm good for now.

4 ACTING CHAIRMAN BRANCIFORTE: Tiffanie,
5 any questions?

6 Owen, no questions.

7 Phil?

8 COMMISSIONER COHEN: No.

9 ACTING CHAIRMAN BRANCIFORTE: Chief?

10 COMMISSIONER TREMITIEDI: None.

11 ACTING CHAIRMAN BRANCIFORTE:

12 Ms. Marsh?

13 COMMISSIONER MARSH: I just want to
14 make sure that I understand what you are saying was
15 approved and what you say you are asking for a
16 variance for.

17 THE WITNESS: Yes.

18 COMMISSIONER MARSH: You don't have a
19 rendering of the back, do you?

20 THE WITNESS: I have an elevation in
21 the back. It is part of your drawings. It is on
22 Sheet Z-3.

23 COMMISSIONER MARSH: The answer to my
24 question would be no, you don't.

25 So you're building --

1 THE WITNESS: What I --

2 COMMISSIONER MARSH: -- you're building
3 out as of right --

4 THE WITNESS: -- I --

5 COMMISSIONER MARSH: -- can I just --
6 yeah -- that is not what I --

7 THE WITNESS: Okay.

8 COMMISISONER MARSH: -- you are
9 building as with approval, up to here to the edge of
10 this -- flush with this building?

11 THE WITNESS: No. We are not building
12 quite that far back.

13 COMMISSIONER MARSH: Not going quite
14 that -- okay.

15 THE WITNESS: I will show you again.
16 Unfortunately, you don't have that Sheet Z-7, but
17 that's the best drawing that describes how far back
18 we are going relative to the adjacent properties.

19 So I think what you just pointed out
20 was this building. We are 926, and this is 924.

21 COMMISSIONER MARSH: So 924 is this
22 building?

23 THE WITNESS: Correct.

24 COMMISSIONER MARSH: Okay.

25 THE WITNESS: And that wall that you

1 are looking at I believe is this, and then there is
2 another wall.

3 See, they got -- if you look at -- let
4 me mark -- let me draw this. Actually it might be
5 easier --

6 COMMISSIONER MARSH: Oh, this is a
7 wall. Is that what you asked?

8 COMMISSIONER MURPHY: Well, I was
9 looking on this thing. That is a wall, but this
10 goes like this, and then that is the wall --

11 COMMISSIONER MARSH: That's the wall,
12 too.

13 COMMISSIONER FISHER: This is the
14 building that he's talking about.

15 THE WITNESS: If you don't mind, I'll
16 draw on --

17 ACTING CHAIRMAN BRANCIFORTE: Guys, I'm
18 sorry.

19 Go ahead, Frank.

20 THE WITNESS: -- if you don't mind,
21 I'll just to make it more clear. I will darken it
22 here. This is the wall of the adjacent building.

23 ACTING CHAIRMAN BRANCIFORTE: Right.
24 And the windows that we see are --

25 THE WITNESS: There's one here and one

1 here.

2 ACTING CHAIRMAN BRANCIFORTE: Yes,
3 okay.

4 So, Carol, I will come back to you, if
5 you have more questions.

6 COMMISSIONER MARSH: Sure.

7 ACTING CHAIRMAN BRANCIFORTE: So right
8 now, this building as it is shown in the planner's
9 report, on the photos and in the planner's report,
10 is actually taller than what is here now?

11 THE WITNESS: It is the same height as
12 what's there. It goes back deeper than what is
13 there. That photo is prior to the 20 foot rear
14 addition.

15 ACTING CHAIRMAN BRANCIFORTE: You are
16 talking about replacing a replica of the fire escape
17 that is there now, but the fire escape that is there
18 now is not proper code, is it?

19 THE WITNESS: No, no. We're not -- the
20 new fireplace has to conform. I was just making the
21 distinction between a fire escape and a fire stair.

22 ACTING CHAIRMAN BRANCIFORTE: Okay.

23 Anything else, Carol? You can ask
24 questions later, if you'd like.

25 COMMISSIONER MARSH: Just keep going.

1 That's fine.

2 ACTING CHAIRMAN BRANCIFORTE: What I am
3 curious about, and maybe your planner can address
4 this, are we kicking in some kind of a lot coverage
5 problem once you attach a bigger fire escape to the
6 back?

7 THE WITNESS: I think that would be a
8 question for the planner.

9 ACTING CHAIRMAN BRANCIFORTE: Okay.

10 COMMISSIONER FISHER: John, can I
11 clarify something that you said?

12 ACTING CHAIRMAN BRANCIFORTE: Sure.

13 COMMISSIONER FISHER: The picture that
14 you are pointing at is the picture of the old
15 building. They have already raised it, right? It
16 is taller --

17 THE WITNESS: It's not taller.

18 COMMISSIONER FISHER: -- than that one,
19 it's not?

20 THE WITNESS: It's the same. We
21 continued the back of the building --

22 COMMISSIONER FISHER: Okay.

23 THE WITNESS: -- we haven't raised it
24 on that top floor. That is why we are here.

25 MR. GALVIN: You know, I have a note

1 that says that it was less than 40 feet before.

2 THE WITNESS: It was because prior
3 to -- Bob?

4 MR. MATULE: No, go ahead. I was
5 just --

6 THE WITNESS: Prior to --

7 MR. GALVIN: One voice at a time, guys.

8 THE WITNESS: -- prior to the original
9 construction, the project was being leveled -- the
10 building was suppressed -- hum, depressed from the
11 sidewalk. It was still 40 feet, but if you
12 counted -- if you counted height from the sidewalk
13 level, we were below that by two and a half feet.

14 ACTING CHAIRMAN BRANCIFORTE: Then
15 let's look at this from a visual perspective.

16 THE WITNESS: Uh-huh.

17 ACTING CHAIRMAN BRANCIFORTE: Before
18 you started your renovations on this building, was
19 the roof line where it is now?

20 THE WITNESS: No, it is not.

21 ACTING CHAIRMAN BRANCIFORTE: It was
22 lower than the adjoining building?

23 THE WITNESS: Yes, so --

24 ACTING CHAIRMAN BRANCIFORTE: So in
25 that respect, the building has been raised to meet

1 the roof lines?

2 THE WITNESS: Pardon me. If that's
3 what the question was, yes.

4 The building height was here, as you
5 can see in the original photograph --

6 ACTING CHAIRMAN BRANCIFORTE: Right.

7 THE WITNESS: -- and I think you got
8 the most recent photograph of mine floating around
9 showing what it looks like today. That is right
10 here.

11 So that is where it was -- actually as
12 I recall, I don't think we raised the height at all.
13 We compressed floor-to-floor heights, and that
14 photograph might even show --

15 ACTING CHAIRMAN BRANCIFORTE: I'm not
16 talking about -- you are talking about raising the
17 height. I'm talking about raising the roof line.

18 MR. MATULE: I am only laughing because
19 I was going to just redirect.

20 I believe your prior testimony was how
21 you accommodated raising the floors was that in the
22 existing building, which is in that photograph
23 there, the floor-to-ceiling heights were higher, and
24 you made them nine-foot-something to stay within
25 that envelope.

1 THE WITNESS: Yeah. And Ms. Marsh has
2 the photographs I was passing around, so that shows
3 the condition today.

4 COMMISSIONER MARSH: It shows the front
5 of the building, though.

6 I'm trying to figure out what it looks
7 like from the back, because the impact of this is on
8 the back, right?

9 MR. GALVIN: Correct.

10 THE WITNESS: Yes, and I don't have a
11 photograph of this rear addition that already has
12 been built. We're here for the fourth floor impact.

13 MR. GALVIN: Does Mr. Ochab have that?

14 THE WITNESS: He may.

15 No.

16 ACTING CHAIRMAN BRANCIFORTE: It's not
17 in his report.

18 Yeah. That is kind of an important
19 piece of evidence to leave out, Frank.

20 COMMISSIONER FISHER: Frank, I think if
21 you start with on your Z-1 --

22 THE WITNESS: Uh-huh.

23 COMMISSIONER FISHER: -- it shows the
24 rendering that you -- the whole thing has been
25 lifted, so that the roof line is the same height as

1 the building to the left.

2 THE WITNESS: But that's accurate,
3 because that was a proposed drawing. The photograph
4 and what we have done during construction is to
5 reduce that --

6 COMMISSIONER FISHER: And it's not
7 as --

8 COMMISSIONER MURPHY: So it's --

9 THE WITNESS: -- and the photograph on
10 existing conditions shows that.

11 COMMISSIONER MURPHY: -- parapet and --

12 ACTING CHAIRMAN BRANCIFORTE: Okay,
13 wait. Please, one person speak at a time.

14 Do we have any more questions?

15 We can come back to Frank later, as we
16 usually do at some point, so I would like to open it
17 up to the public, if no one else has any questions.

18 MR. GALVIN: The professionals have
19 some.

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

22 Professionals?

23 Jeff?

24 MR. MARSDEN: A couple of things.

25 On Z-3, you show a building height of

1 40 feet above base flood, but in reality you are 41
2 feet above base flood, because you show the arrow
3 leading from the first floor, which is 13, and base
4 flood is 12, so that is actually 41 feet above base
5 flood the way I see it.

6 THE WITNESS: Well, that is something
7 for this Board and the ordinance to kind of work
8 out. We are --

9 MR. MARSDEN: Well, that is the case,
10 though.

11 THE WITNESS: Yes. But let me continue
12 that, because it doesn't sound the same coming from
13 your mouth as I explained it.

14 (Laughter)

15 COMMISSIONER MARSH: No, it certainly
16 doesn't.

17 THE WITNESS: No.

18 The base flood elevation is 12 feet in
19 this part of Hoboken. We have to raise any building
20 12 foot above floor level. However, residential has
21 to be raised 12 inches above base flood elevation --

22 (Laughter)

23 -- so my point is that we are building
24 what is required. What we have built is what is
25 required via DEP. Our ordinance hasn't caught up

1 yet to the 12 inches above base flood elevation, so
2 when we're -- am I incorrect, Eileen?

3 When we're calculating height, we have
4 to do it from base flood elevation, but our
5 requirement is 12 inches above that.

6 MS. BANYRA: Right. But building --
7 but I guess the way you clarify it is, the zoning
8 ordinance says what the zoning ordinance says. The
9 building code says what the building code says.
10 They are two distinct codes, and they don't -- one
11 doesn't -- the building code doesn't supersede. The
12 zoning could say 39 feet or it could say 41.

13 What you are saying is that the reality
14 is the building code is making you do something. It
15 is contrary to our zoning ordinance, but that
16 doesn't mean you don't need a variance technically.

17 THE WITNESS: But that is not what I am
18 trying to portray.

19 MS. BANYRA: Oh, okay. But I'm just
20 trying to say it a different way, so that is what
21 the Board has to weigh and evaluate.

22 But I guess the question that Jeff has
23 I guess is really relative to the actual height,
24 Frank, and I think also the survey. I don't see any
25 elevations on the survey, so we are still struggling

1 with where you are getting the heights from when
2 there is nothing on the survey --

3 THE WITNESS: Well, the elevation shows
4 heights --

5 MS. BANYRA: No. But what's your base?
6 Where did you get that from since the
7 survey doesn't show it --

8 THE WITNESS: Based on the flood
9 elevation certificate --

10 MR. MARSDEN: Well, let me just --

11 MS. BANYRA: Okay. We don't have that,
12 Frank.

13 MR. MARSDEN: -- before we get there,
14 okay, your Z-3 clearly says: Building height above
15 base flood elevation, and it says 40 feet.

16 My point is that is inaccurate, and
17 that should be changed to 40 feet above first floor,
18 because that is what it is.

19 THE WITNESS: Certainly --

20 COMMISSIONER MARSH: 40 feet above the
21 first floor?

22 THE WITNESS: -- and as a designer --

23 MR. MARSDEN: If you look at Z-3, you
24 will see it says first floor BFE plus one, okay, and
25 the first floor is set at elevation 13, but the BFE

1 is at elevation 12. The ordinance says 40 feet
2 above the BFE, and this diagram shows 40 feet above
3 the first floor.

4 THE WITNESS: I'm not disagreeing

5 MR. MARSDEN: Okay. That needs to be
6 changed eight to above first floor or 41 feet above
7 base flood elevation --

8 THE WITNESS: Well, if this Board
9 wants, we could reduce that floor height by 12
10 inches, but the intention of your ordinance is to
11 specifically have residential uses out of the flood
12 plain, but the ordinance has not caught up to what
13 changed with how far out of the flood plain we have
14 to get, so we are stuck there.

15 MR. GALVIN: Relax --

16 THE WITNESS: That's a --

17 MR. GALVIN: -- the fact that you need
18 relief from that -- I know you do -- the fact that
19 you need relief from that doesn't mean that there
20 isn't a variance. That's a good reason to grant
21 you --

22 THE WITNESS: Understood.

23 MR. GALVIN: -- that is a great reason
24 to grant you a foot. But we can't ignore the fact
25 that Jeff is telling me --

1 MS. BANYRA: Right.

2 MR. GALVIN: -- right now that I don't
3 have it listed in my variances --

4 THE WITNESS: Understood.

5 MR. GALVIN: -- that you need 41 feet
6 and you have 40.

7 So we can easily grant that because it
8 is within the notice requirement, and I am sure Mr.
9 Matule noticed any other reasonable variances that
10 might be required at the time of the hearing. Sorry
11 we are determining it now, and it looks like to me
12 that that is what you have. Unless you can tell me
13 that you are wrong or Jeff is wrong or I am wrong --

14 THE WITNESS: No. I was trying to
15 make --

16 MR. GALVIN: -- or you can take a foot
17 off --

18 ACTING CHAIRMAN BRANCIFORTE: Okay.
19 Jeff, any other questions?

20 MR. GALVIN: -- I think we should leave
21 that issue --

22 MR. MARSDEN: I thought I was wrong
23 once, but I was mistaken --

24 ACTING CHAIRMAN BRANCIFORTE: What's
25 that?

1 MR. MARSDEN: -- that is just -- the
2 other question I have is: I believe you need to
3 have those elevations put on, at least on the front
4 building corners, because then I can say this
5 compares to this, and I better understand --

6 THE WITNESS: Understood.

7 MR. GALVIN: So what do we want as a
8 condition?

9 MS. BANYRA: Well, I mean, that is
10 where like in my report, my first thing is saying
11 that the survey doesn't match the first floor
12 because of the changes -- that what you have done to
13 the building right now doesn't match this, which --
14 so that is why we were having difficulty reviewing
15 it, because the plan didn't match the planner's
16 report or the survey, and then to marry it up is
17 what we are trying to do now, Frank, so --

18 THE WITNESS: The survey was the prior
19 condition prior to the project being raised. What
20 we are proposing is showing those elevations raised
21 and what we can do is a new survey.

22 Now, when this was submitted, so you
23 understand, this construction hadn't happened yet,
24 so it wasn't raised yet.

25 MS. BANYRA: You mean when this was

1 submitted to the Board --

2 THE WITNESS: When this project was
3 submitted to the Board, the construction that has
4 physically raised it wasn't yet done --

5 MS. BANYRA: So the construction
6 started on this, when then, Frank? Because this was
7 submitted in February or March of this year, right?

8 MR. GALVIN: Can I just say this?

9 I don't really want us to get into when
10 it started and what happened --

11 MS. BANYRA: I'm trying to match -- you
12 know what, Dennis, I mean --

13 MR. GALVIN: -- you just want a revised
14 plan that shows you information.

15 MS. BANYRA: Exactly.

16 We are holding everybody to the same
17 standard. We had another case similar to this,
18 where we asked them for a revised survey, so that we
19 could determine the proper variances. So when I get
20 a survey that doesn't match, that's where I can't
21 determine variances, so then we are just figuring
22 right now that the height doesn't work, and we're
23 trying to figure out where you got your spot
24 elevations. You said you have a flood plain
25 certificate --

1 THE WITNESS: Spot elevation

2 certificate

3 MS. BANYRA: -- right, but we didn't
4 receive that, so we didn't know where your numbers
5 were coming from, so we can't make, you know,
6 assumptions on certain things, so that's really
7 where the issue lies.

8 THE WITNESS: The survey has
9 elevations --

10 ACTING CHAIRMAN BRANCIFORTE: So you
11 are not saying there is any possibility of a height
12 variance being triggered here or anything like that?

13 MR. GALVIN: Yes.

14 MS. BANYRA: Yes. There is a height
15 variance based on -- you know, and we don't know --
16 it appears that it's going to be one foot, but if we
17 get corners that show something different, it could
18 be two feet. I don't know very honestly, and you
19 can maybe say you do know, but I don't.

20 ACTING CHAIRMAN BRANCIFORTE: I
21 understand.

22 Are there any other questions?

23 MS. BANYRA: No. They can just
24 address --

25 ACTING CHAIRMAN BRANCIFORTE: Jeff?

1 MR. MARSDEN: No.

2 ACTING CHAIRMAN BRANCIFORTE: Before I
3 open it up to the public, any other questions from
4 the Board?

5 Okay. Then I am going to open it up to
6 the public.

7 Anyone who lives in the neighborhood
8 within 200 feet that has questions, just questions
9 for the architect, step forward, state your name and
10 address, and please spell your name for the court
11 reporter.

12 MS. LEONHARDT LATORRE: Sure.

13 Good evening.

14 My name is Julie Leonhardt Latorre,
15 L-e-o-n-h-a-r-d-t, and my second last name is
16 Latorre, L-a-t-o-r-r-e.

17 MR. GALVIN: All right.

18 ACTING CHAIRMAN BRANCIFORTE: And your
19 address?

20 MS. LEONHARDT LATORRE: 924 Garden
21 Street. I am the owner and resident of Unit 3-L.

22 MR. GALVIN: We're just asking
23 questions at this time. That is why I didn't put
24 you under oath.

25 MS. LEONHARDT LATORRE: Okay. So

1 questions only to the architect or to the Board?

2 MR. GALVIN: The Board doesn't really
3 answer questions. You just ask their architect. It
4 is their case.

5 MS. LEONHARDT LATORRE: Okay.

6 So my question is: Why wasn't this
7 part of the fourth floor variance requested at the
8 time that the plans, the initial plans were
9 requesting approval from the Zoning Board or the
10 zoning officer actually, in fact, was the person who
11 granted this?

12 THE WITNESS: Because the fourth floor
13 is not permitted without a variance.

14 And as the zoning officer saw it at
15 that time, that three floors is permitted within the
16 zoning ordinance. You are permitted 40 feet in
17 height, and three stories without a variance. That
18 is what was given to us by the zoning officer.

19 We are here today for that fourth floor
20 that isn't permitted. Although we are in the
21 maximum height of 40 feet -- 41 feet, pardon me --

22 (Laughter)

23 -- we are asking for an additional
24 floor. That is why we can't ask for it. We had to
25 come to this body to get that, whether it's --

1 MS. LEONHARDT LATORRE: But when you
2 built it, you knew you wanted to build this part of
3 the fourth floor. It was all part of the initial
4 plan and part of the building plan and everything.

5 So my question is: If you had been
6 seeking approval for the entire project as it exists
7 right now, including this last bit of the fourth
8 floor, would you have sought approval and gotten
9 approval from the same entity that gave you approval
10 for the original plans, or would you have had to
11 have gotten approval from the Zoning Board, which it
12 sounds like wasn't what happened --

13 THE WITNESS: I'm not -- I don't
14 understand the question.

15 MS. LEONHARDT LATORRE: If you had been
16 seeking approval for this project as it exists --

17 MR. GALVIN: I know I told you --

18 ACTING CHAIRMAN BRANCIFORTE: Dennis,
19 the Board Attorney, might know.

20 MR. GALVIN: I'm going to answer that,
21 even though I told you the Board is not going to
22 answer these questions.

23 The bottom line is we just figured out
24 that you needed 41 feet in height. What he would
25 have done, they would shaved off a foot. They could

1 still do that. They would have made sure it was
2 compliant, but now we just determined that there's
3 a, you know --

4 MS. LEONHARDT LATORRE: But even if it
5 were at the 40 feet, not the 41 feet, if it had been
6 40 feet, but including this last bit, this last 20
7 feet --

8 MR. GALVIN: Oh, no, it couldn't have
9 been --

10 MS. LEONHARDT LATORRE: -- they would
11 have had to come to you for approval of the entire
12 project --

13 MR. GALVIN: Correct.

14 MS. LEONHARDT LATORRE: -- which they
15 didn't do, even though they knew they wanted this
16 extra 20 feet at this time --

17 MR. GALVIN: Correct.

18 MS. LEONHARDT LATORRE: -- so they
19 sought approval for part of the project and then
20 came seeking a variance for this second part later,
21 even though if they had sought approval for the
22 whole thing in the beginning, the whole thing would
23 have had to come to you for approval.

24 THE WITNESS: But what we did was we
25 got approvals for what is permitted. That's -- and

1 I think --

2 MS. LEONHARDT LATORRE: I am just
3 trying to clarify that if you had gotten approval
4 for your entire project upfront, it would have been
5 a different approval than what was required
6 initially. That is what I am trying to
7 understand --

8 THE WITNESS: Yeah, but you have to --

9 MR. GALVIN: Right, right. So they got
10 approval -- if we turn them down tonight, what you
11 see exists --

12 MS. LEONHARDT LATORRE: Right.

13 MR. GALVIN: -- because the zoning
14 officer granted them permission for that.

15 That would be different today because
16 we made a judicial decision since then that says --

17 MS. LEONHARDT LATORRE: That is what I
18 am asking, because there --

19 MR. GALVIN: -- they should have had to
20 come here for anything.

21 MS. LEONHARDT LATORRE: That's what I
22 am trying to clarify --

23 MR. GALVIN: Okay.

24 ACTING CHAIRMAN BRANCIFORTE: Do you
25 have another question or that's it?

1 MS. LEONHARDT LATORRE: Yeah.

2 ACTING CHAIRMAN BRANCIFORTE: Thanks.

3 THE WITNESS: If I may, and Mr. Matule
4 just pointed this out in the survey, we have our top
5 of curb elevations there, so this is where our
6 elevations were based off of.

7 MR. GALVIN: Any other questions?

8 MR. MARSDEN: Just for the record, you
9 need that because you are measuring the building --

10 THE WITNESS: We absolutely are, and
11 I'm just answering the question of where we came
12 from --

13 ACTING CHAIRMAN BRANCIFORTE: Okay.
14 This we will take up later after the public portion
15 is closed.

16 Anyone else that would like to ask a
17 question of the architect?

18 Please stand up, raise your hand, and
19 come forward.

20 State your name and address.

21 MR. GALVIN: Just name and address. At
22 this point we're not putting you under oath.

23 MS. HEALEY: Leah Healey, 806 Park
24 Avenue.

25 I just have a question about this prior

1 approval that you spoke of.

2 Has the Board seen the plans that you
3 submitted for your certificate of zoning compliance?

4 THE WITNESS: The exact plan set, they
5 see the plan set here with additional information.

6 This -- if I may, this drawing set
7 shows, which is why I was distinguishing between the
8 colored and shaded area, this plan set shows what we
9 received prior relative to what we are here for
10 tonight.

11 MS. HEALEY: I am not so concerned
12 about what approval you received, but what you
13 submitted in order to obtain that approval.

14 Has the Board seen that plan?

15 THE WITNESS: It is not part of our
16 application, nor is it required to be.

17 MR. MATULE: No --

18 MS. HEALEY: You testified I think that
19 this wasn't a total demolition.

20 THE WITNESS: Uh-huh.

21 MS. HEALEY: So I am assuming that you
22 think this was a partial demolition.

23 THE WITNESS: Of course, yes.

24 MS. HEALEY: I am just curious as to
25 what demolition was reflected on the plans that you

1 submitted to the zoning officer.

2 THE WITNESS: Exactly, and these
3 drawings show it as well, exactly what was built.
4 We kept, because they were structurally so, the two
5 side walls that were existing from zero lot line --
6 when I say "side walls," that's both the south and
7 the north. The two side walls that started at zero
8 lot line went back to 40 feet and 40 feet in height.
9 We kept those. They were structurally sound.

10 The addition behind it, which is going
11 an additional 20 feet back, and 30 feet up is all
12 masonry. That's new, as well as a new foundation.

13 The front wall is new. We used the
14 existing foundation, but we had to rebuild the
15 facade, because we were changing floor levels.

16 MS. HEALEY: So your plans submitted to
17 the zoning officer, did that contain a demolition
18 plan?

19 THE WITNESS: We are not required to
20 have a demolition plan. We are required to show the
21 information graphically, which is what in essence
22 this drawing does. It's the same drawing that we
23 used.

24 The existing walls remaining are shown
25 lightly, not shaded. The new walls are shown

1 colored, and the addition area is shown hatched.

2 MS. HEALEY: So the information on this
3 plan about the level of demolition that you were
4 intending for the structure that you were intending
5 to keep is exactly the same as was --

6 THE WITNESS: Exactly the same.

7 What we built, and I knew this question
8 would come up, and I went to the site today just to
9 confirm that what my thoughts were, that what was
10 designed was built, and I've got, if you care to
11 look, we have photographs showing the existing
12 walls --

13 MS. HEALEY: And at what point did you
14 determine that the structure was structurally
15 unsound?

16 THE WITNESS: There was never any
17 question whether it was unsound.

18 The question was we couldn't use the
19 floor section because that was sound, because we had
20 to raise this out of the flood plain. Because we
21 didn't have enough floor-to-floor height between any
22 of the floors to raise almost 30 inches our basement
23 level, if you raise the basement level, that has a
24 compound effect as you go up the building. So then
25 the next floor raises, and then the next floor

1 raises and the next floor.

2 It wasn't an issue of structural
3 soundness. It was an issue of moving floors that
4 had to be adjusted to accommodate the raised
5 basement level out of the flood plain.

6 MS. HEALEY: So when you did your
7 demolition in order to change these floor levels,
8 you had to demolish each floor?

9 THE WITNESS: You had to remove the
10 wood beam sections. The floor in this building --
11 well, any partition --

12 MS. HEALEY: So you left -- what did
13 you leave then?

14 THE WITNESS: The outside low bearing
15 walls, which are eight inches of brick.

16 So as it was constructed, each of the
17 floor beams were set in a pocket, a very old method
18 that is not permitted today, in the brick. That was
19 removed, and the brick on the two side walls, we
20 then raised that floor 30 inches, approximately 28
21 inches -- we raised that floor up. It gets a new
22 method of connection to the existing foundation
23 wall.

24 The existing brick has remained. The
25 existing foundation structure has remained.

1 MS. HEALEY: You didn't testify to
2 this. I don't know who would be able to testify.

3 What notice of this original
4 application to the zoning officer did the neighbors
5 receive?

6 THE WITNESS: I don't know what
7 happened here. I can tell you what's required. The
8 zoning --

9 MS. HEALEY: I would rather know, if
10 you don't know what happened here, then I would
11 rather hear from somebody who does.

12 THE WITNESS: Fair enough.

13 MS. HEALEY: Okay. That's it.

14 ACTING CHAIRMAN BRANCIFORTE: You can
15 ask Mr. Matule. Perhaps Mr. Matule can answer that
16 question.

17 MR. MATULE: I don't know. I will find
18 out.

19 MS. HEALEY: Thank you.

20 ACTING CHAIRMAN BRANCIFORTE: Any other
21 members of the audience?

22 Now, this is for questions. After we
23 are done with questions, and we hear from all of the
24 experts, the applicant's experts, we will open it up
25 for general comment, so you will still have a chance

1 to speak later, if you'd like.

2 MR. TARABOCCHIA: Antoine Tarabocchia,
3 T-a-r-a-b-o-c-c-h-i-a.

4 MR. GALVIN: Street address?

5 ACTING CHAIRMAN BRANCIFORTE: Street
6 address?

7 MR. TARABOCCHIA: 933 Park Avenue.

8 MR. GALVIN: You may proceed.

9 MR. TARABOCCHIA: My parent's yard and
10 that yard, the houses face each other.

11 Now, I am a little surprised why there
12 is no photograph of the side of the back of the
13 building because that is where the issue is. That
14 is where you want to continue adding on.

15 THE WITNESS: Well, to be clear, we are
16 not adding further to the back, which is your issue.

17 That back wall, as you see, is what is
18 permitted.

19 MR. TARABOCCHIA: Yeah. The two -- the
20 floors already have been built --

21 THE WITNESS: Yes. It was three
22 stories --

23 MR. TARABOCCHIA: -- it is only built
24 up to where the original building was.

25 Now you want to continue 20 feet.

1 THE WITNESS: Exactly, which is why we
2 are here.

3 MR. TARABOCCHIA: Right.

4 So the thing is, we had trouble
5 picturing that. I think a photograph would be
6 perfect to show what is there and what needs to be
7 built 20 feet more --

8 THE WITNESS: I understand --

9 MR. TARABOCCHIA: -- my other question
10 is how was this -- how would this affect the light,
11 the sun coming into the yard and my yard?

12 THE WITNESS: Your building is to the
13 north --

14 MR. TARABOCCHIA: We face each other.

15 ACTING CHAIRMAN BRANCIFORTE: West.

16 THE WITNESS: Oh, your building is to
17 the west --

18 MR. TARABOCCHIA: Yes.

19 THE WITNESS: -- so you are here on
20 Park?

21 MR. TARABOCCHIA: Yes.

22 THE WITNESS: Right there.

23 I don't have a sun study. I can tell
24 you what I know as an architect.

25 In the wintertime, the sun is coming

1 from the south. If we are talking about just this
2 fourth floor, that is what we are here for. The
3 rest is permitted.

4 MR. TARABOCCHIA: Right.

5 THE WITNESS: There will be a shadow
6 cast because the sun is very low, so you will have a
7 shadow cast, which might be above your building,
8 because the sun is very low in the sky.

9 Summertime or warmer weather, when the
10 sun is more directly above, it won't really affect
11 you.

12 I have to make this point, though, and
13 this is to the Board and to the people here: The
14 ordinance is written to allow for 40 feet in height
15 back there.

16 So when we, as builders, build these
17 projects, and we as designers, we come to this
18 Board, we have to make the assumption that the city
19 fathers when writing the ordinance took into account
20 any negative impact that 40 foot would have because
21 it is permitted within the code.

22 What we are here for is within that 40
23 feet, we are asking for an additional story. So we
24 are not even asking for more height in feet, which
25 is what would impact your property.

1 My thought is, and listen, I live in
2 Hoboken. I get all these -- I understand what
3 people have concerns about, but the ordinance is
4 written to allow for 40 feet.

5 So my thought is, as well as builders
6 who build these buildings, the people who wrote the
7 ordinance and were all governed by it have already
8 considered that negative impact. I'm not going to
9 say to you that there isn't less light. Of course,
10 there is. Any time something is built, there is
11 less light.

12 This building was only 40 foot in
13 depth. It was never built to its full potential.

14 Will that have a negative impact on the
15 adjacent properties, absolutely.

16 MR. TARABOCCHIA: Well, one of the
17 things, I am and my mom are avid gardeners, and we
18 spend all of the time in the garden, and I grow fig
19 trees, and I have to have some of them planted in
20 pots, and I have to actually move them because they
21 are so delicate to get extra sun.

22 This is going to greatly impact on that
23 because if the building is just the way it is from
24 Bloomfield Street, you're up to 40, 41 feet, and
25 then it goes 20 feet and then --

1 THE WITNESS: It goes 60 back -- 40
2 feet, pardon me --

3 MR. TARABOCCHIA: -- and then this is
4 the addition that you built --

5 THE WITNESS: Yes.

6 MR. TARABOCCHIA: -- now when the sun
7 comes in, whether it's summertime or in the
8 wintertime from Bloomfield Street has no impact on
9 the yard, because it comes down like, and it will
10 just barely touch where you left off the building
11 now. But if you raised the back part up to 40 or 41
12 feet, that will greatly diminish sunlight.

13 In fact, in the wintertime, I bring all
14 of my plants indoors, and I get some sunlight
15 through the window.

16 This way I won't get any sunlight
17 through the window because it will only reach from
18 the second floor.

19 THE WITNESS: There is no doubt that
20 during the wintertime is when the effect would be.

21 During the summertime, there won't be
22 any effect, because the sun in the summertime is
23 almost directly -- well, is directly above us --

24 MR. TARABOCCHIA: At noon, at
25 noontime --

1 THE WITNESS: Yeah. But then it goes
2 from east to the west --

3 MR. TARABOCCHIA: Right. So it starts
4 from -- this is your building, and this is my
5 building. It starts from that way, and it goes this
6 way.

7 THE WITNESS: It goes like this,
8 because we are on approximately a north-south
9 grid --

10 MR. TARABOCCHIA: Right.

11 THE WITNESS: -- so the sun rises here
12 and goes this way, and we are right here.

13 The sun goes this way.

14 MR. TARABOCCHIA: But it is traveling
15 here. It is traveling this way. I am actually not
16 looking at it from 40 --

17 THE WITNESS: Well, that's contrary to
18 anything I ever heard.

19 If this is east-west --

20 MR. TARABOCCHIA: It is going east and
21 it's going to west.

22 THE WITNESS: This is east, this way --

23 MR. TARABOCCHIA: Yeah, but it is not
24 directly facing -- it doesn't go this way. It goes
25 from here --

1 THE WITNESS: I understand --

2 ACTING CHAIRMAN BRANCIFORTE:

3 Gentlemen, I'm going to move this along. I
4 understand Mr. Minervini has said that there is
5 definitely going to be a loss of light, so we
6 understand that.

7 How much is going to be lost exactly,
8 we won't know without a shadow study, which I like
9 to request, and I never for some reason get, but I
10 understand. We understand that the loss of light
11 and air is a major concern to anyone in the
12 neighborhood, so --

13 MR. GALVIN: Can I jump in for a
14 second?

15 Raise your right hand.

16 I have a reason for doing this.

17 Do you swear to tell the truth, the
18 whole truth, and nothing but the truth, so help you
19 God?

20 MR. TARABOCCHIA: Yes.

21 MR. GALVIN: Could you just spell your
22 last name again?

23 THE WITNESS: T-a-r-a-b-o-c-c-h-i-a.

24 MR. GALVIN: And everything that you
25 just testified to, is it true?

1 MR. TARABOCCHIA: Yes.

2 MR. GALVIN: Okay.

3 ACTING CHAIRMAN BRANCIFORTE: Okay.

4 You were getting away from a question, and you were
5 getting more into testimony, so we just wanted to
6 cover that. It is nothing personal.

7 Do you have another -- do you want to
8 continue your questions?

9 MR. TARABOCCHIA: No. Just my concern
10 that if you continue building to the same level as
11 the front, it will definitely impact, and I think --

12 ACTING CHAIRMAN BRANCIFORTE: When we
13 open it up for comments, I want you to come back up
14 and explain that to us one more time to drive it
15 home, but right now we are just going to take
16 questions, not to be rude. I am sorry.

17 Is there anyone else in the audience
18 that would like to ask a question of the architect,
19 please come forward.

20 State your name and address, please.

21 MR. GALVIN: We are not putting you
22 under oath. I'm sorry. We are hoping you are just
23 going to ask questions.

24 MS. WISSING: I am, I am.

25 My name is Dana Wissing. I live at 924

1 Garden Street.

2 THE REPORTER: How do you spell it?

3 MS. WISSING: I'm sorry.

4 W-i-s-s-i-n-g.

5 I actually have two questions, but they
6 are related, and you may have actually said this,
7 and I wanted you to repeat it, so I understand
8 exactly, what you are requesting.

9 Can you just say again what the benefit
10 is of having that 20-foot extension?

11 THE WITNESS: That would be for the
12 planner to answer.

13 I certainly have an opinion but I am
14 not a planner. I mean, I certainly have an opinion.
15 I'm not a planner, and I think that's a question to
16 ask the planner.

17 ACTING CHAIRMAN BRANCIFORTE: Well, let
18 me ask you a question, though.

19 When you say "benefit," do you mean
20 benefit to the neighborhood or benefit
21 architecturally?

22 MS. WISSING: To the neighborhood.

23 MR. GALVIN: That is the standard that
24 they have to consider. There has to be a community
25 benefit when we grant a variance.

1 MS. WISSING: Okay.

2 ACTING CHAIRMAN BRANCIFORTE: And the
3 planner will talk about that, so maybe the planner
4 will answer your question. If not, you can come up
5 and ask again.

6 ACTING CHAIRMAN BRANCIFORTE: Do you
7 have a second question you said?

8 MS. WISSING: It's just the flip side
9 of that, which is, what would be the detriment to
10 not doing that.

11 ACTING CHAIRMAN BRANCIFORTE: I have a
12 strong feeling you are going to hear testimony in
13 about five minutes about that, and then I want you
14 to come back up and ask your question of the
15 planner, and Frank will also be here. The architect
16 will also be here to answer more questions, if you
17 have some.

18 MS. WISSING: Okay. Great.

19 Thank you.

20 ACTING CHAIRMAN BRANCIFORTE: Is there
21 anyone else in the audience that would like to step
22 up and ask some questions?

23 Please feel free.

24 Going once, twice.

25 MR. GALVIN: Seeing none.

1 ACTING CHAIRMAN BRANCIFORTE: Seeing
2 none, may I have a motion to close the public
3 portion for questions?

4 COMMISSIONER MURPHY: Motion to close
5 the public portion.

6 COMMISSIONER MC ANUFF: Second.

7 ACTING CHAIRMAN BRANCIFORTE: All in
8 favor?

9 (All Board members answered in the
10 affirmative.

11 ACTING CHAIRMAN BRANCIFORTE: Mr.
12 Matule?

13 MR. MATULE: Yes.

14 My next witness is going to be Mr.
15 Ochab, but in light of Mr. Minervini's testimony
16 concerning this one foot difference between the ABFE
17 and where our first floor has to be set, I would
18 like to ask the Board if we can amend the
19 application to ask for the C variance for 41 feet
20 above BFE as opposed to 40 feet, so that Mr. Ochab
21 could then address that in his planning testimony
22 rather than asking him to amend it later.

23 ACTING CHAIRMAN BRANCIFORTE: Mr.
24 Galvin -- I'm sorry, Dennis, do you want to address
25 that?

1 MR. GALVIN: Is the Board okay with
2 that?

3 I'm sorry. Do you understand?

4 COMMISSIONER COHEN: I would say yes.
5 I mean, I think it is a de minimus change. The
6 people were on notice. The neighborhood has come
7 out about this. I don't think they should need to
8 renotice or have a new plan to address it. I think
9 it is fine.

10 ACTING CHAIRMAN BRANCIFORTE: Anything
11 else?

12 COMMISSIONER TREMITIEDI: Yeah. The
13 rationale that it had to be moved for the flood
14 elevation, it makes sense.

15 MR. GALVIN: Let's do this. We are not
16 approving it. We're not approving that extra foot.
17 We are just allowing them to amend their application
18 as requested.

19 Is there a motion to permit them to
20 amend their application?

21 COMMISSIONER COHEN: I'll make that
22 motion.

23 MR. GALVIN: Is there a second?

24 COMMISSIONER MC ANUFF: Second.

25 MR. GALVIN: Can we have a roll call,

1 please?

2 MS. CARCONE: Sure.

3 Commissioner Cohen?

4 COMMISSIONER COHEN: Yes.

5 MS. CARCONE: Commissioner Marsh?

6 COMMISSIONER MARSH: Yes.

7 MS. CARCONE: Commissioner Murphy?

8 COMMISSIONER MURPHY: Yes.

9 MS. CARCONE: Commissioner Fisher?

10 COMMISSIONER FISHER: I guess so.

11 MR. GALVIN: It's not approving. It's
12 just allowing them to amend their case.

13 ACTING CHAIRMAN BRANCIFORTE: Please
14 speak up.

15 COMMISSIONER FISHER: No. I understand
16 what it is, but we were talking over our experts who
17 felt very strongly that they were missing
18 information, so I would rather get their input on
19 whether or not we are okay to move -- just assuming
20 it is 41 and a half, and we backfill later with
21 whatever the survey is with the numbers on it,
22 assuming it is --

23 ACTING CHAIRMAN BRANCIFORTE: Let's
24 finish the vote first before we do this.

25 COMMISSIONER FISHER: Well, my point is

1 we are voting without their input saying what is
2 wrong, are we okay doing that. Are we --

3 COMMISSIONER MARSH: I would like to
4 change my vote based on that.

5 ACTING CHAIRMAN BRANCIFORTE: Let's
6 hear from the experts. I prefer to finish the vote,
7 and move ahead.

8 MR. MARSDEN: I can make this quick.

9 The bottom line is we are going to
10 accept the elevation on the building. The typical
11 procedure is the survey goes out, sets a bench on
12 what is an existing feature that will not change,
13 and he says that's elevation, let's say, ten. They
14 then set the first floor at elevation 13.

15 And if the surveyor did an elevation
16 cert, which Frank has testified to, then the setting
17 of that first floor one foot above base flood at
18 thirteen should be accurate and shouldn't change no
19 matter what the grades are on the ground.

20 So what I am saying is I am fairly
21 confident, unless the survey changes, which I don't
22 think it will, that it will be 41 feet.

23 ACTING CHAIRMAN BRANCIFORTE: Okay.
24 And right now we are just agreeing or disagreeing --

25 MR. GALVIN: Well, let me add this.

1 COMMISSIONER COHEN: We are not
2 granting the variance.

3 ACTING CHAIRMAN BRANCIFORTE: No, no,
4 no, we're not.

5 MR. GALVIN: We're not granting a
6 variance. We are just permitting them to amend it.
7 But I would say this also, that if we were to
8 approve this, that the building will not exceed 41
9 feet in height, no matter what, so they will have to
10 make an adjustment to the building or come back to
11 the Board.

12 COMMISSIONER FISHER: Yeah.

13 My point was more that they made -- it
14 was such an issue for them concerning -- they were
15 concerned that they didn't have surveys with
16 numbers, they couldn't reconcile, so before we
17 decided that it was just okay to assume it is going
18 to be a number, I just wanted to hear what their
19 view is, and it sounds like they are okay that we
20 just make this assumption, work with it and backfill
21 later.

22 ACTING CHAIRMAN BRANCIFORTE: So, Ms.
23 Fisher, are you ready to cast your vote?

24 COMMISSIONER FISHER: I am. Yes.

25 MS. CARCONE: Is that a yes?

1 ACTING CHAIRMAN BRANCIFORTE: Yes, she
2 did.

3 MS. CARCONE: Okay.

4 Commissioner McAnuff?

5 COMMISSIONER MC ANUFF: Yes.

6 MS. CARCONE: Commissioner Tremitedi?

7 COMMISSIONER TREMITIEDI: Yes.

8 MS. CARCONE: Commissioner Branciforte?

9 ACTING CHAIRMAN BRANCIFORTE: Yes.

10 MR. GALVIN: Ms. Marsh, your vote is
11 the still the same, right?

12 COMMISSIONER MARSH: Yes.

13 Thank you.

14 MR. MATULE: Thank you.

15 ACTING CHAIRMAN BRANCIFORTE: Okay.

16 So the application is amended for the
17 variance on the extra one foot.

18 MR. MATULE: For 41 feet above BFE as
19 opposed to 40 feet that the ordinance permits.

20 Okay. On that note, I will call my
21 next witness, Kenneth Ochab.

22 (Board members confer)

23 MR. GALVIN: Raise your right hand.

24 Do you swear to tell the truth, the
25 whole truth, and nothing but the truth, so help you

1 God?

2 MR. OCHAB: I do.

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

5 MR. GALVIN: State your full name for
6 the record and spell your last name.

7 THE WITNESS: Ken Ochab, O-c-h-a-b.

8 MR. GALVIN: Mr. Branciforte, do we
9 accept Mr. Ochab's credentials?

10 ACTING CHAIRMAN BRANCIFORTE: Yes.

11 MR. GALVIN: You may proceed.

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

13 Mr. Ochab, you are familiar with the
14 zoning ordinance and the master plan of the City of
15 Hoboken?

16 THE WITNESS: Yes.

17 MR. MATULE: And you are familiar with
18 the site and the existing conditions and the
19 proposed addition?

20 THE WITNESS: I am, yes.

21 MR. MATULE: And you prepared a
22 planner's report, dated January 13th, 2014, in
23 support of the requested variance relief?

24 THE WITNESS: I did, yes.

25 MR. MATULE: And you've just heard my

1 request to the Board to amend our application to add
2 an additional variance for height in feet of 41 feet
3 above ABFE, where 40 feet is allowed under the
4 ordinance, correct?

5 THE WITNESS: I heard all of that, yes.

6 MR. MATULE: All right.

7 Could you give the Board the benefit of
8 your professional opinion regarding the requested
9 variance relief --

10 THE WITNESS: Thank you.

11 MR. MATULE: -- and the positive and
12 negative criteria?

13 THE WITNESS: Okay.

14 I am not going to repeat what the
15 architect said, but just to sort of set the stage
16 here, we are in the R-1 zone. We have an existing
17 building, which is actually a four-story building,
18 and we are here to request variances for what
19 amounts to expansion of a nonconforming fourth
20 story, so we have an existing partial fourth story.

21 We are here to expand that fourth story
22 by 20 feet to the rear, which requires not only a
23 height variance, but also a variance for an
24 expansion of a nonconforming structure, because the
25 existing fourth story is nonconforming, the R-1 only

1 allows three stories.

2 So we have an existing fourth story
3 that is part of a nonconforming structure, and we
4 have a request to expand that story, so that it
5 leads to a C variance in this case.

6 It also leads to a height variance
7 because only three stories are permitted in the R-1,
8 and we are actually going to then expand that fourth
9 story, so we have a height variance for the number
10 of stories. In Hoboken, that is a D variance, so we
11 have a D variance for building height, and a C
12 variance for an expansion of a nonconforming
13 structure, and also a C variance for building
14 height, for the physical height of the building,
15 where 40 feet above ABFE is permitted, and we are at
16 41 feet as was discussed, so we have a C variance
17 with respect to that as well.

18 We do not need a density variance. We
19 don't need a lot coverage variance, and I will just
20 qualify that by saying depending on how the Board
21 interprets the fire escape --

22 MS. BANYRA: Yeah, it is a variance,
23 Ken, yes.

24 THE WITNESS: -- it is a variance,
25 okay.

1 MS. BANYRA: I was just writing a note
2 to the attorney basically saying that.

3 THE WITNESS: Okay. I wasn't sure
4 about that, and if that is going to be the policy of
5 the Board, then we will so note it, so that in each
6 application it will be the same.

7 Okay. So with that in mind, I did a
8 report January 13th of this year. In the back of
9 the report I had some photographs. Some of those
10 photographs are behind me on the board, and I will
11 just go through them with the Board now.

12 Now, on the D variance, of course, this
13 is a D variance for height, so it is not a use
14 variance, so we don't have the positive criteria
15 with respect to particular suitability of the site,
16 special reasons, conformity, or consistency with the
17 master plan per se.

18 We have the proofs that are governed
19 under what is called the Grasso case, which
20 basically is similar to a conditional use variance.
21 I.E., the proofs in this case are -- is to look at
22 the building height with respect to the surrounding
23 neighborhood and the surrounding area as far as
24 consistency, and also whether or not the additional
25 height -- the site can accommodate the additional

1 problems associated with the height, which usually
2 turns into a discussion about the negative criteria,
3 which is the impact of the additional section of the
4 fourth story.

5 So behind me I have photographs, some
6 of which are in the report, and some of which are
7 not, and the photos are unfortunately suffering from
8 humidity deterioration here in this room, so it is
9 not the curvature of the area or anything like that.

10 (Laughter)

11 MR. MATULE: Just for the record, that
12 will be marked A-4.

13 (Exhibit A-4 marked.)

14 ACTING CHAIRMAN BRANCIFORTE: They are
15 not the same photos that appear in your report,
16 though. They're different.

17 THE WITNESS: Two of them are, and two
18 of them are not.

19 ACTING CHAIRMAN BRANCIFORTE: Okay.

20 THE WITNESS: The upper -- I will turn
21 it around in a few seconds. I know I'm blocking you
22 right now.

23 The upper right -- left photograph is a
24 photograph of the street side --

25 ACTING CHAIRMAN BRANCIFORTE: Mr.

1 Ochab, could stand on this side perhaps?

2 THE WITNESS: No problem.

3 ACTING CHAIRMAN BRANCIFORTE: There you
4 go.

5 THE WITNESS: I was going to turn
6 around.

7 (Board members confer.)

8 COMMISSIONER FISHER: Really?

9 ACTING CHAIRMAN BRANCIFORTE: They are
10 important, too.

11 COMMISSIONER FISHER: That's okay.

12 Go ahead. You are totally fine.

13 THE WITNESS: I can turn this way.

14 COMMISSIONER FISHER: No, it's fine.

15 ACTING CHAIRMAN BRANCIFORTE: Now, it's
16 fine.

17 Go right ahead.

18 THE WITNESS: The upper left photograph
19 is a photograph of the street scape along Garden
20 Street here.

21 Our building is the one directly behind
22 the dumpster, and it is the first building after the
23 red brick. So we have an existing four-story
24 building, and we have four-story buildings to the
25 north and also four-story buildings to the south, so

1 it's a very much consistent street scape with
2 respect to that.

3 The photograph in my report basically
4 shows the same thing, but looking in the other
5 direction to the south, so you see the four stories
6 continuation.

7 COMMISSIONER FISHER: Mr. Ochab, that
8 is dated, right, that photograph?

9 THE WITNESS: Yeah. This photograph
10 was taken around the time of the report, yes.

11 MR. GALVIN: But when was that?

12 COMMISSIONER FISHER: January.

13 THE WITNESS: January.

14 MR. GALVIN: Okay.

15 THE WITNESS: No leaves on the trees.

16 The photograph in the upper right
17 corner is a photograph that was taken of the rear
18 yard, and this photograph was taken several weeks
19 ago from the building location.

20 The photograph in the report is a
21 photograph of the rear yard taken again in January,
22 which shows a lot of scrubby overgrowth, and this is
23 a much better representation, not only of the rear
24 yard itself, but also of the buildings on the next
25 street, and the backs of those buildings, which are

1 basically five-story buildings, facing the property.

2 The lower left photograph here, which
3 is bending to the right and to the left, shows the
4 back of the existing building, which is on the right
5 side of the photo, and then the adjacent building to
6 the north, the back of the adjacent building to the
7 north.

8 Again, this photo doesn't show the
9 expansion, but the expansion will come out to just
10 about where the overhang is on the first story
11 level, which is where this white line roof element
12 is, and it is about 14 feet beyond the building to
13 the north, so it is 14 feet deeper than the building
14 here, so it will come out a little.

15 There is a 20-foot expansion on the
16 fourth floor, so the first three floors are already
17 out to the 60-foot dimension, and again, that fourth
18 story will be coming out an additional 20 foot, and
19 so we will get back into this in a little bit.

20 COMMISSIONER FISHER: There is no
21 pictures that say existing, what has been built, to
22 be able to see that?

23 THE WITNESS: No. You know what, I was
24 there last week, and I couldn't get into the rear
25 yard because of the construction, and so I wasn't

1 able to get that photograph.

2 The photograph to the right shows the
3 existing building on the left side, and this shows
4 the building then to the south of us, which is again
5 a four-story building.

6 This is our building, the dark gray
7 building, which will come out again the requisite 20
8 feet.

9 The building to the south is a little
10 bit unusual. It goes back further into the property
11 than our building does, maybe another five feet.

12 Once the expansion is completed, it has
13 an indentation along the side yard of about five
14 feet or so, so the building actually juts into the
15 property to the center and then back, and that is
16 why the windows are provided along that area.

17 Our building will not have any windows.
18 So the three stories are all in the back, and this
19 part of the fourth story will come out, again, an
20 additional 20 feet.

21 So with respect to the Grasso criteria
22 again, the question is: Is it consistent with the
23 height of the buildings in the neighborhood.

24 I think the answer to that is yes. We
25 have certainly a consistent street scape of four

1 stories, and in the rear, again, we also have the
2 same type of effect. We have four stories both
3 north and south of the site.

4 With respect to accommodating problems
5 associated with the expansion, again, the fourth
6 story coming out should have no effect to the
7 building on the south, because the building on the
8 south again goes back further into the property than
9 we are located. There is no -- and the building is
10 indented, so that there is a space between what we
11 are proposing or have -- what we have built and also
12 the fourth floor extension of 20 feet and the
13 existing building that is already indented.

14 And with respect to the building on the
15 north, this is usually where the most impact occurs
16 because of the sun and light issue. And in this
17 case, we have a fire escape in the back of that
18 building, which is not impacted by the fourth floor
19 expansion, and I don't know if you can see it on
20 this photograph, but there appears to be a roof deck
21 on this building to the north as well, which again
22 would not be impacted because our roof would not go
23 above the roof line to the north, so in my view,
24 there wouldn't be any substantial impact with
25 respect to the that.

1 With respect to the intent and purpose
2 of the zone plan and the master plan, we are taking
3 a unit, which is about a little less than 900 square
4 feet, it has -- it did have a living room and two
5 bedrooms, no other space, and we are making a unit,
6 which is 1350 or 1380 square feet, which will
7 provide three bedrooms, living space, and space for
8 a family to accommodate in this area as opposed to a
9 unit which, again, could be much smaller and would
10 probably be more opportune to a non-family type
11 unit.

12 So I think with respect to that master
13 plan, the purpose in terms of the R-1 zone is
14 achieved, and that should be the basis for the
15 variance on the height variance.

16 With respect to the additional one foot
17 of the physical height variance, again, basically
18 this is a public health, safety and welfare
19 accommodation to raise the height of the building
20 above the base flood elevation.

21 The intent of the ordinance is still
22 the same, to control the height, and the one foot,
23 in my view, would be de minimis. So with respect to
24 that, it would be a benefit in terms of having the
25 height of the elevation and the building above base

1 flood elevation, the adjusted base flood elevation.

2 And with respect to the expansion of
3 the nonconforming structure here, again, I think the
4 same applies. We have an existing structure, the
5 existing fourth story, which is 20 feet in depth --
6 I'm sorry -- 40 feet in depth. We are adding an
7 additional 20 feet. That doesn't conjure up a lot
8 coverage variance per se. It again increases and
9 makes maximum use of that fourth floor area.

10 With respect to that, it certainly does
11 provide sufficient space in appropriate locations,
12 particularly in the R-1 zone for family units. It
13 also provides appropriate population density because
14 we are not increasing our density in terms of the
15 number of units on the site.

16 Also, it would make the most efficient
17 use of land, because here we have an existing
18 building with an existing fourth floor, and we are
19 just basically filling out the building mass in
20 order to accommodate the most efficient use of that
21 land area.

22 So with respect to that, I think we
23 have sufficient proofs in this case to cover the
24 variance, the granting of the variances, both from
25 the D and the C perspectives.

1 MR. MATULE: Mr. Ochab, with respect to
2 the fire escape on the rear of the building, again,
3 I want to be clear, not a fire stair or a fire deck,
4 but actually a fire escape, hypothetically, if you
5 will, if the fire escape were three feet by 17 feet
6 and that would increase lot coverage by 2.4 percent,
7 bringing the lot coverage up to 62.4 percent, could
8 you give us your professional opinion regarding that
9 additional lot coverage and how it would impact the
10 site and the neighborhood?

11 THE WITNESS: That particular lot
12 coverage, in my view, would be de minimis as well,
13 and also it would certainly fit within the C-2
14 variance criteria with respect to the fact that it
15 is providing for a public safety amenity, which is
16 required under the building code, and also would be
17 necessary for the health, safety and welfare of the
18 occupants of the building, as well as the community.

19 It is not a rear deck, which typically
20 we would get into other issues with rear decks or
21 near seatings areas. It is simply a fire escape for
22 access from the units, which again, would certainly
23 be supportable by looking at the public safety
24 aspects of what is proposed here.

25 MR. MATULE: It is an open metal

1 structure. It doesn't have walls or a ceiling or
2 floors or anything?

3 THE WITNESS: No. My review of the
4 plans, it is an open metal, no room for seating or
5 deck chairs or barbecue pits or anything like that.

6 MR. MATULE: Thank you.

7 ACTING CHAIRMAN BRANCIFORTE: Are you
8 all set, Mr. Matule?

9 Can we open --

10 MR. MATULE: Yes.

11 ACTING CHAIRMAN BRANCIFORTE: Questions
12 for the planner?

13 Shall I start anywhere in particular?

14 Okay. I will ask the first question
15 then.

16 You mentioned in your testimony that
17 the fourth floor addition is not going to affect
18 negatively the fire escape next door, which I am
19 glad to hear that the fire escape is going to get
20 plenty of light, but what does it do to the people
21 on the fourth floor that live at 928, I believe,
22 what loss of light and what loss of air are they
23 going to suffer with this addition?

24 THE WITNESS: Well, this addition will
25 come out an additional 14 feet beyond their building

1 wall, so with respect to that, it is at the same
2 level, basically at the same level, because they are
3 both four-story buildings, so the fourth story
4 addition being proposed will be at the same level as
5 the fourth story adjacent building --

6 ACTING CHAIRMAN BRANCIFORTE: But will
7 it --

8 THE WITNESS: -- so in terms of
9 impedance of sunlight and light and air, it is not
10 likely to be a major issue, because I would say if
11 we were one story higher, then we would have a
12 different set of circumstances, but we are at pretty
13 much the same level.

14 ACTING CHAIRMAN BRANCIFORTE: You know,
15 I must be missing something here then, because what
16 I see is a building with a roof line matching the
17 building next door, and now you want to extend that
18 fourth floor, you are saying that the extension of
19 the extra 20 feet, a wall going up 20 feet, you
20 know, next to this building at 928 is going to have
21 no effect on their light coming from the south?

22 THE WITNESS: Well, it is 14 feet from
23 the end of the adjacent wall, so we were set further
24 back than the adjacent wall --

25 ACTING CHAIRMAN BRANCIFORTE: Yeah.

1 Well, that is another question -- that's another
2 problem that we have, because we don't have that
3 drawing, the Z-5 drawing.

4 So maybe if Mr. Minervini can give us
5 the set of drawings that have Z-5 and show the
6 setbacks and the rear building lines -- lot lines,
7 we could -- Frank?

8 MR. MINERVINI: Yes.

9 ACTING CHAIRMAN BRANCIFORTE: The Z-5
10 drawing that we don't have, can we see it?

11 MR. MINERVINI: I'm sorry. I thought
12 you were talking hypothetically as part of an
13 additional set.

14 ACTING CHAIRMAN BRANCIFORTE: Does
15 anyone else have any questions for Mr. Ochab?

16 MR. MINERVINI: Should I pass it around
17 or put it here?

18 ACTING CHAIRMAN BRANCIFORTE: Yeah.
19 Can you pass it?

20 COMMISSIONER MURPHY: While we are on
21 the Z-5, I, you know, from the previous pictures, we
22 couldn't see that there were actually windows on the
23 side of the building, on the south side. There were
24 windows facing west, but not building -- windows
25 that are facing north that you can see on this

1 picture. So how far back is this already built,
2 bottom, and now the new proposed top going in that
3 area?

4 Like where the windows are facing north
5 in the building that is to the south?

6 It is hard for me to --

7 COMMISSIONER FISHER: Yeah, so
8 basically --

9 COMMISSIONER MURPHY: -- like how far
10 back is --

11 THE WITNESS: Talking about right here,
12 coming back?

13 COMMISSIONER MURPHY: Yeah.

14 THE WITNESS: We are going to be coming
15 back just short of the last windows on the side.

16 COMMISSIONER FISHER: The question is:
17 If you are looking out the windows on the side --

18 COMMISSIONER MURPHY: You are now going
19 to have like a wall of --

20 COMMISSIONER FISHER: -- how far is
21 that?

22 COMMISSIONER MURPHY: -- about five
23 feet away --

24 MR. GALVIN: One voice at a time, guys.

25 COMMISSIONER MURPHY: I'm sorry.

1 THE WITNESS: I think our rear wall is
2 just about where this window line is --

3 COMMISSIONER MURPHY: Hum?

4 THE WITNESS: -- our rear wall is just
5 about where this window line is.

6 COMMISSIONER FISHER: I think the
7 question is: How wide is that gap.

8 If you are in that -- if you are in the
9 white building looking out that side window looking
10 north, you are suddenly looking at a wall.

11 How far away from you is that?

12 Is it three feet, ten feet?

13 THE WTINESS: I think this is about
14 five feet because it is between this wall, the side
15 wall, and the indented rear wall here is about five
16 feet, you know, and a window there --

17 COMMISSIONER FISHER: It's like here
18 and here.

19 THE WTINESS: -- so remember, that the
20 first three stories are basically as of right, so to
21 speak, so we have three stories as of right, so it
22 is really only the fourth story extension, which
23 again, just fills out the building, and again, will
24 come back on the side line as well, no windows on
25 that side, so there's still five feet --

1 COMMISSIONER FISHER: I'm sure you have
2 an as of right. You have a certificate --

3 THE WITNESS: Yeah. That's --

4 ACTING CHAIRMAN BRANCIFORTE: I'm
5 sorry. Tiffanie, stop, one second.

6 COMMISSIONER FISHER: Yes.

7 ACTING CHAIRMAN BRANCIFORTE: Tiffanie,
8 can you speak up, please, and --

9 COMMISSIONER FISHER: -- I'm not sure
10 you have as of right. You have a certificate that's
11 approved to build, just for clarity.

12 THE WITNESS: Let me rephrase it by
13 saying --

14 COMMISSIONER FISHER: Yeah.

15 THE WITNESS: -- that as per the zoning
16 ordinance in the R-1 zone, three stories would be
17 feasible and doable without the fourth story
18 involved.

19 ACTING CHAIRMAN BRANCIFORTE: Any other
20 questions?

21 Chief, any questions?

22 COMMISSIONER TREMITIEDI: No, I have no
23 questions.

24 ACTING CHAIRMAN BRANCIFORTE: Owen?

25 COMMISSIONER FISHER: Can I just make

1 one more clarifying point?

2 ACTING CHAIRMAN BRANCIFORTE: Sure. Go
3 right ahead.

4 COMMISSIONER FISHER: We keep getting
5 away from this.

6 The building has been lifted, so
7 according to the pictures that you show, it is two
8 to three -- some few feet higher now than the
9 building to the north. It is lower than the
10 building to the south, but it is no longer in line
11 with the building to the north by a couple of feet.

12 So your point about the fourth floor is
13 in line with the building next to it to the north,
14 it is actually slightly -- it is being built
15 slightly higher, so it is not just the same. It's a
16 couple of feet higher, which I would think makes
17 that light question, you know, more concerning -- a
18 little bit more concerning because it's a few more
19 feet.

20 COMMISSIONER MC ANUFF: Excuse me.
21 Is it true it is a couple of feet?

22 ACTING CHAIRMAN BRANCIFORTE: Excuse
23 me. One second.

24 MR. GALVIN: Speak up a little bit
25 more.

1 COMMISSIONER MC ANUFF: Is it true that
2 it is a couple of feet, or is it one foot, or is it
3 one foot-six?

4 Do we have an exact dimension?

5 MR. GALVIN: Let me just -- you do it.
6 I'll let you do it, and --

7 MR. MINERVINI: You got the photograph.
8 I am asking for the photograph, please.

9 I think you passed that around, which
10 gives an exact representation of what the current
11 condition is of what you are asking.

12 ACTING CHAIRMAN BRANCIFORTE: No. What
13 would have given us an exact representation of
14 what's going on there right now is a set of new
15 photographs of the extension as it is today. That's
16 what would have really helped us get a good idea of
17 what is going on back there.

18 MR. MINERVINI: If you want to pass
19 that down, I think that this will answer the
20 question.

21 COMMISSIONER FISHER: I have seen it --

22 MR. MINERVINI: You've seen it? Okay.

23 COMMISSIONER FISHER: -- I have seen
24 it. That is why I was making the point.

25 MR. GALVIN: Go ahead.

1 MR. MARSDEN: I mean, just because they
2 passed this out, Frank, I think this is more for
3 you.

4 But Z-5 shows a down staircase next to
5 the main entrance right here --

6 MR. MINERVINI: I have it as well.

7 MR. MARSDEN: -- and your plan Z-2
8 doesn't show that. I am a little confused.

9 MR. MINERVINI: Well, because at a plan
10 level, you don't see that stair -- oh, I'm sorry.
11 That's here --

12 MR. MARSDEN: Right here it is not
13 shown on your plan view, and I believe it should be,
14 which is also a little confusing.

15 MR. MINERVINI: This is based off a
16 survey, which were the previously existing
17 conditions.

18 We no longer have a basement. These
19 stairs are not there, and this is accurate.

20 This was the entry to our previous
21 residential apartment, which was below grade. No
22 longer the case. Our first floor has been raised,
23 so the drawings that the Board has are accurate.

24 MR. MARSDEN: Okay.

25 ACTING CHAIRMAN BRANCIFORTE: Anybody

1 else have a question for Mr. Ochab?

2 I am going to ask some questions
3 myself.

4 MS. BANYRA: No. I don't have anything
5 for Mr. Ochab, other than I think the Board already
6 asked a couple, and I have a couple more for Mr.
7 Minervini when he comes back up.

8 ACTING CHAIRMAN BRANCIFORTE: Okay.
9 I am going to ask some questions.

10 I used to live -- I spent ten or 12
11 years at 1021 Garden Street, and then another ten
12 years at 1020 Garden Street. I lived in an
13 apartment that basically was the same size. I think
14 mine was like 825 square feet or 850 square feet.
15 I lived there by myself. The people downstairs
16 lived there as a couple. Obviously, when they had
17 kids, they moved out.

18 Now, your point is that doing this
19 extension is going to make it more family-friendly.

20 My question to you is: Why does every
21 apartment in the unit -- in this building have to be
22 family-friendly?

23 Why can't some be just single friendly
24 or couple-friendly?

25 THE WITNESS: Well, if you have units

1 that are all about the same size --

2 ACTING CHAIRMAN BRANCIFORTE: You have
3 to speak up.

4 THE WITNESS: -- if you have units that
5 are all about the same size, then you generally
6 attract the same types of households.

7 So if you have units that are within
8 the thirteen --

9 ACTING CHAIRMAN BRANCIFORTE: But why
10 do they all have to be families living in this
11 building?

12 What is wrong with just having a single
13 person that can afford an 800 square foot apartment
14 move in?

15 THE WITNESS: That may be the case, but
16 the other side of this is you already have a
17 three-story building that has been built out to 60
18 percent coverage, so one of the principles of the
19 Municipal Land Use Law is to make the most efficient
20 use of the land area.

21 So the most efficient use would be, you
22 know, just completing the building mass as opposed
23 to cutting it off at mid point and creating a unit,
24 which is undersized and not conducive to what the
25 master plan --

1 ACTING CHAIRMAN BRANCIFORTE: I think
2 maybe your definition of "efficient" is different
3 than mine, but I just don't see it. I don't see it
4 playing out.

5 But I have no other questions right
6 now.

7 Does anyone else have questions?

8 Board professionals, any more questions
9 before I open it up to the public?

10 MR. MARSDEN: No.

11 MS. BANYRA: No.

12 ACTING CHAIRMAN BRANCIFORTE: Anyone
13 that would like to ask questions of the planner,
14 please raise your hand.

15 This gentleman here first.

16 Your name, please, and address.

17 MR. WISSING: Dylan Wissing. I'm at
18 924 Garden Street.

19 ACTING CHAIRMAN BRANCIFORTE: Can you
20 spell your name?

21 MR. WISSING: Wissing, W-i-s-s-i-n-g.

22 ACTING CHAIRMAN BRANCIFORTE: Thank
23 you.

24 Questions, please, for the --

25 MR. WISSING: Sure.

1 This is my first zoning meeting, so my
2 question is just: When you talk about the benefits
3 to the neighborhood, are you hired by the city or by
4 the developer?

5 THE WITNESS: No. I'm hired by the
6 developer.

7 MR. WISSING: Okay. That is my
8 question.

9 Thank you.

10 ACTING CHAIRMAN BRANCIFORTE: Any other
11 questions from the public?

12 Ms. Healey, please step forward.

13 State your name.

14 MS. HEALEY: Leah Healey, 806 Park.

15 You testified about the fact that you
16 are converting a two-bedroom to a three-bedroom, so
17 that it could be a family-friendly unit, and you
18 didn't think that would have much of an impact, I
19 guess, on the number of people in the building.

20 But can you tell us how many more
21 people will be occupying this building than were
22 occupying it before it was renovated in total, do
23 you know?

24 THE WITNESS: Well, I don't know how
25 many people were occupying the building under

1 existing conditions, but I can say that the
2 expansion of the fourth floor from what was
3 originally there to what it is being proposed today
4 would provide for a three-bedroom unit, so that
5 would basically house a population of four, which
6 would be generally two parents and two children.

7 MS. HEALEY: So do you think this Board
8 needs to, even though you are trying to confine your
9 application to the fourth floor expansion, you need
10 to consider whether or not you are adding to an
11 expansion that has already occurred in evaluating
12 the effects of this building?

13 THE WITNESS: I don't think that is
14 particularly relevant with respect to the entire
15 building because the -- because the density
16 provision in the ordinance is satisfied, so we are
17 not asking for a density variance.

18 If we were, then your question would be
19 very, very relevant.

20 MS. HEALEY: Density is different than
21 the number of occupants in the building, correct?

22 THE WITNESS: Yes.

23 MS. HEALEY: Density is bedrooms?

24 THE WITNESS: Well, it is, but they are
25 really tied together. When you talk about the

1 number of units per lot, you are also talking about
2 the types of population generated within those
3 units.

4 MS. HEALEY: Hum, the other question I
5 had was I think there was an interchange about the
6 staircase in the front that no longer exists.

7 So I am going to ask you the question
8 only because it came up during your testimony, and
9 maybe Mr. Minervini can answer this.

10 Is it my understanding that that
11 entrance that was below grade no longer exists, that
12 staircase?

13 THE WITNESS: Yeah. I am like a deer
14 looking into the headlights now, so you have to ask
15 him.

16 (Laughter)

17 MS. HEALEY: I guess I need to ask you.
18 I can come back up.

19 MR. GALVIN: No. Go ahead.

20 ACTING CHAIRMAN BRANCIFORTE: Do you
21 have any other questions for Mr. Ochab, and then we
22 will ask Mr. Minervini to step up anyway.

23 MS. HEALEY: No, I do not.

24 ACTING CHAIRMAN BRANCIFORTE: Okay.

25 So, Frank, could you answer the

1 question?

2 MR. HEALEY: Somebody else might have
3 them for him, though, so --

4 ACTING CHAIRMAN BRANCIFORTE: No, no,
5 no. Go right ahead, Leah, ask.

6 MS. HEALEY: The drawing, which --
7 whatever this drawing is, PB-1, I guess, the
8 original building had a below ground entrance,
9 correct?

10 MR. MINERVINI: Yes.

11 MS. HEALEY: And the new building, can
12 you describe how that entrance is going to work?

13 MR. MINERVINI: It is at an approximate
14 grade entrance, and I will show you on the front
15 elevation.

16 Four steps up and the other one was
17 about six steps below.

18 MS. HEALEY: Do you know where the
19 right-of-way, the public right-of-way is in relation
20 to this building?

21 MR. MINERVINI: We are built at zero
22 lot line, so it is not right-of-way per se. It is
23 city property or private property. I don't think
24 you are referring to right-of-way. Right-of-way
25 would be the street in essence.

1 If the question is: Do we have to go
2 to the City Council for the steps, is that where you
3 are leading?

4 MS. HEALEY: Yes.

5 My question is: You removed steps, I
6 don't know if they were in the public
7 right-of-way --

8 MR. MINERVINI: Yes, they were.

9 MS. HEALEY: So you removed steps?

10 MR. MINERVINI: For the Board's
11 understanding, there were steps because this lower
12 apartment was below grade, so there were five or six
13 stairs taking you down below grade.

14 MS. HEALEY: And so you now have a new
15 set of stairs --

16 MR. MINERVINI: Uh-huh.

17 MS. HEALEY: -- and have you gone to
18 City Council for that approval?

19 MR. MINERVINI: We are not required to.
20 Mr. Matule can cite the ordinance better than I can.
21 We are permitted a certain amount of stairs, as well
22 as a gate line, so -- and that's the zoning -- we
23 still have to go to the zoning officer for that.

24 MS. HEALEY: The zoning officer told
25 you that you --

1 MR. MINERVINI: I didn't say that.

2 MS. HEALEY: Okay. Just tell me what
3 she told you.

4 MR. MINERVINI: I didn't say she told
5 me anything. I'm telling you --

6 MS. HEALEY: I thought you just said
7 the zoning officer told you something --

8 MR. MINERVINI: -- I never said that.

9 ACTING CHAIRMAN BRANCIFORTE: Leah, now
10 what was the question?

11 MS. HEALEY: Go ahead.

12 MR. MINERVINI: I said that with the
13 approval that we would need for the front steps, and
14 you are saying that we need it by the City Council.
15 That is not the case. The ordinance, and I can look
16 it up, if we need to, the city ordinance, not the
17 zoning ordinance, has an allotment for stairs in the
18 public right-of-way.

19 And the reason for that is so every
20 time somebody rebuilds their stairs, or make a
21 configuration change, it would happen through the
22 local zoning office as opposed to going to City
23 Council and wasting City Council's time.

24 MS. HEALEY: So your characterization
25 is that you have simply rebuilt the stairs?

1 MR. MINERVINI: They are not rebuilt
2 yet.

3 ACTING CHAIRMAN BRANCIFORTE: Your plan
4 is to rebuild the stairs?

5 MR. MINERVINI: The plan is to
6 construct new stairs.

7 MS. HEALEY: Okay.

8 MR. MINERVINI: There's no rebuilding
9 of stairs. The existing stairs no longer work
10 because that apartment is no longer below grade, so
11 there is going to be a new set of stairs accessing
12 our raised floor approximately four steps here above
13 grade.

14 What this Board always asks and our
15 drawings have to show is with outside -- with other
16 approvals as required.

17 So if for some reason we have to go to
18 City Council, that is what we will do.

19 MS. HEALEY: Okay. I just wanted to
20 know whether or not you had addressed that issue at
21 City Council.

22 MR. MINERVINI: No, not yet. We are
23 not there yet in the process.

24 These buildings -- these apartments are
25 not constructed. They are just -- there's no gyp

1 board. There's no finishes. It's not -- it is
2 still under construction.

3 MS. HEALEY: Hum, are the windows in?

4 MR. MINERVINI: The windows are in,
5 which is one of the first things you do in
6 construction to make the building --

7 MS. HEALEY: Is the brick face in?

8 MR. MINERVINI: Yes.

9 MS. HEALEY: What's the first thing you
10 do in construction?

11 MR. MINERVINI: You do the framing.
12 You do the structure.

13 The second thing you do is make it
14 watertight, which is your roof and your windows.
15 Then everything on the inside happens.

16 MS. HEALEY: Have you put the tie back
17 on --

18 MR. MINERVINI: Of course.

19 MS. HEALEY: -- and the insulation
20 block --

21 MR. MINERVINI: Which insulation are
22 you referring to?

23 The insulation in the building is not
24 on, because none of the walls are in --

25 MS. HEALEY: Exterior --

1 MR. MINERVINI: -- this is -- you got
2 to understand this is --

3 ACTING CHAIRMAN BRANCIFORTE: Leah, Ms.
4 Healey, where is this going, guys?

5 MR. MINERVINI: Yeah.

6 ACTING CHAIRMAN BRANCIFORTE: I'm
7 sorry.

8 MS. HEALEY: I have an issue with
9 respect to the staircase, and I am just wondering
10 why -- I am trying to figure out where this building
11 is in terms of its construction to find out why the
12 staircase issue hasn't been addressed yet.

13 And if you are telling me you have not
14 built the staircase yet, is that what you're
15 saying --

16 MR. MINERVINI: Because there's --
17 there's --

18 MS. HEALEY: -- my knowledge --

19 MR. MINERVINI: -- and just for the
20 Board's information, I was there today. There's a
21 wooden plank taking you upstairs --

22 MS. HEALEY: Okay.

23 MR. MINERVINI: -- there's no stairs
24 built --

25 MS. HEALEY: So the answer is: You got

1 windows in. You got walls up. You got the facade
2 up, but you don't have a staircase in?

3 MR. MINERVINI: That is correct.

4 MS. HEALEY: Okay. That's all I needed
5 to know.

6 MR. MINERVINI: Understood.

7 ACTING CHAIRMAN BRANCIFORTE: Okay.

8 Thank you, Mr. Minervini. Don't
9 disappear, though.

10 Any other questions for the planner?

11 Please stand up, come forward, state
12 your name and address again, please, for the record.

13 MS. LEONHARDT LATORRE: Julie Leonhardt
14 Latorre, L-e-o-n-h-a-r-d-t, L-a-t-o-r-r-e.

15 I live at 924 Garden, 3-L.

16 ACTING CHAIRMAN BRANCIFORTE: Thank
17 you.

18 MS. LEONHARDT LATORRE: My question is
19 when you're talking about the public benefit, you
20 are talking about these new units that will be
21 multi-family units in this zoning area, but really
22 we are only talking about one unit, right?

23 That's what your architect went to
24 great lengths explaining to us at the beginning. So
25 just to clarify, we are talking about the benefit is

1 the additional 20 feet, which will give you a couple
2 of more bedrooms on one unit?

3 THE WITNESS: That's correct. We're
4 only talking about the fourth floor extension here.

5 MS. LEONHARDT LATORRE: So it's not the
6 benefit of all of the units. It's the benefit for
7 one unit. That would be the public benefit of
8 this --

9 THE WITNESS: With respect to what we
10 have to prove in terms of the variance, that is
11 absolutely correct, yes.

12 MS. LEONHARDT LATORRE: Thank you.

13 ACTING CHAIRMAN BRANCIFORTE: Any other
14 questions for the planner?

15 See no other --

16 COMMISSIONER COHEN: Motion to close
17 the public portion.

18 COMMISSIONER MC ANUFF: Second.

19 ACTING CHAIRMAN BRANCIFORTE: Thank
20 you.

21 All in favor?

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

24 ACTING CHAIRMAN BRANCIFORTE: Okay.

25 So the public portion is closed.

1 MR. MINERVINI: Uh-huh.

2 MS. BANYRA: Okay. Is that proposed or
3 is that -- that is not on any of these plans.

4 MR. MINERVINI: No. There's no
5 specific design proposed, and if the Board wants, we
6 could --

7 MS. BANYRA: But is it going to be
8 landscaped?

9 MR. MINERVINI: It will be landscaped.

10 MS. BANYRA: Because that's, again, not
11 represented on any of these.

12 MR. MINERVINI: Yeah, and if the --

13 MS. BANYRA: And the other thing is the
14 front, is that going to be -- says new sidewalk and
15 new planter. Again, we have never seen those, that
16 plan.

17 MR. MINERVINI: No. Yes. There will
18 be a new sidewalk and curb as part of this
19 construction whether it's approved here or not.

20 MS. BANYRA: Is the planter area there
21 shown proposed? Is it -- what is --

22 MR. MINERVINI: It is proposed. We
23 would need the same city approval with that, as we
24 did with the stairs, as we just discussed.

25 MS. BANYRA: Okay.

1 But those steps that are on that are
2 not accurate --

3 MR. MINERVINI: No longer -- no longer
4 there. They were there prior.

5 This was based on an original survey,
6 so they are no longer there.

7 MS. BANYRA: Okay.

8 One of your plans here, Mr. Minervini,
9 just shows some kind of patio steps.

10 Oh, here we go. Z-3, proposed rear
11 elevation shows tiered landscaped area to elevated
12 first floor, landscaping designed by others.

13 Again, I don't see that on any other --

14 MR. MINERVINI: That was, and I --
15 disregard that. I can remove that.

16 That was just to accommodate any level
17 change that might be in the rear yard. It wasn't
18 meant for any purpose other than simple landscaping
19 and hard scaping. If the Board has a problem with
20 that, we can raise up this elevation.

21 MS. BANYRA: Just I guess it's just
22 going back to coverage stuff, so that is why I am
23 asking --

24 MR. MINERVINI: Yeah. And now --

25 MS. BANYRA: -- so it's not building

1 coverage --

2 MR. MIENRVINI: -- for the Board's
3 understanding, once we raise this first floor, this
4 first floor is now higher than the rear yard, so the
5 question becomes how do we connect the two, and this
6 was just a simple ramp stair system, which can be
7 removed.

8 ACTING CHAIRMAN BRANCIFORTE: One more
9 question.

10 Go ahead, Ms. Marsh.

11 COMMISSIONER MARSH: How wide is the
12 sidewalk from the property line, which is also the
13 front of the building, right?

14 MR. MINERVINI: Yes.

15 I will have to approximate because I
16 don't have the dimensions, so I will give you an
17 approximate answer.

18 If the width of the property is 25, I
19 would say it's about 16 or 17 feet.

20 Now, that is not the width of the
21 sidewalk. That is from the front facade of the
22 building to the curb.

23 COMMISSIONER MARSH: Wait.

24 From the front facade of the building
25 to the curb is 16 feet?

1 MR. MINERVINI: 16 or 17 feet, yeah.
2 One, two, three, four -- yeah, and we have four foot
3 square shown graphically, so if you multiply them,
4 that is what it comes out to be.

5 COMMISSIONER MARSH: 17 feet?

6 ACTING CHAIRMAN BRANCIFORTE: It could
7 be, yes.

8 MR. MINERVINI: That's correct. That's
9 the sidewalk, and it is the same as the survey.

10 It might seem less than that because
11 all along the street, including what this property
12 was before, stairs protrude into it. That is why I
13 am being clear. That is the front of the building,
14 which is then the end of our property line.

15 COMMISSIONER FISHER: So this is in
16 this area --

17 (Board members talking at once)

18 COMMISSIONER MARSH: Yeah. That is
19 all -- and how far out are the stairs?

20 MR. MINERVINI: Oh, wonderful. That is
21 an engineer -- I can actually use it on the survey,
22 sorry.

23 COMMISSIONER MARSH: So who -- plan
24 stairs --

25 MR. MINERVINI: I will give you an

1 exact dimension. Pardon me.

2 MR. MATULE: Is that to scale?

3 MR. MINERVINI: Yeah. 3/16th here.

4 this is, yeah.

5 It is about 14 and a half feet scaled,
6 14 and a half feet from the front of the building,
7 yes.

8 COMMISSIONER MARSH: And then how far
9 out are the planned stairs?

10 MR. MINERVINI: Planned stairs, we have
11 three and a half, four, five, six feet.

12 COMMISSIONER MARSH: Okay.

13 And then the gated area?

14 MR. MINERVINI: There is no proposed
15 gated area. We have a small planter.

16 COMMISSIONER MARSH: How far out is the
17 farthest thing that sticks out away from the
18 building?

19 MR. MINERVINI: Those are the stairs I
20 just mentioned.

21 COMMISSIONER MARSH: Okay.

22 Thank you.

23 ACTING CHAIRMAN BRANCIFORTE: Anything
24 else before I let Frank go?

25 Okay.

1 MR. MINERVINI: I won't go far.

2 ACTING CHAIRMAN BRANCIFORTE: Okay. So
3 we are going to hear first from the public and then
4 Mr. Matule.

5 MR. GALVIN: Yes.

6 ACTING CHAIRMAN BRANCIFORTE: Okay.
7 Now, we are going to open it up to the public for
8 comments about the project.

9 Anybody who would like to make a
10 comment, please step forward.

11 MR. GALVIN: Raise your right hand.

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

15 MR. WISSING: I do.

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

18 MR. WISSING: It's Dylan Wissing,
19 D-y-l-a-n, W-i-s-s-i-n-g.

20 MR. GALVIN: And your street address?

21 MR. WISSING: 924 Garden.

22 MR. GALVIN: You may proceed.

23 MR. WISSING: So my name is Dylan
24 Wissing. I am the president of the 924 Garden
25 Street Condo Association.

1 I will keep this brief, one page.

2 The association is opposed to the
3 requested variances for building height in
4 stories --

5 THE REPORTER: Can you just speak
6 slower, please?

7 ACTING CHAIRMAN BRANCIFORTE: Oh, a
8 little slower, yes.

9 Thanks.

10 (Laughter)

11 Don't worry about it.

12 MR. WISSING: The association is
13 opposed to the requested variances for building
14 height in stories, four versus three, expansion of a
15 nonconforming structure, and other variances and/or
16 design waivers the Board may deem necessary for the
17 applicant to build a 20 foot extension to the
18 existing fourth floor at 924 Garden Street -- 926
19 Garden Street.

20 As neighborhood stakeholders, the
21 residents of 924 Garden Street have already
22 experienced negative impact and loss from the
23 development of 926 Garden Street. We're opposing
24 the requested variances to prevent any further loss.

25 Since construction started last winter,

1 our building has experienced widespread problems,
2 including shifting foundations, leaking pipes,
3 increased water infiltration, cracked plaster,
4 cracked door frames, and a vermin infestation.

5 Perhaps most dramatic, though, is the
6 loss of light, air flow and views on the north side
7 of our building resulting from the rear extension of
8 926 Garden Street's first three floors.

9 The north side residents of 924
10 Garden's first three floors previously had
11 unobstructed views from all five windows in the
12 units, views that date back more than a century.
13 Since the expansion, two of the five windows in each
14 unit are obstructed and what were once bright,
15 sun-filled living rooms and bedrooms with
16 circulating air and views of trees and open sky are
17 now stifling, significantly darker rooms with views
18 of a concrete wall.

19 ACTING CHAIRMAN BRANCIFORTE: I'm going
20 to ask you, are you going to show us a picture?

21 MR. WISSING: I am.

22 ACTING CHAIRMAN BRANCIFORTE: Okay.
23 Then we're going to have to --

24 MR. GALVIN: Show it to Mr. Matule
25 first.

1 ACTING CHAIRMAN BRANCIFORTE: Yes.

2 Mr. Matule?

3 MR. WISSING: This is before and after,
4 two -- before, this is a view from the living room
5 of 924 Garden.

6 MR. MATULE: What floor is that?

7 MR. WISSING: Third floor.

8 MR. MATULE: Okay.

9 MR. WISSING: And this is the -- this
10 is the after view.

11 MR. MATULE: Is that the wall?

12 MR. WISSING: That's the wall. That's
13 the wall. That's the extension.

14 MR. MATULE: Is this the window looking
15 north --

16 MR. WISSING: That's the window looking
17 west --

18 MR. MATULE: -- as opposed to the
19 window --

20 MR. WISSING: That is the west facing
21 window.

22 MR. MATULE: The west facing window.

23 MR. WISSING: Yes.

24 MR. MATULE: Isn't there another window
25 facing --

1 MR. WISSING: There is, and that also
2 faces this identical brick or concrete wall.

3 MR. MATULE: For whatever they're
4 worth.

5 MR. GALVIN: So if you don't have any
6 objection, we are going to mark them as N-1 and N-2
7 for Neighbor.

8 ACTING CHAIRMAN BRANCIFORTE: N-1 will
9 be the before, and N-2 will be after.

10 (Exhibits N-1 and N-2 marked.)

11 MR. WISSING: Great.

12 Then also I have copies of these. This
13 is before looking due west, and that view was
14 looking north, and this is the view basically
15 looking due west.

16 MR. MATULE: And the one on the right
17 is the current condition with the extension?

18 MR. WISSING: Yeah. It has since been
19 covered with a dark stucco, so it is a little
20 darker.

21 MR. MATULE: Okay. No objections.

22 ACTING CHAIRMAN BRANCIFORTE: Thank
23 you, Mr. Matule.

24 MR. GALVIN: Who took the pictures and
25 when were they taken?

1 MR. WISSING: I took them, let's see --
2 this was taken --

3 MR. GALVIN: Show the Board. You do
4 that.

5 MR. WISSING: -- this was before taken
6 maybe in April, they had started building, and had
7 gotten up to the second floor I think, and we saw
8 which way it was headed.

9 And this was taken a couple of weeks
10 ago.

11 A VOICE: Do you have copies of --

12 MR. WISSING: I do have copies.

13 ACTING CHAIRMAN BRANCIFORTE: Oh, you
14 do have copies. If you want to pass the copies out,
15 that would be helpful.

16 Thank you.

17 MR. WISSING: This damages are our
18 property values and the quality of life for these
19 families as included.

20 By not granting the rear extension to
21 926 Garden's fourth floor, the fourth floor unit on
22 the north side will retain its light, air, and
23 views, and the third floor unit will see a small
24 sliver of sky above 926 Garden's third floor
25 expansion. It is to preserve what light, air flew

1 and views remain for 924 Garden Street, and to
2 prevent further negative impact to 924 Garden as a
3 whole, that the 924 Garden Street Condo Association
4 opposes the variances being considered.

5 I have copies, and it's signed by seven
6 out of the eight units of 924 Garden Street.

7 MR. GALVIN: That we can't accept,
8 because that is like a petition, so we can't do
9 that.

10 MR. WISSING: Well, then can I just
11 distribute them --

12 MR. GALVIN: No --

13 ACTING CHAIRMAN BRANCIFORTE: You
14 represent the Board as their president, correct?

15 MR. WISSING: Yes.

16 ACTING CHAIRMAN BRANCIFORTE: Okay.
17 That's fine then.

18 Thanks.

19 MR. GALVIN: Everybody can give me back
20 the petition that is signed.

21 ACTING CHAIRMAN BRANCIFORTE: Yes.
22 Don't nobody read that.

23 Just joking.

24 (Board members talking and laughing at
25 once.)

1 MR. WISSING: And just to say when the
2 planner said there is very little impact to the back
3 of the building, I understand why there were no
4 pictures currently that have been presented of what
5 it looks like back there because what used to be
6 our -- two of our windows looked out on the back
7 yard and sky, and now they look out on a concrete
8 tunnel essentially.

9 ACTING CHAIRMAN BRANCIFORTE: I
10 understand.

11 MR. GALVIN: I am returning all of the
12 pages that were signed.

13 COMMISSIONER MARSH: Oh, wait, one
14 more.

15 ACTING CHAIRMAN BRANCIFORTE: I am
16 sorry.

17 Are you good?

18 MR. WISSING: I am good.

19 ACTING CHAIRMAN BRANCIFORTE: Thank you
20 for coming forward.

21 Anyone else that would like to come
22 forward and speak and make comments, that is?

23 Please step forward.

24 MS. LEONHARDT LATORRE: Julie Leonhardt
25 Latorre.

1 ACTING CHAIRMAN BRANCIFORTE: You don't
2 have to spell your name this time.

3 MS. LEONHARDT LATORRE: Not again?

4 ACTING CHAIRMAN BRANCIFORTE: No.

5 MR. GALVIN: No, but you do have to
6 raise your right hand, though.

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

10 MS. LEONHARDT LATORRE: I do.

11 MR. GALVIN: Okay.

12 MS. LEONHARDT LATORRE: Thank you.

13 Again, I'm a resident of 924 Garden,
14 so I live in Apartment 3-L, which is not on the
15 right side of the building, but on the left side --

16 MR. GALVIN: I'm sorry.

17 MR. MATULE: Just a point of procedural
18 order. I am a little confused now. We have had a
19 representative of the condo association come and
20 speak for the applicant condo --

21 MR. GALVIN: It is not an attorney.

22 MR. MATULE: -- are you hearing from
23 all of the individual unit owners?

24 MR. GALVIN: I guess they could because
25 they're property owners.

1 MR. MATULE: Okay.

2 MR. GALVIN: If it was an attorney --

3 MR. MATULE: Just as a point of order.

4 MR. GALVIN: -- I agree with you, if it
5 was an attorney representing the association, I
6 would, but --

7 MR. MATULE: Okay.

8 MR. GALVIN: -- and we don't want to be
9 redundant.

10 She is giving us new testimony, though,
11 because she is saying she is not in the same
12 location as the photos were taken.

13 MS. LEONHARDT LATORRE: Right.

14 So I wanted to just add that even
15 though we are not located on the right side, as
16 Dyulan mentioned, those of us on the left side also
17 have issues with the cracks in the ceiling, doors
18 that don't shut quite any more. So there is some
19 concern about this in the construction process, you
20 know, the whole front, side floors all came out, and
21 we've had leaking in the basement. I know that's
22 not what we're here to decide tonight for --

23 ACTING CHAIRMAN BRANCIFORTE: Yes. I'm
24 sorry to hear that, but that is not why you are
25 here.

1 MS. LEONHARDT LATORRE: Yeah. I am
2 also surprised they didn't have pictures of the back
3 because it is a significant difference.

4 I mean, I drew up a small picture to
5 help you understand. We're asking about where the
6 windows were located.

7 This is the new building, and the wall.
8 There's one window here. This is the living room
9 area, so the space that sticks out is a small
10 bedroom, and the windows here and the windows here
11 that faces the wall --

12 MR. GALVIN: The Board has the photos
13 that were just entered into evidence. I think they
14 explain that well.

15 MS. LEONHARDT LATORRE: Okay.

16 And then the fourth is just -- one of
17 our members who couldn't be here because they are in
18 Australia actually live in 4-R on the right side
19 has submitted a letter and asked it to be read.

20 MR. GALVIN: You can't do that. It is
21 hearsay.

22 MS. LEONHARDT LATORRE: Okay. I think
23 they sent it as well perhaps to the Board, but all
24 right.

25 Thank you very much.

1 MR. GALVIN: We wouldn't have
2 distributed it to the Board. It is against the
3 rules of evidence.

4 MS. LEONHARDT LATORRE: Okay. Thank
5 you.

6 MR. GALVIN: But you guys are here, and
7 you have made your arguments.

8 If they were here, they probably would
9 say something very similar to what you are saying,
10 right?

11 MS. LEONHARDT LATORRE: Okay. Thank
12 you.

13 ACTING CHAIRMAN BRANCIFORTE: Thanks.

14 Anyone else?

15 Ms. Healey, step forward.

16 MS. HEALEY: All right.

17 MR. GALVIN: Raise your right hand.

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

21 MS. HEALEY: I do.

22 MR. GALVIN: You may proceed.

23 MS. HEALEY: Hum, I just wanted to be
24 clear with the Board why I'm here this evening.

25 I actually own a unit in 1020 Garden,

1 which is less than a half a block from this, so even
2 though I didn't receive the 200 foot notice, I have
3 an interest, so -- and I walk by this building every
4 day.

5 One of the things I am disturbed about
6 this application is that it doesn't show what is
7 going on in the rear of this property, and that
8 tends to be what affects people is the rear.

9 That is what affects how we, you know,
10 our backyards, that is what affects our light and
11 air. That is what affects everything.

12 So I think this application is very
13 deficient, and I didn't hear a good explanation for
14 why you don't have decent pictures and decent
15 drawings of what's going on in the back of this
16 building, particularly because the thing is already
17 constructed.

18 I have walked by this building numerous
19 times, and I always talk to the gentleman that lives
20 two buildings north of this, and we were all aghast
21 when we saw the level of demolition that went on in
22 this building.

23 You could stand in front of this
24 building, and you could look straight back, and you
25 could look straight up, and you could see

1 everything. So I understand the testimony here is
2 that there hasn't been total demolition, but my
3 understanding is that you surpassed mere partial
4 demolition, and you are into a whole different ball
5 game with respect to what people should do.

6 So I think that although it may not be
7 relevant to your decision tonight, I am very
8 disturbed at what has happened to this application
9 at the zoning office.

10 I know that your attorney has told you
11 that, you know, she had a reasonable belief, but I
12 will tell you that I think that is in question at
13 this very moment in a courtroom as to whether or not
14 she had any authority to be acting at all, much less
15 her reasonable belief to act.

16 And what disturbs me most is I think we
17 are going to see more of these. I got most of my
18 stuff from Ann Holtzman before this Board determined
19 that she was making the wrong decisions.

20 And by the way, you wouldn't have
21 determined that if some property owner hadn't come
22 forward and raised an objection, so that is the
23 problem with the system is that a private property
24 owner has to spend a lot of money in order to get
25 justice in this town for activities of a zoning

1 officer, and you are going to find that there is
2 quite a few of these approvals that have occurred
3 all around town with these front to back, bottom to
4 top demolitions that are still somehow miraculously
5 nonconforming structures, existing nonconforming
6 structures.

7 So I just want to alert you to that
8 because this application is not as troubling as
9 some, because it seems to be staying within the
10 height, but I do believe that the expansion of this
11 is extraordinary, and unfortunately for the people
12 that lived to the south of this, they didn't have
13 the sophistication to know what to do because guess
14 what?

15 When you make an application to the
16 zoning officer, there is no notice requirement.

17 That is why I asked the issue about the
18 demolition. What kind of notice did these people
19 have of the extent of this demolition, because a lot
20 of times people don't even know what's happening and
21 don't receive notice to object unless they have
22 gotten some notice that accurately states the
23 demolition that is going to occur.

24 So I am very disturbed at the way this
25 application has made its way here, but I leave you

1 with this issue. I don't think you satisfied the
2 neighborhood with respect to whether or not the rear
3 of this building, where the most impact has been
4 fully examined, and I think you should give that
5 more time and energy before you allow this to go
6 forward.

7 I appreciate your time.

8 ACTING CHAIRMAN BRANCIFORTE: Thank
9 you, Ms. Healey.

10 Anybody else from the public that would
11 like to get up and speak to the Board and make a
12 comment before we close it to the public?

13 Anyone?

14 Anybody, anybody?

15 Okay. Please step forward.

16 MR. GALVIN: Raise your right hand.

17 Do you swear to tell the truth, the
18 whole truth, and nothing but the truth, so help you
19 God?

20 MS. WISSING: Yes, I do.

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

23 MS. WISSING: Dana Wissing,
24 W-i-s-s-i-n-g.

25 MR. GALVIN: Are you any relationship

1 to the president?

2 MS. WISSING: Yes, I am.

3 MR. GALVIN: Oh, okay. Go ahead.

4 MS. WISSING: I am the first lady.

5 (Laughter)

6 This is just completely informal.

7 I mean, just getting back, I guess I
8 just want to ask you guys to consider again the
9 benefits and the detriment to the community, so I
10 understood from the planner that, you know, a family
11 can only live in 1300 square feet. We have a family
12 that is living in 1671 square feet.

13 So, again, when considering who is
14 really benefiting from a two-bedroom being converted
15 to a three-bedroom, is it the community or is it
16 not?

17 I just wanted to ask you to consider
18 that.

19 ACTING CHAIRMAN BRANCIFORTE: I
20 understand.

21 Thank you.

22 MR. GALVIN: Thank you.

23 ACTING CHAIRMAN BRANCIFORTE: Anybody
24 else from the public?

25 Seeing nobody else.

1 COMMISSIONER COHEN: Motion to close
2 public portion.

3 COMMISSIONER MC ANUFF: Second.

4 ACTING CHAIRMAN BRANCIFORTE: All in
5 favor?

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

8 ACTING CHAIRMAN BRANCIFORTE: The
9 public portion is closed.

10 Mr. Matule, do you have anything to
11 say.

12 MR. MATULE: I do, just a few closing
13 remarks.

14 First of all, I don't want this case to
15 be about a trial of the zoning officer of the City
16 of Hoboken.

17 I think we made it abundantly clear
18 that the architects understand, at least the
19 architects I work with presently coming before this
20 Board understand there has been a change in the
21 policy. I am not going to speak for the zoning
22 officer, but I think she understands that also, and
23 this application predated that.

24 A couple of things, though. I know Mr.
25 Minervini has perhaps overstated his case that this

1 is for the expansion of the fourth floor only, but
2 we do have a zoning ordinance that does have bulk
3 parameters in it, and those bulk parameters allow
4 for a 60-foot deep building 40 feet high.

5 There is a presumption in the law that
6 when the Council enacts legislation, zoning
7 legislation, they consider the impact of that bulk
8 mass on the adjoining properties.

9 The ordinance in this zone permits
10 either a zero side yard or a five foot side yard.
11 Obviously, the building next door to the south chose
12 to create this five foot side yard to have those
13 windows, but they don't have the right to rely on
14 anything more than what the ordinance permits, which
15 is for the person next door to have a zero side yard
16 and 60 feet deep.

17 As far as a loss of light goes, first
18 of all, again, as is contemplated by the governing
19 body when they enact the bulk zoning regulations,
20 they take that into consideration, that it is going
21 to impact people's light and air.

22 I would venture to say that since the
23 building is to the south of the building, which is
24 the subject of this application, and it is higher
25 and deeper, if anything, it is probably more

1 impacting the building, which is the subject
2 application than the building, which is to the
3 south. I know they might find that amusing, but
4 that is the reality and the physics, so it is what
5 it is.

6 As far as the 41 foot height, that is
7 obviously generated by the FEMA regulations. I know
8 some architects make nine foot, nine inch
9 floor-to-ceiling heights to try to absorb that.

10 As far as the lot coverage by the fire
11 escape, again, I think Mr. Ochab's testimony was
12 pretty clear. It is a public safety issue. I know
13 it is a decision of this Board that fire escapes
14 count as building coverage. I know the ordinance
15 excepts them from, you know, rear lot, that they can
16 project into the rear yards. But if this Board has
17 determined their lot coverage, then the applicant
18 would need that 2.4 percent additional lot coverage.

19 You know, at the end of the day,
20 everybody wants to have what they have and doesn't
21 want any change, but this is really I think an
22 extremely modest proposal. They are getting a
23 totally renovated building. It is all up to the
24 current codes, as Mr. Minervini testified. It is
25 going to provide good sized units.

1 I appreciate the Chair's comments that
2 we could use some smaller units, but frankly, the
3 push has been to build bigger units, and that is
4 what everybody is doing.

5 So at the end of the day, I think the
6 applicant has met its burden in terms of the proofs
7 to grant the variances being requested, and I would
8 ask the Board to grant those variances.

9 ACTING CHAIRMAN BRANCIFORTE: Thank
10 you, Mr. Matule.

11 I am going to open it up for
12 discussion.

13 Who would like to start?

14 Phil?

15 COMMISSIONER MARSH: I'm sorry.

16 ACTING CHAIRMAN BRANCIFORTE: I'm
17 sorry.

18 COMMISSIONER MARSH: No, go ahead.

19 ACTING CHAIRMAN BRANCIFORTE: Go right
20 ahead, Phil.

21 COMMISSIONER COHEN: Go ahead.

22 COMMISSIONER MARSH: No, go ahead.

23 COMMISSIONER COHEN: Okay.

24 Well, what I was going to say is a lot
25 of the things that the people who were concerned

1 about this development are concerned about are
2 addressing things that are not going to be the
3 subject of the vote tonight.

4 The walls that you are taking your
5 pictures of are not going to come down one way or
6 the other. They are all built within right on the
7 lot coverage, and I know that is upsetting and
8 distressing, but it is what it is.

9 What the variance is that we are voting
10 on tonight is whether they can square up to the top,
11 if they built in the back or not. And if we decide
12 against it, the things that you are upset about are
13 still going to exist.

14 If we decide for it, it is just going
15 to extend that, which you don't like, but it is not
16 going to make you happy. One way or the other, you
17 are not going to leave tonight feeling good about
18 the result, so I just want you to have like the
19 reality about what is this about and what this isn't
20 about, and you should feel that you have been heard,
21 and we've listened to you and that we care about
22 what you think, but we are not going to be able to
23 make you happy tonight, so I just say that as a
24 preface, because that is what is going on.

25 I think you are talking about whether

1 you're going to have a building that's going to look
2 like an "L" in the back, or it's going to look
3 square. I mean, that's really what this is about.

4 I lived at 908 Garden Street for five
5 years. I know the block well. We had a little
6 bump-out on the bottom floor, which didn't go to the
7 top. We liked having that little bump-out in the
8 back. That was where our baby was born, and that
9 was her nursery.

10 But, so I mean, I think that this is
11 kind of a lot to do about not that much tonight, and
12 you know, I respect the views of the other
13 Commissioners. I am interested to hear what they
14 think, but I don't think whether we grant or deny
15 this variance is going to make that big of a
16 difference.

17 As far as the impact on the neighbors,
18 those are building code issues. They should be
19 making things right for the disturbance to your
20 building and whatever impact you have had.
21 Hopefully they have been honorable in dealing with
22 you and dealing with the city about having adverse
23 impacts on their construction, because that
24 shouldn't happen, and the city is supposed to deal
25 with those issues, and hopefully they are helping

1 you, because we worry about that. But that, again,
2 is not the Zoning Board's province. That is the
3 building department. That's the city's construction
4 code, right? I mean --

5 ACTING CHAIRMAN BRANCIFORTE: Yes.

6 COMMISSIONER COHEN: -- so anyway,
7 those are just my comments --

8 ACTING CHAIRMAN BRANCIFORTE: Thanks

9 COMMISSIONER COHEN: -- but I am sort
10 of, you know, I am probably inclined to grant it,
11 but...

12 ACTING CHAIRMAN BRANCIFORTE: That's
13 fine. You don't have to --

14 COMMISISONER COHEN: Okay.

15 COMMISSIONER MURPHY: I have --

16 ACTING CHAIRMAN BRANCIFORTE: Sure.

17 Diane?

18 COMMISISONER MURPHY: I kind of feel a
19 little bit like I did when we looked at a property
20 on Hudson Street that asked for the same type of
21 extension, and just a couple of us felt like the
22 light and air, even for just the few apartments
23 above it, and in this case, the floor below, or I
24 guess it would be the third floor of the building
25 that is there now will be even more affected once

1 something goes up higher. Like they still are not
2 affected as that first and second floor are.

3 And since something similar to that has
4 also happened where I live, and I know my first two
5 floors are ruined, I am kind of -- I'm against
6 closing and making everything square, so that
7 everything looks the same when it affects how people
8 see the sky and get the air and the fact that this
9 building, that this other building, it has been
10 there for a very long time. It is not like we all
11 know now you can't put windows on the side of a
12 building, but that building probably predated that
13 law, and I feel like we need to be mindful of our
14 neighbors, and sadly the bottom probably should not
15 have been approved.

16 That is how I feel.

17 ACTING CHAIRMAN BRANCIFORTE: Carol?

18 COMMISSIONER MARSH: I'm sorry. I
19 didn't mean to rush you.

20 COMMISSIONER MURPHY: That's okay.
21 That's all right. We are ready to go I think.

22 (Laughter)

23 COMMISSIONER MARSH: Yes.

24 I mean, if anybody wants, you know, to
25 come look at an example of what that last story does

1 to somebody's house, they should give me a call,
2 because it is -- yes, you're not going to be happy,
3 and I am really sorry, and you are not the only one
4 in town that has experienced that.

5 But I would like to point out to the
6 person on the top floor, it is a hundred percent.

7 ACTING CHAIRMAN BRANCIFORTE: What's
8 that?

9 COMMISSIONER MARSH: That is 100
10 percent of the impact to them.

11 ACTING CHAIRMAN BRANCIFORTE: Okay.

12 COMMISSIONER MARSH: You know, I am
13 sorry about everybody else.

14 And the other thing is, because I have
15 seen this, it is remarkable how much of a shadow
16 that last floor casts. It is a lot. It is hours of
17 sunlight every day. It could make the difference in
18 your plants dying, you know, whether you have like
19 moss growing, or your sidewalks -- so I
20 personally -- I don't see any benefit to the
21 community at all.

22 You know, three bedrooms are nice. I
23 am all in favor of family-friendly housing, but I am
24 not in favor of granting variances to make buildings
25 bigger, so that we can fit even more people in.

1 If you have two two-bedrooms, you
2 know -- if you have one-bedroom and a three-bedroom
3 in the same area, you are actually making it less
4 dense because you have two kitchens. You are not
5 allowing as many people. You're actually allowing
6 more people if you build three-bedroom apartments
7 rather than two one-bedroom apartments -- I think
8 I'm getting this right -- anyway, I think I made my
9 point. I don't see a benefit to approving this.

10 ACTING CHAIRMAN BRANCIFORTE: Thank
11 you.

12 COMMISSIONER FISHER: I'll just be
13 brief.

14 I agree that when I look at all of the
15 positive criteria and negative criteria that it has
16 to satisfy the public good is really what the issue
17 is here.

18 It's their -- however we got here is a
19 different conversation, but we are focused on the
20 fourth floor and just adding some additional square
21 footage, I don't see the benefit to the public good,
22 but you can see the detriment to the community
23 around it, so...

24 ACTING CHAIRMAN BRANCIFORTE: Thank
25 you, Ms. Fisher.

1 Chief, do you have anything?

2 COMMISSIONER TREMITIEDI: Yes.

3 Regarding the family-friendly aspect,
4 everybody has posed a good reasoning tonight, so
5 just to stick with the family-friendly, it is not
6 only raising a small family, but today people, your
7 fraternity made me think of this, they are coming
8 back from college and living at home because of the
9 economic conditions and their loans, and they can't
10 live separately. They have to come back to the
11 family, so I am considering that these
12 family-friendly units are not only for growing
13 little children, it is for your big children that
14 come back.

15 (Laughter)

16 COMMISSIONER MARSH: Is that a point in
17 favor or opposed?

18 (All Board members talking at once.)

19 ACTING CHAIRMAN BRANCIFORTE: Obviously
20 your kids have to come back and live with you.

21 Okay. I'm sorry, guys.

22 Owen, do you want to --

23 COMMISSIONER MC ANUFF: Yes. I will
24 speak. I will be brief.

25 At the end of the day we are talking

1 about a 20 foot by 25 by ten foot high addition to
2 an already three-story addition.

3 I don't really see any benefit to the
4 public, but I don't really see a severe enough
5 detriment to the public to deny it. I am a little
6 bit torn on this, and we will just have to see when
7 we cast the vote.

8 ACTING CHAIRMAN BRANCIFORTE: All
9 right. Thanks.

10 I am going to wrap it up with a few
11 final comments.

12 I am really happy that we saw this,
13 because it is pretty rare that we see neighbors show
14 up with photos that really show what is going on.
15 I laughed because I was thinking the exact same
16 thing about Hudson Street, except at that time when
17 I talked about, you know, cutting off the light and
18 air to the people next door, the planner pointed out
19 that we would actually be doing the neighbors a
20 favor by cutting the north wind to their apartments
21 in the wintertime, so building the wall is actually
22 a good thing, because it was going to keep the
23 apartments warmer, whatever.

24 This is what, you know, this is what it
25 is all about. And I have to say something about

1 what Mr. Matule said, you know, the City Council
2 made this law, and this is the way it is.

3 The City Council, I don't know when
4 they made that law, but things have changed
5 tremendously in Hoboken, and I remember speaking to
6 Ms. Vandor, our old Board Planner years ago, and
7 saying, you know, it's going to be a big problem
8 some day. All of this money being poured into
9 Hoboken. People are buying these brownstones,
10 blowing out the back, and the donut is disappearing.

11 And she said, no, it will never happen.
12 That's too much money. People will never do that
13 it.

14 Now, it is just the norm. It's just
15 what happens now.

16 You know, that is all I really have to
17 say about it, to move this along.

18 I think we are ready for a motion -- or
19 actually, do we even need to hear conditions at this
20 point?

21 MR. GALVIN: I don't think so, so just
22 make a motion.

23 ACTING CHAIRMAN BRANCIFORTE: Can we
24 just have a motion from someone?

25 COMMISSIONER FISHER: Motion to deny.

1 ACTING CHAIRMAN BRANCIFORTE: Second --

2 I'm sorry. I won't second it.

3 Do I have a second?

4 COMMISSIONER MURPHY: Second.

5 ACTING CHAIRMAN BRANCIFORTE: Can you

6 call the roll, please?

7 MS. CARCONE: Sure.

8 Commissioner Cohen?

9 COMMISSIONER COHEN: Yes.

10 MS. CARCONE: Commissioner Marsh?

11 COMMISSIONER MARSH: No.

12 MR. GALVIN: Wait a minute.

13 A vote yes means to deny.

14 COMMISSIONER MARSH: A vote yes means

15 to deny. I'm denying it. Sorry. I am a rookie.

16 MR. GALVIN: You mean to say yes then?

17 COMMISSIONER MARSH: I mean to say yes,

18 deny it.

19 ACTING CHAIRMAN BRANCIFORTE: A rookie

20 mistake.

21 COMMISSIONER MARSH: Thank you.

22 COMMISSIONER COHEN: Tonight is your

23 first night.

24 ACTING CHAIRMAN BRANCIFORTE: Opening

25 night jitters.

1 (Laughter - all Board members talking
2 at once.)

3 MS. CARCONE: Commissioner Murphy?

4 COMMISSIONER MURPHY: Yes.

5 MS. CARCONE: Commissioner Fisher?

6 COMMISSIONER FISHER: Yes.

7 MS. CARCONE: Commissioner McAnuff?

8 COMMISSIONER MC ANUFF: Yes.

9 MS. CARCONE: Commissioner Tremittedi?

10 COMMISSIONER TREMITIEDI: Yes.

11 MS. CARCONE: Commissioner Branciforte?

12 ACTING CHAIRMAN BRANCIFORTE: Yes.

13 MS. CARCONE: Okay.

14 ACTING CHAIRMAN BRANCIFORTE: The
15 application was denied.

16 Do we have any other business?

17 MR. GALVIN: No.

18 COMMISSIONER COHEN: Motion to adjourn.

19 COMMISSIONER MARSH: Second.

20 ACTING CHAIRMAN BRANCIFORTE: All in
21 favor?

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

24 ACTING CHAIRMAN BRANCIFORTE: Thank
25 you.

(The matter concluded at 11:35 p.m.)

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

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: 7/21/14

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