

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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SPECIAL MEETING OF THE :
HOBOKEN ZONING BOARD OF : July 22, 2014
ADJUSTMENT : Tuesday 7:10 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Vice Chair Elliot H. Greene
Commissioner Michael DeFusco
Commissioner Antonio Grana
Commissioner Carol Marsh
Commissioner Diane Fitzmyer Murphy
Commissioner John Branciforte

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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29 Willow (Carried) 5

74 Madison Street (Carried) 7

RESOLUTION:

Just Block, 112, LLC 12

HEARINGS:

421 Jefferson Street 29

712 Jefferson Street 54

1 CHAIRMAN AIBEL: Good evening,
2 everyone. It is 7:10.

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

11 We are at a Hoboken Zoning Board of
12 Adjustment Special Meeting, July 22nd.

13 Please join me in pledging allegiance.

14 (Pledge of Allegiance recited)

15 CHAIRMAN AIBEL: Thanks.

16 Pat, please do the roll call.

17 MS. CARCONE: Commissioner Aibel?

18 CHAIRMAN AIBEL: Here.

19 MS. CARCONE: Commissioner Greene?

20 VICE CHAIR GREENE: Here.

21 MS. CARCONE: Commissioner Cohen is
22 absent.

23 MR. GALVIN: This is bringing back
24 memories of my elementary school days.

25 (Laughter)

1 MS. CARCONE: Commissioner DeFusco?

2 COMMISSIONER DE FUSCO: Here.

3 MS. CARCONE: Commissioner Grana?

4 COMMISSIONER GRANA: Here.

5 MS. CARCONE: Commissioner Marsh?

6 COMMISSIONER MARSH: Here.

7 MS. CARCONE: Commissioner Murphy?

8 COMMISSIONER MURPHY: Here.

9 MS. CARCONE: Commissioner Branciforte?

10 COMMISSIONER BRANCIFORTE: Here.

11 MS. CARCONE: Commissioner Fisher is

12 absent. Commissioner McAnuff is absent, and

13 Commissioner Tremitedi is absent.

14 CHAIRMAN AIBEL: Mr. Matule, why don't

15 we deal with the matters that you wish to --

16 MR. MATULE: Calendar matters.

17 CHAIRMAN AIBEL: -- adjourn or push

18 over, and then we are going to do some

19 administrative business.

20 MR. MATULE: Yes, Mr. Chairman.

21 Thank you.

22 Robert Matule appearing on behalf of

23 the applicant for 29 Willow. I had contacted the

24 Board Secretary with respect to this matter. Our

25 architect was not available this evening, so we are

1 asking that this matter be carried.

2 As it turned out, I was also informed
3 today that there is -- actually I got a letter last
4 evening from Mr. Marciano, an attorney in town, that
5 he is representing a next door neighbor who may have
6 objections, and he wants to see the plans and have a
7 conversation and a meeting with me.

8 I told him the matter was being carried
9 this evening, or I was requesting the matter be
10 carried this evening, only because I couldn't
11 proceed in the absence of having my architect here.

12 So I would ask that that matter be
13 carried, if possible, to the August 19th meeting,
14 and hopefully between now and then, we can have some
15 conversations with Mr. Marciano and his client and
16 see what the issue is and what we can do to resolve
17 it.

18 I would also ask that it be carried
19 without further public notice because we just
20 noticed, and it is getting quite expensive now.

21 CHAIRMAN AIBEL: Can I have a motion to
22 carry without notice to August 19th?

23 COMMISSIONER GRANA: Motion to carry 29
24 Willow to August 19th without notice.

25 CHAIRMAN AIBEL: Second?

1 Do we have a second?

2 COMMISSIONER BRANCIFORTE: Second.

3 CHAIRMAN AIBEL: Thank you.

4 Pat?

5 MR. MATULE: Now, the other matter --

6 MS. CARCONE: We're calling the vote.

7 MR. MATULE: Oh, I'm sorry.

8 MS. CARCONE: Commissioner Greene?

9 VICE CHAIR GREENE: Yes.

10 MS. CARCONE: Commissioner DeFusco?

11 COMMISSIONER DE FUSCO: Yes.

12 MS. CARCONE: Commissioner Grana?

13 COMMISSIONER GRANA: Yes.

14 MS. CARCONE: Commissioner Marsh?

15 COMMISSIONER MARSH: Yes.

16 MS. CARCONE: Commissioner Murphy?

17 COMMISSIONER MURPHY: Yes.

18 MS. CARCONE: Commissioner Branciforte?

19 COMMISSIONER BRANCIFORTE: Yes.

20 MS. CARCONE: Commissioner Aibel?

21 CHAIRMAN AIBEL: Yes.

22 MR. MATULE: The other matter is 74

23 Madison Street. I have Mr. Minervini and Mr. Ochab

24 here this evening. My client is actually out of the

25 country, and this is another matter where I

1 understand there is an objector who is also not
2 available, the objector himself, the next door
3 neighbor, but apparently counsel has been in touch
4 with the Board Secretary, and I understand will be
5 coming to object tonight.

6 I have been able to through Mr.
7 Minervini's office explain the situation to my
8 client, the applicant, and he is requesting if we
9 could carry this matter also to give him an
10 opportunity to meet with the next door neighbor and
11 again ascertain what the nature of the objections
12 are, and see if there is any way to have a
13 resolution.

14 I apologize to the Board. I don't like
15 blowing up your calendar any more than I am sure you
16 like having it blown up, but in the grand scheme of
17 things I just think it might be more expedient.

18 MR. GALVIN: Is the attorney here yet?

19 MR. MATULE: Not that I am aware of.

20 MS. FISHER: Yes.

21 MR. GALVIN: Could you come up, please?

22 MR. MATULE: Are you here on 74

23 Madison?

24 MS. FISHER: I represent the next door
25 neighbor.

1 MR. GALVIN: Please come up.

2 I can't see you because you are behind
3 the board, and I am in a little chair.

4 (Laughter)

5 Come on up.

6 MS. FISHER: I tried to hide in the
7 back.

8 MR. MATULE: I know, but you have been
9 hearing what we have been saying.

10 MS. FISHER: I have.

11 MR. MATULE: Okay.

12 MR. GALVIN: Just spell your name for
13 the record.

14 Laura Fisher. Fisher is F-i-s-h-e-r,
15 and I represent the Germanoffs who live at 76
16 Madison.

17 MR. MATULE: Okay.

18 Well, what I was just requesting from
19 the Board is I just learned this afternoon of the
20 fact that there is objections to this, and what I am
21 requesting the Board to do is to carry it to the
22 August 19th meeting to give my client an opportunity
23 to have a conversation with your client and see if
24 they can work out whatever they can work out, if
25 they can.

1 If not, we will proceed, and see how it
2 goes, but I would like to at least give it a shot.

3 COMMISSIONER FISHER: I have no
4 objection.

5 CHAIRMAN AIBEL: Pat, do we have room
6 on August 19th?

7 MS. CARCONE: We are getting an agenda.
8 We have 40 Willow --

9 MS. BANYRA: I don't remember if we
10 even got that far.

11 MS. CARCONE: -- and now we would have
12 29 Willow and 74 Madison.

13 MR. GALVIN: So that would be a full --

14 VICE CHAIR GREENE: Same neighborhood.

15 MR. GALVIN: -- docket.

16 CHAIRMAN AIBEL: So can I have a motion
17 to carry 74 Madison to August 19th without further
18 notice?

19 VICE CHAIR GREENE: Do you need any
20 waivers?

21 CHAIRMAN AIBEL: Are there any waivers
22 on this?

23 MR. GALVIN: No. We are beyond that
24 point. We have already deemed it complete. That's
25 why -- after you deem them complete -- waivers come

1 at the point when we are determining whether to deem
2 them complete. Once you are deemed complete, we
3 have 120 days in which to hear them.

4 VICE CHAIR GREENE: Okay.

5 CHAIRMAN AIBEL: I guess we need a
6 motion to carry.

7 COMMISSIONER MURPHY: Motion to carry
8 to the 19th without further notice.

9 COMMISSIONER GRANA: Second.

10 CHAIRMAN AIBEL: Pat?

11 MS. CARCONE: Commissioner Greene?

12 VICE CHAIR GREENE: Yes.

13 MS. CARCONE: Commissioner DeFusco?

14 COMMISSIONER DE FUSCO: Yes.

15 MS. CARCONE: Commissioner Grana?

16 COMMISSIONER GRANA: Yes.

17 MS. CARCONE: Commissioner Marsh?

18 COMMISSIONER MARSH: Yes.

19 MS. CARCONE: Commissioner Murphy?

20 COMMISSIONER MURPHY: Yes.

21 MS. CARCONE: Commissioner Branciforte?

22 COMMISSIONER BRANCIFORTE: Yes.

23 MS. CARCONE: Commissioner Aibel?

24 CHAIRMAN AIBEL: Yes, with
25 reservations. I hate blowing up the calendar.

1 MR. MATULE: Thank you, Mr. Chairman.

2 I appreciate it.

3 MR. GALVIN: Mr. Matule, you do waive
4 the time in which we have to act, right?

5 MR. MATULE: Absolutely.

6 MR. GALVIN: I have no idea what our
7 time limit is.

8 MR. MATULE: I waive the time in which
9 the Board has to act on both of those matters. As I
10 said, hopefully we can work it out. If not, one way
11 or another, we will be here on the 19th.

12 Thank you for your consideration.

13 COMMISSIONER FISHER: Thank you.

14 MR. GALVIN: Any problems, give me a
15 call.

16 CHAIRMAN AIBEL: So give us three
17 minutes for some administrative business.

18 MR. MATULE: Sure.

19 CHAIRMAN AIBEL: We have a resolution
20 of denial, the application of Just Block 112, LLC.

21 MR. GALVIN: For denial was Mr. Greene,
22 Ms. Murphy, Mr. Branciforte, and Chairman Aibel.

23 Do I have a motion?

24 VICE CHAIR GREENE: I will move it.

25 MR. GALVIN: Do we have a second?

1 COMMISSIONER BRANCIFORTE: Second.

2 MR. GALVIN: All right.

3 Mr. Greene?

4 VICE CHAIR GREENE: Yes.

5 MR. GALVIN: Ms. Murphy?

6 COMMISSIONER MURPHY: Yes.

7 MR. GALVIN: Mr. Branciforte?

8 COMMISSIONER BRANCIFORTE: Yes.

9 MR. GALVIN: Chairman Aibel?

10 CHAIRMAN AIBEL: Yes.

11 MR. GALVIN: There you go.

12 CHAIRMAN AIBEL: Last week we had a

13 discussion about a developer's agreement for final

14 site plan approval between the City of Hoboken and

15 Pump House 128, LLC, premises 128-132 Harrison

16 Street. We had a discussion about whether the Board

17 ought to be joined as a party or voluntarily joined

18 as a party.

19 Counsel explained I guess the reasons

20 why that was not necessary, and we gave everybody an

21 opportunity to review it over the past week.

22 I don't know if there is any further

23 discussion that anybody wishes to put on the record,

24 but I am satisfied that counsel's recommendation is

25 just fine, and we can rely on City Council to

1 enforce whatever underlying resolution is provided.

2 MR. GALVIN: And I would compliment Mr.
3 Cucchiaro. I thought he did an awesome job.

4 CHAIRMAN AIBEL: So do we need to do
5 anything else?

6 MR. GALVIN: No. We just need a roll
7 call vote authorizing them to proceed without us.

8 Do you have a question?

9 COMMISSIONER MARSH: Does that include
10 people that weren't here for the --

11 MR. GALVIN: Yes, because this is like
12 an administrative thing.

13 They're asking if the Board -- actually
14 nobody was on the Board when this resolution was
15 done and the developer's agreement was required, and
16 it is my position that the city is the agent in a
17 developer's agreement, not the Board, and I think we
18 just cloud it by being involved.

19 COMMISSIONER MARSH: Okay.

20 MR. GALVIN: So we need a motion to
21 alert the city that we have no interest in being a
22 party to this developer's agreement.

23 VICE CHAIR GREENE: I will move it.

24 CHAIRMAN AIBEL: And I will second it.

25 MR. GALVIN: We need a roll call.

1 MS. CARCONE: Commissioner Greene?

2 VICE CHAIR GREENE: Yes.

3 MS. CARCONE: Commissioner De Fusco?

4 COMMISSIONER DE FUSCO: Yes.

5 MS. CARCONE: Commissioner Grana?

6 COMMISSIONER GRANA: Yes.

7 MS. CARCONE: Commissioner Marsh?

8 COMMISSIONER MARSH: Yes.

9 MS. CARCONE: Commissioner Murphy?

10 COMMISSIONER MURPHY: Yes.

11 MS. CARCONE: Commissioner Branciforte?

12 COMMISSIONER BRANCIFORTE: Yes.

13 MS. CARCONE: Commissioner Aibel?

14 CHAIRMAN AIBEL: Yes.

15 MR. GALVIN: This doesn't mean that in
16 the future there might never be a developer's
17 agreement that we might not participate in, but I
18 just didn't think -- this one didn't make sense for
19 us, so I will alert you if the circumstances change.

20 COMMISSIONER MURPHY: I do have a
21 question in reading it.

22 MR. GALVIN: Sure.

23 COMMISSIONER MURPHY: I think it was
24 they got approvals in like 2007.

25 MR. GALVIN: Correct.

1 COMMISSIONER MURPHY: So isn't there a
2 limit in terms of years before a permit needs to be
3 pulled and started when they get approvals?

4 MR. GALVIN: Yes, there is.

5 Normally when the site plan is
6 involved, I think it is two years, but right now the
7 Permit Extension Act is out there, and the Permit
8 Extension Act --

9 COMMISSIONER MURPHY: You mentioned
10 that before.

11 Okay, go ahead.

12 MR. GALVIN: -- what happened is in
13 2007-2008, in that time period, they passed the
14 Permit Extension Act, which stayed all time limits.
15 So if they got approved in 2007, they would have
16 been within their time limit to construct when the
17 Permit Extension Act went into effect, and that's
18 what has covered them all of this time.

19 Right now, the Permit Extension Act
20 goes to the end of this year, and then even six
21 months after that, so I think most people are good
22 through July 15th.

23 I still expect that the legislation
24 will renew it again because the economy, other than
25 Hoboken, the economy is not doing that well.

1 COMMISSIONER MURPHY: Right. So
2 basically they didn't have a time limit on it, or
3 they just let it --

4 MR. GALVIN: No, no, no.
5 They have a two-year time limit --

6 COMMISSIONER MURPHY: Right. But the
7 extension --

8 MR. GALVIN: -- but if you use a sports
9 metaphor, there is a timeout. It is stayed. It
10 doesn't continue to run because the Permit Extension
11 Act is here. So when the Permit Extension Act is
12 done running, then their permit will continue to run
13 again.

14 COMMISSIONER MURPHY: So as long as
15 that is running, then there isn't a time --

16 MR. GALVIN: Right now they suspended
17 time in this game, right --

18 COMMISSIONER MURPHY: I got you.

19 MR. GALVIN: -- and under normal
20 circumstances you can get three one-year extensions,
21 so we are not seeing any of that because we are not
22 in that environment --

23 COMMISSIONER MURPHY: Gotcha.

24 MR. GALVIN: -- but when the Permit
25 Extension Act eventually expires, then we will be

1 seeing people coming in requesting on a regular
2 basis that we give them an extension.

3 COMMISSIONER MURPHY: Okay. I got you.
4 Thank you.

5 MR. GALVIN: You are welcome.

6 CHAIRMAN AIBEL: Our next piece of
7 business is we distributed last week the 2012 and
8 2013 Hoboken Zoning Board Annual Reports.

9 Tonight I would like to move their
10 approval, so that we can submit them to the City
11 Council and whoever else we are obliged to provide
12 them do.

13 MR. GALVIN: Sure.

14 Question?

15 COMMISSIONER MURPHY: Yes, I had a
16 question.

17 So at the end of these reports, they
18 had recommendations to maybe lighten our load, and
19 one of them for the 2013, I just kind of felt
20 curious about it, because -- who am I speaking to
21 you, you?

22 CHAIRMAN AIBEL: Eileen.

23 MS. BANYRA: Yes.

24 COMMISSIONER MURPHY: So the 2013, the
25 first one would be on a conforming building, where

1 you would permit roof decks and principal buildings
2 and establish basic -- have basic parameters?

3 MS. BANYRA: Uh-huh.

4 COMMISSIONER MURPHY: And I guess I am
5 concerned about that. Like if we just let everybody
6 that has a conforming building have a roof deck
7 without having to come before us, then I mean, it
8 seems to me, that we were picky about what kinds of
9 places could have roof decks or even decks --

10 MS. BANYRA: Right.

11 COMMISSIONER MURPHY: -- so if we just
12 let it kind of go to open -- hum --

13 MS. BANYRA: So this is why I said
14 conforming buildings, because then it is assuming
15 that there is adequate setbacks. There is a rear
16 yard, and the basic parameters.

17 You know, the Planning Board typically
18 writes ordinances, and the Council may write the
19 ordinances, so they would establish some of the same
20 primaries that we are using at the Zoning Board.

21 When someone comes to us, for example,
22 and says it is a conforming lot, then they are not
23 necessarily looking into somebody's windows. They
24 have some rear yard setback, and we can also limit
25 it in terms of -- or whoever designs the ordinance

1 as a percentage of roof coverage. Maybe there is a
2 screened wall, if you are adjacent to another
3 property, and it matches up.

4 You know, there are parameters that we
5 put on it, but I wouldn't recommend it on undersized
6 or nonconforming lots, so that is why I said for a
7 nonconforming lot, they are occurring all over the
8 city anyway --

9 COMMISSIONER MURPHY: Okay.

10 MS. BANYRA: -- and they really haven't
11 been regulated well, so --

12 CHAIRMAN AIBEL: May I say this --

13 MS. BANYRA: Yes, go ahead.

14 CHAIRMAN AIBEL: -- because I read
15 this, and I have a concern about generally allowing
16 roof decks, but the limitation here is to the top of
17 a principal building, so we are really not talking
18 about roof decks off --

19 MS. BANYRA: Off the back of the third
20 floors --

21 CHAIRMAN AIBEL: -- first, second, and
22 third floor extensions. We are talking about the
23 top of the building, and I was also persuaded that
24 we would then establish appropriate parameters
25 allowing that as of right, subject to whatever

1 parameters are decided.

2 MS. BANYRA: That is a detail that I
3 didn't include, but yes, it would be on the top of
4 the building, so it wouldn't be off the back.

5 Often, we have been seeing things where
6 people are looking into side yards --

7 COMMISSIONER MURPHY: No. I understand
8 what we have been seeing, but I think also, and I
9 could be wrong, but I was under the impression that
10 the city didn't like the rooftops any more. And
11 having looked at a number of buildings when I was
12 looking to buy a building, it was kind of like buy
13 this now, because you could never have one of these.

14 MS. BANYRA: Yes, exactly.

15 So I will tell you that there has been
16 a policy, and the policy, when it came and how it
17 came, I have no idea. There is no law that says you
18 can't have a roof deck. However, there has been a
19 policy that there is no roof decks in the town.

20 As I recall hearing this discussed,
21 there was some discussion a long time ago, and I am
22 going to say at least ten to 15 years ago, about
23 parties on the roof deck and people throwing bottles
24 off. That was kind of always the concern. I am not
25 sure that's ever really been proven or well founded,

1 but that was always the reason why when roof decks
2 came up, that that sentence came afterwards.
3 Somebody is going to throw stuff, and there's going
4 to be a party, and people below are going to get
5 hurt.

6 I never heard of anything that has
7 occurred. I don't live in this city, but I haven't
8 heard that, but that's really what -- so we don't
9 have actually a hard and fast rule on that, so it is
10 a little bit funny.

11 We do regulate roof coverage, so that
12 is how they come to us, and obviously on a
13 nonconforming building or on a building that
14 neighbors come out and object, we usually find out
15 about some of these things.

16 So my recommendation is there is --
17 make a policy then, since we are approving most of
18 them, and we put stipulations on them, if we put
19 them on the top of the roof and we regulate it as a
20 percentage, again, this would be for the planner
21 that's writing it, I don't necessarily see -- you
22 know, it is sort of no harm, no foul. Not all of
23 the buildings can have them either because the
24 drainage and the pitch of the floor might not always
25 work, so -- but that was one of my comments.

1 But I did note a typo in here on the
2 very first one, "return the front year setback," and
3 I had the zero to five, and I believe it is zero to
4 ten, because the setback was five to ten, so it's
5 zero to ten.

6 CHAIRMAN AIBEL: Any further
7 discussion?

8 COMMISSIONER MARSH: I just have a
9 question.

10 On the roof decks, would it make it
11 better or worse to say the basic parameters, because
12 what I heard last week was that people were
13 concerned about people's privacy --

14 COMMISSIONER MURPHY: Well, if it's on
15 the roof, then it's not the same privacy.

16 CHAIRMAN AIBEL: That was an
17 extension --

18 MS. BANYRA: It is not on the back of a
19 third floor. It's up on the top. It's not on the
20 roof of like an extension.

21 MR. GALVIN: I got to jump in.

22 The Zoning Board's role in planning is
23 exceptionally circumscribed. This is the only thing
24 that we get to touch is to tell them, hey, we have a
25 problem with this, and we have a problem with that.

1 We think you should look at it.

2 Some of my Boards in other towns are
3 very frustrated because they put a lot of work in,
4 and they send over their recommendations, and the
5 governing body, the Planning Board, and I'm talking
6 about other towns, don't even look at it or don't
7 even give them the courtesy of a response.

8 So what we really want to do is say,
9 hey, you should take a look at this issue, and that
10 is what I think Eileen is trying to do.

11 Now, if you want me to expand that in a
12 resolution, I can do that. You know, if you want,
13 with an eye towards -- you know, we can talk about
14 privacy. But, you know, what we have here is not, I
15 don't think, you know, it says parameters. It is
16 not telling them the parameters. It is going to
17 force them to think about it, so God knows what is
18 going to happen, okay --

19 COMMISSIONER MURPHY: Okay.

20 MR. GALVIN: -- for those who believe
21 in God.

22 MS. BANYRA: Then just the other
23 comments or most of the things that are recommended
24 on here are things that we routinely see, and that
25 the Board is often persuaded to approve anyway. So

1 I thought, you know, especially I think one of the
2 things on here is a front yard setback, and I think
3 we had this conversation last week, and the Board
4 has routinely approved that, so then --

5 COMMISSIONER MURPHY: So why have it,
6 right.

7 MS. BANYRA: -- why have somebody come,
8 especially sometimes it may be their only variance,
9 so now they are brought before us and they're on a
10 cue waiting for maybe six months.

11 CHAIRMAN AIBEL: Following up on
12 counsel's comments, not to make too fine of a point
13 of it, we submitted many recommendations, and I
14 don't think very much has --

15 COMMISSIONER MURPHY: Okay. Well, I
16 guess, you know, we're fine.

17 MR. GALVIN: I am on the Planning Board
18 also, and the Chairman wants to look at our
19 recommendations, and I think we might get some
20 traction in this report. But I don't think they are
21 just going to look at what we did and just say, oh,
22 we're doing exactly like this.

23 COMMISSIONER MURPHY: Oh, yeah, no, no,
24 no, but I just was throwing out my -- you know --

25 MR. GALVIN: Let me just say this to be

1 clear.

2 It is the Board's -- even though Eileen
3 put the report together, you guys get to recommend,
4 like in some towns, it is just an analysis of what
5 happened without as much, you know, information
6 about what should happen because Eileen is so good,
7 she can do that.

8 But you guys could have kicked it
9 around and said -- these are the three -- I usually
10 say recommend three things, because three things
11 have a better shot at it, you know, short and sweet.

12 COMMISSIONER MARSH: Any reason that we
13 can't discuss the recommendations with the council
14 people?

15 MR. GALVIN: None, no. It's a good
16 idea.

17 COMMISSIONER MARSH: Just a
18 recommendation --

19 MR. GALVIN: Yeah. You guys can
20 discuss this with the Planning Board or the
21 governing body, whoever, and you know, we are going
22 to get better at this.

23 This is a big change for us, because
24 Elizabeth Vandor always put together a certain kind
25 of a certain report, and we kind of lapsed, and we

1 didn't get everything.

2 Now we are catching back up, and now
3 you guys will all be mindful, so what you should be
4 looking for between now and the end of the year are
5 things that you think don't function right, you
6 know, that you want to tell Eileen, so she can then
7 include it in her report, and hopefully we will
8 approve this thing in February next year.

9 All right. You got your deadline,
10 February?

11 MS. BANYRA: Yes.

12 (Laughter)

13 CHAIRMAN AIBEL: Any additional
14 comments, Board members?

15 MR. GALVIN: We need a motion to adopt
16 the Annual Report for 2012 and 2013.

17 COMMISSIONER MURPHY: Motion to adopt
18 the Annual Report for 2012 and '13.

19 CHAIRMAN AIBEL: Thanks, Diane.

20 Second?

21 COMMISSIONER GRANA: Second.

22 CHAIRMAN AIBEL: Thanks, Antonio.

23 Pat?

24 MS. CARCONE: Commissioner Greene?

25 VICE CHAIR GREENE: Yes.

1 MS. CARCONE: Commissioner De Fusco?
2 COMMISSIONER DE FUSCO: Yes.
3 MS. CARCONE: Commissioner Grana?
4 COMMISSIONER GRANA: Yes.
5 MS. CARCONE: Commissioner Marsh?
6 COMMISSIONER MARSH: Yes.
7 MS. CARCONE: Commissioner Murphy?
8 COMMISSIONER MURPHY: Yes.
9 MS. CARCONE: Commissioner Branciforte?
10 COMMISSIONER BRANCIFORTE: Yes.
11 MS. CARCONE: Commissioner Aibel?
12 CHAIRMAN AIBEL: Yes.
13 Thanks, everybody.
14 (Continue on next page.)
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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 RE: 421 Jefferson Street : SPECIAL MEETING
 Applicant: Joseph Bondulich and : July 22, 2014
 Vivian Hasbrouk :
 C Variance : Tuesday 7:30 p.m.
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
 Vice Chair Elliot H. Greene
 Commissioner Michael DeFusco
 Commissioner Antonio Grana
 Commissioner Carol Marsh
 Commissioner Diane Fitzmyer Murphy
 Commissioner John Branciforte

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

Eileen Banyra, Planning Consultant

 Jeffrey Marsden, PE, PP
 Board Engineer

 Patricia Carcone, Board Secretary

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

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2 DENNIS M. GALVIN, ESQUIRE
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6 Attorney for the Board.

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

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I N D E X

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WITNESS

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FRANK MINERVINI

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KENNETH OCHAB

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E X H I B I T S

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EXHIBIT NO.

DESCRIPTION

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Photo Board

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Photo Board

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1 CHAIRMAN AIBEL: Thank you for your
2 patience, Mr. Matule.

3 421 Jefferson

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

6 Robert Matule appearing on behalf of
7 the applicant.

8 This is an application to construct a
9 fourth floor front addition to an existing duplex at
10 421 Jefferson Street.

11 I just have two witnesses tonight, Mr.
12 Minervini, our architect, and Mr. Ochab, our
13 planner.

14 So if we can have Mr. Minervini sworn,
15 we can get right into it.

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

19 MR. MINERVINI: I do.

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

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

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

1 MR. GALVIN: Mr. Chair, do we accept
2 Mr. Minervini's credentials?

3 CHAIRMAN AIBEL: Yes, we do.

4 MR. GALVIN: You may proceed.

5 THE WITNESS: Thank you.

6 MR. MATULE: Mr. Minervini, I see you
7 have a photo board there.

8 THE WITNESS: Yes.

9 MR. MATULE: We will mark it A-1.

10 (Exhibit A-1 marked.)

11 If you could just for the record
12 describe what it is and who took the pictures.

13 THE WITNESS: It's a photo board
14 showing the existing conditions of the site.

15 These four -- these five photographs
16 were taken by me today.

17 These two were taken off the internet
18 site, and they are accurate of the internet site
19 relative to what is existing.

20 MR. MATULE: Okay. Could you --

21 MR. GALVIN: I am going to do something
22 that I don't do here.

23 This is really a pretty straightforward
24 case, right?

25 We are going to go the long way or the

1 short way?

2 THE WITNESS: I prefer the short way.

3 MR. MATULE: It's a c variance for
4 front yard setback.

5 MR. GALVIN: Give us an explanation of
6 what is going on --

7 THE WITNESS: I'll describe it very
8 quickly.

9 MR. GALVIN: -- instead of -- there's
10 three variances, and then we can go to Mr. Ochab.

11 THE WITNESS: I think in this case the
12 photographs will suffice.

13 (Board members talking at once.)

14 MR. GALVIN: What's that?

15 One variance, right?

16 MR. MATULE: Well, initially --

17 MR. GALVIN: It's a nonconforming --

18 MR. MATULE: -- but the Board Planner
19 culled through what we thought was necessary, and
20 she has come up with a different opinion, which --

21 MR. GALVIN: Well, I don't agree with
22 that --

23 (Laughter)

24 MR. MATULE: -- which I am not about to
25 argue --

1 MR. GALVIN: If it is a nonconforming
2 building, the whole building is on zero lot line, so
3 it is a nonconforming building based on that, so you
4 need a variance for that, and I don't know about the
5 masonry --

6 THE WITNESS: You don't need it --

7 MR. MATULE: No. We revised the
8 facade, so we are within the parameters.

9 MR. GALVIN: Okay. So you really need
10 one new variance, and it is an expansion of a
11 nonconforming, so I am counting it as two variances,
12 but why fight with me on this?

13 MS. BANYRA: You have a fourth floor,
14 right?

15 That's the fourth floor, right?

16 THE WITNESS: It's the fourth floor.

17 MS. BANYRA: Right.

18 So that's what they need the variance
19 for, the expansion of the fourth floor.

20 MR. GALVIN: But one, two, three are
21 nonconforming --

22 MS. BANYRA: Yeah, but --

23 MR. GALVIN: -- so anything that
24 happens to this building is nonconforming. That is
25 what we are telling Ann, and that's what we got to

1 be consistent with.

2 MR. MATULE: So we're asking for two
3 variances, an expansion of a nonconforming
4 structure, and zero front yard setback --

5 MR. GALVIN: Right. Almost every
6 building in the city is on the zero lot line.

7 MR. MATULE: Go.

8 THE WITNESS: The photographs might be
9 the best way to start this.

10 421 Jefferson Street, it's a
11 four-story, two-unit, two-family home. The ground
12 floor is parking,

13 Different than most, we are asking for
14 an addition to the front of the building, so as it
15 exists, we have 49 percent lot coverage on the first
16 floor, second floor and third floor, and I will
17 quickly go through the plans, so that you understand
18 it.

19 On the third floor, we have an existing
20 34 percent lot coverage, so right now there is an
21 outdoor space on the front. We are proposing to
22 fill -- remove that outdoor space, fill in that
23 void, so this becomes one consistent elevation.

24 Several reasons: The owners have a
25 family and would like to expand their apartment. It

1 is currently at 1510 square feet. With this
2 addition, it would be 1845 square feet. The
3 addition is 335 square feet.

4 Also, for the last ten years they have
5 not been able to get rid of a water infiltration
6 problem, and the thinking is here, and I can go
7 through the plans, that we would fill this part of
8 the void and put a new roof over the entire
9 structure.

10 As it exists, it is below 40 feet in
11 height. These floor-to-floor heights are
12 compressed, not the standard ten feet floor-to-floor
13 as we see, and that is why we are here.

14 So these photographs, this is the
15 existing building. From across the street on
16 Jefferson, you can barely see the peak of that
17 fourth floor that exists. We are proposing to move
18 that section out.

19 This is the rear of the building. For
20 reference, we all know where Fiore's is on Adams
21 Street. If you walk through the parking lot of
22 Fiore's, that is exactly where this photograph was
23 taken.

24 Also from Fiore's parking lot, I took
25 the photograph trying to show where the addition

1 would be. It would be -- pardon me -- right here,
2 but because it is already set back, it is just
3 almost impossible to get a photograph of the
4 existing condition.

5 So in this case, if you use Google
6 Earth, this drawing shows we're going to the
7 front -- this is Jefferson Street, and this is Fifth
8 Street.

9 I can pass this around, if anyone
10 wants.

11 I will go through the plans quickly.
12 The existing facade on Sheet Z-1, the proposed
13 facade, very simply, we continued the same
14 architectural theme for the fourth floor.

15 Thank you, John.

16 The existing fourth floor, and this is
17 the upper part of the duplex that is there, this is
18 the outline of the building, and as it exists it is
19 only 49 percent lot coverage because this is our
20 property line. Here is our property line, so as it
21 was built originally in the '80s, there were these
22 two voids, which is why this is not the standard 60
23 percent.

24 So at the front of the building, this
25 section here, is all roof. There is a glass door

1 accessing this roof. We are proposing to fill that
2 area in, which is this, for this area. We have 35
3 square feet, squaring off in essence the front of
4 the building.

5 The elevation continues the same theme
6 that exists up, and the cornice then matches the
7 existing cornice, all masonry.

8 I'm going quickly to Sheet Z-4, because
9 this describes best what we are doing.

10 Looking at Section A-A, this is the
11 front of the building, so what we are doing is
12 proposing to fill this in and build a new roof over
13 the existing, and then removing that roof section.

14 Again, the building as it was
15 originally built had compressed floor-to-floor
16 heights, nine feet approximately. So even up to the
17 new floor height, we are at 35 feet eight inches,
18 our new roof height, so then we are still below 40
19 feet that is permitted. Although it is four
20 stories, it is 36 feet six inches. The room itself
21 will just be an expansion of the existing bedroom,
22 which is shown -- Sheet Z-2.

23 So what was a bedroom is now going to
24 be an expanded master bedroom with a larger closet,
25 and that is really it.

1 This will make the building more
2 regular, make it more in common with the adjacent
3 property as we just saw down the street. Right now
4 it has got this kind of suburban pitched roof in two
5 directions. That will be removed. It has been
6 nothing but a hassle in terms of water infiltration,
7 and then a new roof section will be completed at one
8 point, pitching from the front to the rear.

9 I think that is it.

10 CHAIRMAN AIBEL: Can I ask you to just
11 go back and describe the masonry and the
12 improvements to the front of the building?

13 THE WITNESS: Of the facade?

14 CHAIRMAN AIBEL: Of the facade, which I
15 take it will be one of the principal benefits for
16 the neighborhood.

17 THE WITNESS: Certainly.

18 Mr. Ochab will probably do a better job
19 than I.

20 The front of the building as it exists,
21 this is a stucco -- I'm sorry -- all masonry.

22 This is brick. We are proposing to
23 keep the existing cornice, raise up -- build a new
24 front wall. The windows, although larger, match in
25 width and style the windows below and replicate that

1 lower cornice, so it will certainly look like more
2 of a Hoboken style building, for lack of a better
3 term, as opposed to what was kind of a suburban roof
4 section, and the windows are a bit larger. They are
5 in keeping, but they are a bit larger allowing for
6 more light.

7 CHAIRMAN AIBEL: Thanks.

8 Commissioners, any questions for the
9 architect?

10 COMMISSIONER DE FUSCO: I guess the
11 only question I have is the roof.

12 THE WITNESS: Yes.

13 COMMISSIONER DE FUSCO: Any green
14 aspects to it?

15 Is it a black roof?

16 Is it a white reflective roof?

17 THE WITNESS: We have not proposed
18 anything special. I think the owner certainly, if
19 the Board would want us to, could propose a white
20 reflective roof.

21 COMMISSIONER DE FUSCO: I think a
22 reflective roof would probably be a small change,
23 but worthwhile.

24 THE WITNESS: I can absolutely revise
25 the plans to reflect that.

1 CHAIRMAN AIBEL: Thank you.

2 Commissioners, anything else?

3 Professionals, anything for the
4 architect?

5 MS. BANYRA: No.

6 CHAIRMAN AIBEL: Let me open it up to
7 the public.

8 Does anybody here wish to ask questions
9 of the architect?

10 Seeing none, can I have a motion to
11 close the public portion?

12 COMMISSIONER DE FUSCO: Motion to close
13 the public portion.

14 CHAIRMAN AIBEL: Second.

15 COMMISSIONER GRANA: Second.

16 CHAIRMAN AIBEL: All in favor?

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

19 CHAIRMAN AIBEL: Thank you.

20 THE WITNESS: This is a record.

21 (Laughter)

22 I might be eating dinner early tonight.

23 Thank you.

24 (Witness excused.)

25 CHAIRMAN AIBEL: Mr. Grana?

1 COMMISSIONER GRANA: Mr. Chair, I have
2 a quick question.

3 Do we agree that this application, we
4 are only looking at C-2, is that what we agreed to?

5 MR. GALVIN: Yes. Just C-2.

6 COMMISSIONER GRANA: Just C-2, thanks.

7 MS. BANYRA: We are only here for C-2.

8 MR. GALVIN: Yes, because it is three
9 over one. It is not a height variance situation.

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

13 MR. OCHAB: I do.

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

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

18 THE WITNESS: Ken Ochab, O-c-h-a-b.

19 MR. GALVIN: All right.

20 Mr. Chairman, do we accept Mr. Ochab's
21 credentials?

22 CHAIRMAN AIBEL: We do.

23 MR. GALVIN: You may proceed, Mr.
24 Ochab.

25 MR. MATULE: Mr. Ochab, you are

1 familiar with the zoning ordinance and the master
2 plan and this application, correct?

3 THE WITNESS: Yes.

4 MR. MATULE: And are you familiar with
5 the variances that are being requested?

6 THE WITNESS: Yes, I am.

7 MR. MATULE: Could you give the Board
8 your professional opinion regarding those variances,
9 and whether or not they could be granted in
10 satisfaction of the Municipal Land Use Law?

11 THE WITNESS: Yes.

12 I wrote a report, dated October 16th,
13 2013. We have two variances, a front yard setback
14 variance and expansion of a nonconforming structure
15 variance.

16 I took photographs, which are in the
17 report, and I went back there today. No change in
18 the conditions, so I kept those photographs.

19 The photo board --

20 MR. MATULE: We are going to mark it
21 A-2 even though they are in your report.

22 THE WITNESS: Okay.

23 (Exhibit A-2 marked.)

24 MR. MATULE: Go ahead.

25 THE WITNESS: The photo board, the

1 photo on the left side, the right side of the photo
2 is the building in question. It is a three-story
3 building over one, and then the third story is set
4 back, and adjacent to that there is a one, two,
5 three, four, five-story building.

6 The upper photograph on the right side
7 again is our main building, not the subject
8 building.

9 The red building, and there is a
10 two-story structure adjacent to that.

11 Then this lower photograph on the right
12 is a photograph showing basically the front building
13 area above the third floor. So you see there is a
14 little rail up here, and then you sort of see the
15 facade, which is set back on that upper floor, set
16 back about 13 and a half feet, which is
17 nonconforming according to the R -- the residential
18 R-2 standards.

19 So the requirement is for the building
20 setback to be five to ten feet off the front yard.

21 The existing building is on the front
22 yard. The adjacent buildings are both on the front
23 yard, so they both have zero setback.

24 So in this case, it is a very simple
25 matter of moving that additional story up to the

1 front yard and making it consistent with the
2 buildings adjoining it. That in terms of variance
3 parlance is a design option that will certainly
4 create a benefit with respect to having a consistent
5 street scape facade, therefore, meeting the C-2
6 criteria.

7 As far as the negative impact is
8 concerned, moving that floor up, you can see that
9 there is no impact to the building on the left side.
10 It is five stories. There are windows, but the
11 windows on the side of that building are on the
12 fifth story, not the fourth, so the addition will be
13 below the windows on the adjacent building to the
14 left.

15 And, of course, the adjacent building
16 to the right is only two stories, and this will be
17 above and have virtually no impact on that building
18 as well.

19 That is my testimony.

20 MR. GALVIN: I just want to clarify
21 something.

22 The initial Z-1 has got some reference
23 to the fact that the four stories here kind of
24 implicates a variance, but we have concluded through
25 the process that a variance is not required for

1 that, because this is three floors of residential
2 over one floor of parking, and you don't exceed the
3 40-foot height required in the ordinance.

4 Do you agree with all of that?

5 THE WITNESS: That is correct, yes.

6 MR. GALVIN: So this plan, Z-1, is
7 going to be revised to show that no variance was
8 requested.

9 THE WITNESS: Thank you.

10 CHAIRMAN AIBEL: Commissioners,
11 questions for Mr. Ochab?

12 Professionals?

13 MS. BANYRA: I just had one question
14 that's in my report.

15 The survey didn't match the survey
16 provided, the referenced survey, and I just wanted
17 either the planner or the architect to confirm that
18 the variances in terms of the rear deck, the
19 building coverage, the rear yard setback were
20 accurate.

21 MR. MINERVINI: Are you asking if our
22 dimensions are accurate?

23 MS. BANYRA: Yes, because the survey --
24 the referenced survey doesn't match the -- there is
25 two different surveys that were provided, and I just

1 wanted to make sure there is no other variance, so
2 maybe you can just look at them. I don't think
3 there is, but --

4 MR. MINERVINI: I will certainly look
5 again.

6 Our drawings are based on field
7 measurements taken by us, so that they are accurate.

8 MS. BANYRA: Okay.

9 CHAIRMAN AIBEL: Okay.

10 Let me open it up to the public.

11 Anybody in the public wish to ask the
12 planner a question?

13 Seeing none, can I have a motion to the
14 close public portion?

15 VICE CHAIR GREENE: Motion to close
16 public portion.

17 COMMISSIONER MURPHY: Second.

18 CHAIRMAN AIBEL: All in favor?

19 (All Board members answered in the
20 affirmative.)

21 MR. MATULE: I really don't have much
22 more to add. It is pretty straightforward. It is
23 going to make a much better looking building, and
24 more importantly, it is going to solve an ongoing
25 water problem that the owners have had for some

1 time.

2 I would just also point out, I attached
3 to the application, just to make it part of the
4 record, a letter from the other condominium unit
5 owner in the building, there are only two units,
6 consenting to the application being made by the
7 applicant.

8 MR. GALVIN: I would have liked that
9 first, but that is okay. I will take it last.
10 Better than not having it at all.

11 CHAIRMAN AIBEL: I just want to open it
12 up to the public for comment.

13 Seeing no comment, motion to close.

14 COMMISSIONER MURPHY: Close the public
15 comment section.

16 CHAIRMAN AIBEL: Thank you.

17 Second?

18 COMMISSIONER GRANA: Second.

19 CHAIRMAN AIBEL: All in favor?

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

22 CHAIRMAN AIBEL: Thank you.

23 Dennis, do you want to read the
24 conditions?

25 MR. GALVIN: Yes.

1 I have: The roof is to be a
2 reflective -- I will fix that. The roof is to be
3 painted reflective white.

4 Two: The plan is to be corrected to
5 show that no variance is required for height.

6 Three: The applicant shall comply with
7 the requests contained in the planner's and
8 engineer's reports.

9 MR. MATULE: Fine.

10 CHAIRMAN AIBEL: Okay. Board members,
11 discussion?

12 Anybody wish to kick off?

13 COMMISSIONER MURPHY: I think that the
14 addition to the front of the building would be an
15 improvement to the building in terms of being able
16 to kind of clean up the building and make it look
17 nice. I don't see it being a problem in the
18 neighborhood.

19 It conforms to what a street scape
20 generally looks like, and I am in favor of it.

21 COMMISSIONER GRANA: I would only add
22 that the applicant I think has demonstrated that
23 there is a hardship to the applicant. There is no
24 negative impact to the community. This is in fact a
25 benefit to the block with a consistent facade in

1 building height, and I would approve.

2 COMMISSIONER DE FUSCO: I just add that
3 I think the applicant operated with a great deal of
4 restraint. I think the building is within means,
5 and the height and size of reasonable construction,
6 and I think it is a good application for the lot and
7 the improvement of the block.

8 CHAIRMAN AIBEL: Excellent.

9 VICE CHAIR GREENE: I have nothing to
10 add.

11 CHAIRMAN AIBEL: Can I have motion to
12 approve?

13 COMMISSIONER GRANA: Motion to approve
14 421 with the conditions --

15 VICE CHAIR GREENE: Which he just read.

16 COMMISSIONER MURPHY: He just read
17 them.

18 COMMISSIONER GRANA: -- he just read
19 them. Okay.

20 Motion to approve 421 Jefferson with
21 the conditions.

22 MR. GALVIN: They are much better now,
23 though.

24 Do you want to hear them now?

25 CHAIRMAN AIBEL: No.

1 (Laughter)

2 MS. CARCONE: Commissioner Greene?

3 VICE CHAIR GREENE: Yes.

4 MS. CARCONE: Commissioner DeFusco?

5 COMMISSIONER DE FUSCO: Yes.

6 MS. CARCONE: Commissioner Grana?

7 COMMISSIONER GRANA: 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 Aibel?

15 CHAIRMAN AIBEL: Yes.

16 MR. MATULE: Thank you.

17 VICE CHAIR GREENE: Thank you, Mr.

18 Matule.

19 (Discussion held off the record.)

20 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 7/23/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 RE: 712 Jefferson Street : SPECIAL MEETING
 Applicant: Doggie Day Care : July 22, 2014
 of Hoboken, LLC :
 Use Variance : Tuesday 7:50 p.m.
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
 Vice Chair Elliot H. Greene
 Commissioner Michael DeFusco
 Commissioner Antonio Grana
 Commissioner Carol Marsh
 Commissioner Diane Fitzmyer Murphy
 Commissioner John Branciforte

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

Eileen Banyra, Planning Consultant
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 Patricia Carcone, Board Secretary

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10 Attorney for the Applicant.

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

3 Mr. Burke?

4 Thank you.

5 MR. BURKE: That was rather fast.

6 CHAIRMAN AIBEL: Everybody, this is 712
7 Jefferson Street.

8 Before we get started, Mr. Burke, make
9 your appearance.

10 MR. BURKE: James Burke, B-u-r-k-e,
11 representing the applicant.

12 As the Chairman said, this involves 712
13 Jefferson Street, and the proposal is for one
14 variance, one use variance, to allow a Dog Day Care
15 Center.

16 CHAIRMAN AIBEL: Before you get going,
17 Counsel would like to just address an issue.

18 MR. GALVIN: I talked to Mr. Burke.
19 Two Board members have raised concerns with me about
20 potential conflicts.

21 One is: Ms. Marsh is a former council
22 person. There have been issues back and forth on
23 some of these doggie facilities in the past. It is
24 my opinion that there is no conflict. Mr. Burke
25 agrees with me that there is no conflict on that.

1 MR. BURKE: I have no objection to
2 Ms. Marsh sitting on the Board for this hearing.

3 MR. GALVIN: Right.

4 And that wouldn't actually necessarily
5 be -- that wouldn't actually create any type of
6 conflict. There is no direct or indirect interest
7 from those actions.

8 Then Mr. Greene raised with me that he
9 has a son who works for a competitor.

10 In the city or out of the city?

11 VICE CHAIR GREENE: In Hoboken.

12 MR. GALVIN: In Hoboken.

13 But his son is not on his health
14 insurance and is not a member of his household. In
15 my view, if he was a member of his household, I
16 would find that there was a conflict of interest and
17 have him step off, even though it would be an
18 indirect conflict.

19 I disclosed that to you, and you have
20 no objection to Mr. Greene sitting.

21 MR. BURKE: I have no objection to
22 that.

23 MR. GALVIN: I would add that the fact
24 we are disclosing it, I think is the proper
25 procedure, and I think we are good to go, again,

1 unless you have any objection.

2 MR. BURKE: No, none whatsoever.

3 CHAIRMAN AIBEL: Great. Thanks,
4 Mr. Burke.

5 MR. BURKE: The application involves a
6 dog day care center. There are basically four
7 services that the facility will provide. One is
8 grooming. One is training. Then there is the day
9 care part of it, and there is also a retail aspect,
10 pet food and toys and so forth.

11 Three of those really fit under retail,
12 but the last one, and that is why we are here, which
13 is the dogs will be there for a period of time.

14 Mr. Anatro will talk about the hours of
15 operation, but the dogs will be there conceivably
16 for longer stretches of time. But let me say now,
17 no dog will be kept overnight. It is not an evening
18 or an overnight boarding facility.

19 The applicant is in part choosing the
20 site because it is a two-story building, and we'll
21 get into that, but the owner is the lessor. They
22 are leasing the facility. They are not buying it,
23 and the owner is the only residential tenant in the
24 building, and she is directly above this facility.

25 So that being said, I have three

1 witnesses tonight. The first is the operator whose
2 name is Stephen Anatro, and I would ask Dennis to
3 swear him in, please.

4 MR. GALVIN: Raise your right hand.

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

8 MR. ANATRO: Yes.

9 S T E P H E N A N A T R O, having been duly sworn,
10 testified as follows:

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

13 THE WITNESS: Sure.

14 Stephen Anatro, A-n-a-t-r-o.

15 MR. GALVIN: Okay.

16 Your witness, Mr. Burke.

17 MR. BURKE: Okay.

18 I said a few things, but I wanted to
19 clear for the record, in particular because
20 Councilwoman Marsh is sitting here and raised this
21 issue, there was another facility here in town. It
22 was called Hoboken Unleashed.

23 THE WITNESS: It was actually Graceland
24 Doggie Day Care first, and they sold out to Hoboken
25 Unleashed, and they took it over probably about

1 seven years ago --

2 MR. BURKE: Uh-huh.

3 THE WITNESS: -- I have been in this
4 town for about 14 years. We owned our condos in
5 this town for 14 years, and we actually were
6 customers of Hoboken Unleashed -- I'm sorry --
7 Graceland before it turned over, and then we stopped
8 using them because I had opened my own facility in
9 Woodland Park, New Jersey.

10 MR. BURKE: All right.

11 My question to you is: Have you ever
12 been involved in any operation of a dog day care
13 facility or anything like it here in Hoboken?

14 THE WITNESS: No.

15 MR. BURKE: And so this is your first
16 appearance before any Board in Hoboken?

17 THE WITNESS: Correct.

18 MR. BURKE: All right.

19 So let's talk a little about this
20 application in many ways hinges upon how the Board
21 feels, you know, regarding issues such as noise and
22 nuisance and so forth, so we are going to get into a
23 little of that because I think it is more important.
24 The facility itself, the exterior of the building,
25 doesn't really change except for maybe some signage

1 in the front, but there is no addition. There's
2 nothing else, and so with that being said, I would
3 like you to just explain a little bit about your
4 background and how you got into this business and
5 your experience.

6 THE WITNESS: Okay.

7 I graduated the University of
8 Pennsylvania.

9 From the University of Pennsylvania, I
10 went to New York Sports Clubs and actually worked at
11 their corporate office.

12 After a few jobs from that, my family
13 decided to open up a business, a doggie day care.
14 We opened that up in 2005. That is located in
15 Woodland Park, New Jersey, which was West Paterson,
16 and they changed the name three years ago, I think.

17 We had the opportunity to come into
18 Jersey City in a high-rise condominium building, and
19 we opened up in March of 2013 a full service
20 facility, 6700 square feet on the bottom and another
21 2100 square feet on the top, which does have
22 overnight boarding approval and a full service vet.

23 I have pictures of that location. It
24 is located again in a high-rise building --

25 MR. BURKE: Hang on just one second.

1 You didn't take these pictures,
2 correct?

3 THE WITNESS: Correct.

4 MR. BURKE: But the photographer did?

5 MS. ANATRO: I did.

6 MR. GALVIN: That's all right. We are
7 okay for right now.

8 MS. BURKE: Okay. I didn't want to --

9 THE WITNESS: The photographer is my
10 wife.

11 (Laughter)

12 MR. GALVIN: So your wife took the
13 pictures.

14 When did your wife take the pictures?

15 THE WITNESS: I think Saturday this
16 week.

17 MS. ANATRO: Saturday, July 19th.

18 MR. GALVIN: Did he get it right?

19 MS. ANATRO: Yes.

20 MR. GALVIN: Okay.

21 Could you mark that as A-1?

22 MR. BURKE: Yes, I will.

23 (Exhibit A-1 marked.)

24 MR. GALVIN: So there are two photo
25 boards. This one is A-1, and the second one -- the

1 one with six photos is A-1, and the one with four
2 photos will be A-2.

3 THE WITNESS: So this is our current
4 Jersey City facility. We are located on the bottom
5 corner floor of the high-rise building with
6 residential units above us.

7 VICE CHAIR GREENE: What's the address?

8 THE WITNESS: 201 Marin Boulevard,
9 called Gold's Cove.

10 We have residents directly above our
11 unit, above our play floors.

12 We took extensive soundproofing
13 measures. We had a sound engineer come in who gave
14 us a full report on what we can do. In a year and a
15 half, we have had no sound complaints.

16 MR. BURKE: Any other complaints,
17 complaints involving sanitation or anything else?

18 THE WITNESS: I was going to get into
19 that.

20 Yes, absolutely no complaints
21 whatsoever for sanitation, no complaints for sound,
22 and we have operations planned to kind of limit I
23 guess that type of issue.

24 So as you can see, these are the play
25 floors. It is dog day care. We designed it

1 specifically to be cleaned on a day-to-day basis.

2 It is an epoxy sealed floor, which is
3 actually sealed to the wall, which is a Fiberglas
4 wall. The cleaning is done with bleach and water,
5 and basically top to bottom cleaned every day.

6 I am going to move to the next set of
7 pictures, which has a little bit more design.

8 MR. BURKE: Let's mark these A-2.

9 (Exhibit A-2 marked.)

10 THE WITNESS: So --

11 MR. BURKE: These are also in the same
12 facility, correct?

13 THE WITNESS: Correct.

14 You can see the same purple floor,
15 which is the same one here, again, epoxy, FRP
16 paneling around.

17 Air handlers, this is a restaurant --
18 I'm sorry -- a hospital quality clean room air
19 handling system, which is actually mounted within
20 the ceiling of each of the playpens. It takes the
21 air in, cleans it and blends it back out.

22 We also have portable ones. My design
23 for this particular facility in Hoboken will have
24 three of these for each of the playpens and one for
25 the lobby area and will also have two of these

1 portable ones situated for smell.

2 You can see the FRP -- I took a picture
3 of the FRP paneling and how it is sealed to the
4 floor. Nothing can leak into the walls, which is a
5 danger of these facilities, so we have taken that
6 into account.

7 That is basically it.

8 The soundproofing, again, we have
9 designed the soundproofing to have the sideways
10 transmission as well as up, and we had no
11 complaints.

12 MR. BURKE: In Hoboken, let's talk
13 about the proposal.

14 What would your hours of operation be?

15 THE WITNESS: We propose to open from
16 seven a.m. to seven p.m. on weekdays, and nine a.m.
17 to four p.m. on weekends.

18 MR. BURKE: All right.

19 And if the Board did approve this,
20 would you object to a condition that dogs would not
21 be allowed to stay overnight?

22 THE WITNESS: Definitely not.

23 MR. BURKE: What would happen if
24 somebody couldn't pick a dog up because of a
25 snowstorm or a traffic jam or something, and you

1 were going to close, and there was one or two dogs
2 left, what would happen?

3 THE WITNESS: We could transport them
4 over to Jersey City or I would have to transport
5 them to my house, which is two blocks away from this
6 location.

7 MR. GALVIN: What are the hours of
8 operation?

9 MR. BURKE: Seven to seven during the
10 weekdays, and nine to four on the weekends.

11 MR. GALVIN: So when you say
12 "Overnight," what is the time that they would be out
13 of there?

14 MR. BURKE: By seven at night, they
15 would be out. And if a dog -- to summarize what he
16 just said -- if a dog owner could not get there on
17 time, the dog would be transported to Jersey City
18 for the evening, but would not stay in that
19 facility.

20 VICE CHAIR GREENE: What about
21 holidays?

22 MR. BURKE: I'm sorry?

23 VICE CHAIR GREENE: What about
24 holidays? What hours would you be operating on
25 holidays?

1 MR. BURKE: Holidays.

2 THE WITNESS: Oh, holidays, depending
3 on the holiday, we sometimes open nine to two.

4 Christmas Day we do not open. I know
5 there is A church right there. Probably because
6 this doesn't have overnight boarding, we would not
7 open on religious holidays just because we are not
8 going to have day care anyway, so we probably would
9 be closed to the public.

10 MR. BURKE: Let's talk about employees.
11 How many employees would be there, and what would
12 their responsibilities be?

13 THE WITNESS: Each place has to operate
14 with at least two back end staff and a manager and a
15 groomer.

16 As we expand, we will be employing five
17 to six to seven people.

18 MR. BURKE: And how do the dogs get
19 there?

20 Do you pick them up?

21 Do owners bring them?

22 Are they driven over, or how is that
23 typical in your experience?

24 You have not been in this location, but
25 what do you envision?

1 THE WITNESS: I envision kind of a
2 distribution, like the Jersey City location.

3 I would say 90 percent of my day care
4 visits come from within two blocks, so it's people
5 walking to the facility with their dogs.

6 It is a slow drop-off period. It is
7 not like we would have lines of people waiting
8 outside. It depends on people's work schedules,
9 when they get the dogs to the place.

10 We also have a transport service
11 walking within the facility. I would send an
12 employee to your apartment to pick your dog up and
13 bring it to the facility, you know, based on the
14 time limit that you have.

15 MR. BURKE: All right.

16 And you talked about noise, and you
17 talked a little bit about any kind of odors or
18 anything else getting into the floors or walls, but
19 how about the removal of the waste products?

20 THE WITNESS: Okay. We instituted a
21 policy in the Jersey City location of no curb side
22 anything. We have a waste service come in to pick
23 up the waste, and my guys carry it straight out to
24 the truck.

25 There is a refrigerated container,

1 which we identified on the plans. We are going to
2 make it large enough to handle three large garbage
3 cans, so it will always be sealed, and it won't be
4 allowing the smells to penetrate.

5 Again, as the volume picks up, we will
6 increase the frequency of pickup, but they will
7 never be out on the curb for somebody to kick over
8 or do anything with.

9 MR. BURKE: Is there any outside use of
10 any facility for the dogs?

11 THE WITNESS: No.

12 MR. BURKE: How are the dogs kept?

13 Are they kept in kennels?

14 Are they kept in pens?

15 How are they kept?

16 THE WITNESS: They are kept in
17 playpens.

18 MR. BURKE: In playpens. That's an
19 open --

20 THE WITNESS: Yeah. It's an open floor
21 basically like this picture down at the bottom.

22 MR. BURKE: All right.

23 So they are not kept in individual
24 cages down in there?

25 THE WITNESS: No. Well, we will have a

1 holding area for the feeding situation. Owners
2 sometimes want their dogs fed, so there will be a
3 four-by-four kennel in the one middle area and
4 probably like two dogs at a time will be fed there.

5 MR. BURKE: All right.

6 And this is supervised by employees?

7 THE WITNESS: Correct --

8 MR. BURKE: Okay.

9 THE WITNESS: -- and that's the back
10 end staff.

11 MR. BURKE: All right.

12 I have no other questions.

13 CHAIRMAN AIBEL: Anybody want to start
14 off?

15 Want me to start off?

16 COMMISSIONER MURPHY: Yes, go ahead.

17 CHAIRMAN AIBEL: I will start off.

18 I am going to focus on Jersey City for
19 a moment. Can you describe the surrounding
20 neighborhood?

21 THE WITNESS: It is currently Gold's
22 Cove, and across the street are two high-rise
23 buildings. A third one just opened, 18 Park, all
24 within a block. And then there is brownstones, I
25 guess, situated around St. Peter's Field. It

1 happens to be right outside of our corner, so that
2 definitely cuts off the distribution channel, but
3 then you have Paul's Hook, which is within a
4 three-block walk, and we can get some decent --

5 CHAIRMAN AIBEL: But the buildings
6 adjacent to the facility are high-rises principally?

7 THE WITNESS: Correct.

8 CHAIRMAN AIBEL: Are the residential
9 floors in your building directly above your
10 facility?

11 THE WITNESS: Yes.

12 CHAIRMAN AIBEL: Is there any exterior
13 ventilation?

14 THE WITNESS: Yes. We have a
15 restaurant quality scrubber in this particular
16 location, because that is what the condo association
17 wanted.

18 Later in my design, we found out about
19 these hospital quality scrubbers, which are actually
20 better and more efficient, so that is why these are
21 in my design as opposed to the restaurant quality
22 scrubbers.

23 MR. BURKE: So there's no exterior --

24 THE WITNESS: No.

25 MR. BURKE: -- these are interior?

1 THE WITNESS: Interior.

2 CHAIRMAN AIBEL: No venting to the
3 outside?

4 THE WITNESS: No venting to the
5 outside.

6 CHAIRMAN AIBEL: Okay. Did you --

7 THE WITNESS: Oh, we will be keeping --
8 I neglected to mention this. The air conditioning
9 in that building would be put on I think it's 33
10 percent higher.

11 We are putting in more tonnage than we
12 need, and we're going to keep the humidity as well
13 as the temperature low in the building, which will
14 help with the smells.

15 CHAIRMAN AIBEL: So let me just get an
16 understanding.

17 Woodland Park, can you describe just
18 generally where the facility is?

19 THE WITNESS: It's in an industrial
20 zone. It was very a different development than
21 Jersey City. Jersey City is more high-rise.
22 Certain aspects had to be handled with no sound
23 transmission.

24 In Woodland Park, we have an outdoor
25 space. It is a much larger facility. It's about

1 14,000 square feet.

2 CHAIRMAN AIBEL: Okay.

3 And was this use a permitted use in
4 Jersey City, or did you need a variance?

5 THE WITNESS: We needed a site plan
6 change, which is a little bit different.

7 Woodland Park, we needed a variance.

8 Jersey City we had to go in front of
9 city council to open up the site plan, because it
10 was considered an urban renewal zone, and it
11 restricted overnight boarding or animal husbandry
12 was the terminology, so that was a costly long
13 endeavor.

14 I actually opened without that
15 approval, so we started that business just as a
16 doggie day care, and then we got the approval about
17 seven months into it.

18 CHAIRMAN AIBEL: Other Board members?

19 COMMISSIONER MURPHY: Yeah. Oh, I'm
20 sorry.

21 VICE CHAIR GREENE: No, go ahead.

22 COMMISSIONER MURPHY: So how many dogs
23 do you think you can take maximum? I think I read
24 it somewhere, but --

25 THE WITNESS: I think we put in the

1 application a maximum 75.

2 Jersey City, which has almost the same
3 size floor space, we average about 40 to 50.

4 COMMISSIONER MURPHY: And do you have
5 in your facility a place for if you have a dog that
6 does act out?

7 Like I see the two big rooms, but
8 having a dog who, you know, generally gets along
9 with everybody, we know occasionally he doesn't,
10 so...

11 THE WITNESS: There is a holding zone
12 situated in the middle of the plans.

13 COMMISSIONER MURPHY: In the middle of
14 it?

15 THE WITNESS: Yeah. There are two big
16 playpens, and then there's a holding area, which is
17 in the feeding zone, but that could also be used as
18 a timeout so to say.

19 COMMISSIONER MURPHY: Uh-huh.

20 THE WITNESS: Then within each of the
21 playpens, we will have a timeout area, which will be
22 a kennel, which will be situated in a corner, so if
23 we had to separate a dog, we could.

24 COMMISSIONER MURPHY: Right.

25 Then would -- do you have like a --

1 would you be having like a size requirement for dogs
2 or kinds of dogs?

3 THE WITNESS: I don't discriminate.

4 COMMISSIONER MURPHY: Okay.

5 Are you going to be discriminating
6 against any kinds of dogs --

7 THE WITNESS: There are places that
8 restrict pitbulls, and I mean --

9 COMMISSIONER MURPHY: Okay. I just --

10 THE WITNESS: -- it just depends on the
11 dogs's temperament, you know, and we evaluate the
12 dogs based on our process, and we're able to figure
13 out which dogs don't work, and we can tell the
14 owners not to bring them.

15 COMMISSIONER MURPHY: Uh-huh.

16 Have you ever told an owner that they
17 can't come?

18 THE WITNESS: Yes.

19 COMMISSIONER MURPHY: Okay.

20 VICE CHAIR GREENE: The front of the
21 building is all sidewalk. Is there any soft scape
22 in the city?

23 I guess my concern is that dogs being
24 creatures of habit, the owner picks it up, and then
25 it has to go, or on the way in it wants to go.

1 Where are the dogs going to go?

2 THE WITNESS: I think it's all
3 sidewalk.

4 MR. VASIL: It's all sidewalk.

5 THE WITNESS: It's all sidewalk. So if
6 they eliminate on the sidewalk, it will have to be
7 washed on a day-to-day basis. That is basically how
8 we would handle it.

9 VICE CHAIR GREENE: Now, is there a
10 facility in front of the building for dropoff,
11 and is there a place for people --

12 THE WITNESS: We have a lobby space,
13 which is --

14 VICE CHAIR GREENE: No. I mean outside
15 for somebody coming in with a vehicle, or if you
16 have a pickup vehicle.

17 THE WITNESS: Right now there is an
18 empty space. I don't know. I understood that that
19 was part of the -- I don't really know --

20 MR. BURKE: There is apparently an
21 empty space there, but it is not dedicated to this
22 facility, so that may change.

23 THE WITNESS: I mean, if I have to go
24 get parking spots so to say, there are like three or
25 four lots -- there's three or four lots, which are

1 within a block that I can go to.

2 COMMISSIONER MARSH: Can I see them?

3 THE WITNESS: Oh, I am sorry.

4 (Commissioner Marsh views photographs)

5 CHAIRMAN AIBEL: Commissioners, any
6 other questions?

7 COMMISSIONER BRANCIFORTE: I'm sorry.

8 Are we going to hear from an architect, too, or --

9 MR. GALVIN: Yes.

10 COMMISSIONER BRANCIFORTE: Okay. I
11 will wait to ask the architect questions.

12 Once again, could you just go over how
13 you are going to get rid of the dog waste?

14 THE WITNESS: We have a service that
15 comes in and picks it up.

16 COMMISSIONER BRANCIFORTE: And it's
17 kept inside --

18 THE WITNESS: It will kept inside in a
19 refrigerated sealed room from the public, and then
20 as the pickup service comes, my guys will walk it
21 out to the truck, and it will never be outside on
22 the curb, which I know is a big problem for, again,
23 these facilities.

24 In Jersey City, it actually has been
25 working fine for like a year and a half.

1 COMMISSIONER BRANCIFORTE: You have
2 just what, one truck, two vans or something, that
3 drive around all day?

4 I mean, your business has one or two
5 vans, I guess, or --

6 THE WITNESS: No. We actually don't
7 have pickup and dropoff.

8 COMMISSIONER BRANCIFORTE: Oh, okay. I
9 thought you said you did. They walk over --

10 THE WITNESS: Human walk-in --

11 COMMISSIONER BRANCIFORTE: Okay.

12 THE WITNESS: -- so my employees would
13 go out and actually pick the dogs up. We don't
14 do -- I don't believe in a taxi service. We are
15 actually contracting with a taxi service that might
16 do it with us, but we haven't had --

17 COMMISSIONER BRANCIFORTE: Yeah,
18 because I am just worried about a van being double
19 parked out front or, you know, constantly idling or
20 whatever. But that's it.

21 I don't have any other questions.

22 COMMISSIONER DE FUSCO: I guess the
23 only question I have is: Do either of your other
24 locations offer walk-in services or is this entirely
25 an inside based --

1 THE WITNESS: It is entirely inside
2 based.

3 I found with the walk-in services with
4 nine years of experience, it is dangerous because
5 you can't know your employees that well, and God
6 forbid, one of those dogs gets off the leash. It is
7 a lot harder than a dog getting out of a playpen
8 or --

9 COMMISSIONER DE FUSCO: Sure. It's a
10 liability issue.

11 The other question I have is: When dog
12 owners come to pick up their dogs, and perhaps the
13 dogs bump into their friends outside, is there a
14 sort of a congregation of people outside during peak
15 hours, mornings or afternoons?

16 THE WITNESS: I can't say there is not.
17 We don't want that, so you know, we put restrictions
18 and say, please don't congregate outside.

19 COMMISSIONER DE FUSCO: Perhaps a sign
20 of sorts that if this is approved, that would
21 encourage people not to congregate, because it is a
22 residential neighborhood.

23 THE WITNESS: Yes --

24 COMMISSIONER GRANA: That would what?

25 COMMISSIONER DE FUSCO: I had suggested

1 perhaps a sign that would encourage people not to
2 congregate outside the business.

3 COMMISSIONER BRANCIFORTE: So you are
4 talking about the sealant -- I mean, the purple
5 floor is made of a special material, I suppose --

6 THE WITNESS: Yes.

7 COMMISSIONER BRANCIFORTE: -- and you
8 have a sealant for caulking that goes along where it
9 meets the wall, and you said there is a danger there
10 in case water gets in there or liquid?

11 THE WITNESS: No. This is to prevent
12 water or liquid from getting in there.

13 COMMISSIONER BRANCIFORTE: What is the
14 danger? I mean --

15 THE WITNESS: Well, if urine gets into
16 the wall, it is going to create a small hazard,
17 which if you guys have walked past any of the other
18 doggie day cares, it's in there, so I mean sealing
19 it and not allowing that. Plus, if there is ever
20 any water in there, you can get mold.

21 COMMISSIONER BRANCIFORTE: Are you as a
22 business inspected by the health inspector at all?

23 THE WITNESS: In Jersey City, I am.

24 Each town has different statutes.

25 Woodland Park, there is no Board of

1 Health there, so, you know, they don't.

2 COMMISSIONER BRANCIFORTE: You don't
3 know what is going to happen in Hoboken, if you will
4 be inspected once a year or --

5 THE WITNESS: No, I don't. I mean, we
6 will be open to inspections whenever necessary.

7 COMMISSIONER BRANCIFORTE: All right.
8 I don't think I have anything else, Mr.
9 Chair.

10 Thanks.

11 COMMISSIONER GRANA: No questions.

12 CHAIRMAN AIBEL: Ms. Marsh?

13 COMMISSIONER MARSH: Actually, I do
14 have a question -- no, I'm sorry. I don't have a
15 question.

16 CHAIRMAN AIBEL: Okay.

17 MS. BANYRA: Can I ask a couple of
18 questions?

19 Just relative to your -- are there any
20 licenses or any other permits that you are required
21 for keeping these kinds of animals -- for animals
22 there?

23 THE WITNESS: I believe there is a pet
24 license that we will have to apply for in Hoboken,
25 but that is the only license.

1 MS. BANYRA: But nothing with the
2 State?

3 THE WITNESS: Nothing with the State.

4 MS. BANYRA: And have you spoken to our
5 health department?

6 THE WITNESS: Originally when we were
7 looking at another piece of property, we did, and he
8 said he didn't have an issue with it, but I have not
9 formally written him a letter or had Jim do that.
10 We wanted to get through this process first.

11 MS. BANYRA: You said that the floor is
12 sealed from the wall to the floor in that corner.

13 What is the wall material?

14 THE WITNESS: It is called FRP, which
15 is a Fiberglas-based material --

16 MS. BANYRA: So it doesn't absorb --

17 THE WITNESS: -- it will not absorb.

18 MS. BANYRA: I missed the conversation
19 about, did you say one of the -- you're the owner --
20 the person who lives in the building is also an
21 owner, or is that you?

22 THE WITNESS: No. The owner of the
23 building itself that we're leasing from --

24 MS. BANYRA: Right.

25 THE WITNESS: -- is the resident that's

1 upstairs.

2 MS. BANYRA: Okay.

3 So can you talk to us about -- because
4 I think in my report, I indicated that the use goes
5 with the property, so could you talk to us a little
6 bit about your lease arrangement then with --

7 THE WITNESS: We have two five-year
8 terms, but we have the option to buy, an
9 understanding with the owner, if he wants to put it
10 on the market, we will buy it. But it is in our
11 lease with an option to buy.

12 MS. BANYRA: I am assuming that this is
13 in the flood hazard area?

14 I think the architect maybe will --

15 MR. BURKE: Yes.

16 MS. BANYRA: -- okay. So I will wait,
17 and I will save that question for the architect.

18 Thank you.

19 MR. GALVIN: Guys, I'm sorry.

20 MR. MARSDEN: Have you had any
21 encounters with the fact that this particular area
22 will have probably five or six feet water in it
23 during the hundred-year storm events, do you have a
24 plan to evacuate or to shut down?

25 THE WITNESS: We would shut down, and

1 we wouldn't have overnight dogs, so knowing that the
2 flood was coming, we would just close. And in an
3 evacuation, we would get the dogs over to the Jersey
4 City location, which does have it, and I also have a
5 Woodland Park location, which I could get the dogs
6 to.

7 COMMISSIONER BRANCIFORTE: Just one
8 more question.

9 MR. MARSDEN: Go ahead.

10 COMMISSIONER BRANCIFORTE: So at the
11 end of the night, when you take the garbage out --

12 THE WITNESS: We don't take the garbage
13 out.

14 COMMISSIONER BRANCIFORTE: So no
15 garbage goes to the curb --

16 THE WITNESS: It's going to stay --

17 MR. BURKE: You know, no non-dog
18 garbage, so to speak -- you're only --

19 THE WITNESS: 99 percent of it is going
20 to be that garbage, so honestly, it will all be in
21 the one center, one room sealed, and then we are
22 going to take it out to the curb.

23 COMMISSIONER BRANCIFORTE: Dog hair,
24 all of that stuff doesn't get into the curb, okay.

25 THE WITNESS: That is what I do in

1 Jersey City, and it has worked very well. We have
2 not had any complaints with that.

3 MR. GALVIN: Now, I just looked up the
4 law quickly, and there's a law that talks about the
5 licensing of kennels, pet shops, shelters and
6 pounds.

7 So you feel that you don't fall into
8 that category?

9 THE WITNESS: Kennels, we are not a
10 kennel.

11 MR. GALVIN: Then it says: Any person
12 who keeps or operates or proposes to establish a
13 kennel shall apply to the clerk or other official
14 designated for dog licenses in the municipality,
15 where such establishment is located for a license
16 entitling him to keep or operate such an
17 establishment.

18 Why don't you write this down, Jim.
19 I'm not going to read the whole thing, but there
20 seems to be some licensing requirements and some
21 things you should be reviewing. It is at 4:19-15.8.

22 MR. BURKE: 15.8?

23 MR. GALVIN: Yeah.

24 THE WITNESS: That is I think the pet
25 license.

1 MR. GALVIN: Because I thought maybe
2 the fact that you weren't keeping them overnight
3 kind of like maybe you're not any of these things --

4 THE WITNESS: Right, and that is kind
5 of our feeling and the reasons why --

6 MR. GALVIN: -- but if you are, then
7 you need to comply with this.

8 MS. BANYRA: Can I just weigh in on
9 that?

10 So Pat sent a letter to the health
11 department when this application came in, and they
12 said that, you know, their regulations had no -- I
13 am just looking to see if I have the email here. I
14 believe I sent them to Mr. Burke.

15 They said they had no health department
16 regulations regarding obviously zoning, but that it
17 would fall under a kennel license.

18 The only other comment that, I guess it
19 was the assistant health officer made, was that 75
20 dogs sounded like a lot of dogs.

21 THE WITNESS: Right, I did see that.

22 MS. BANYRA: Right, so that I think --

23 THE WITNESS: 75 would be a max at like
24 peak time. If it got to a point where it was
25 getting that way all of the time, we would look to

1 open up another facility somewhere close by to take
2 some of that --

3 MS. BANYRA: So it does appear to be,
4 though, it's regulated by the health department, and
5 they didn't give us a lot of information. They just
6 said that, so --

7 CHAIRMAN AIBEL: I believe you
8 mentioned that you looked at other locations, or you
9 investigated --

10 THE WITNESS: We investigated one other
11 location at Ninth, and I think it was Jefferson,
12 Madison -- and what's the next street?

13 Harrison?

14 No, Monroe.

15 COMMISSIONER GRANA: Monroe.

16 THE WITNESS: It was that corner that
17 was the suntan place that always floods, and we got
18 pretty far down the landlord process, but the
19 landlord restricted us from doing -- we wanted to
20 put a vet there, so he restricted us from selling
21 pharmaceuticals because of A&P and some pet food.

22 CHAIRMAN AIBEL: Thank you.

23 Anything else, Board members?

24 MR. GALVIN: You are not going to sell
25 any animals there, right?

1 THE WITNESS: No, definitely not.

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

4 Anybody here wish to ask questions of
5 the operator?

6 MR. SCRUBY: I'm a resident of Hoboken,
7 1122 Hudson --

8 CHAIRMAN AIBEL: No. This is just for
9 questions.

10 MR. SCRUBY: Oh, it's just for
11 questions?

12 CHAIRMAN AIBEL: You will have an
13 opportunity later to comment, if you wish.

14 MR. SCRUBY: Sorry about that.

15 CHAIRMAN AIBEL: That's okay.

16 COMMISSIONER BRANCIFORTE: There won't
17 be any breeding going on there either?

18 It won't be a breeding --

19 THE WITNESS: No.

20 (Laughter - all Board members talking
21 at once.)

22 MR. GALVIN: Guys, wait a minute. Once
23 voice at a time.

24 COMMISSIONER BRANCIFORTE: I'm sorry.
25 We just asked about something, which brought up the

1 idea of breeding.

2 MR. GALVIN: I did. I said no sale of
3 animals.

4 COMMISSIONER BRANCIFORTE: No sale, no
5 breeding.

6 VICE CHAIR GREENE: I have a follow-up.

7 CHAIRMAN AIBEL: Mr. Greene?

8 VICE CHAIR GREENE: If I could just
9 follow up to Mr. Marsden's question about in the
10 event of a flood, you indicated that you would look
11 to evacuate the dogs to either Jersey City or
12 Woodland. But since you don't have vehicles, how
13 would you do that?

14 THE WITNESS: I have my personal
15 vehicles, which actually I live a block away from
16 the location, so we can always do that.

17 I would also contact the rest of my
18 staff, who have vehicles, and we would do it.

19 Should I mention -- I had a hurricane
20 episode prior to Sandy in Woodland Park, and we went
21 through the evacuation of the animals from the
22 Woodland Park facility, so we have done that.

23 MR. BURKE: But you said earlier I
24 think that if an event were to occur, in all
25 likelihood, you wouldn't open.

1 THE WITNESS: Well, yeah. That would
2 happen to be at night. That was in the middle of
3 the night, so that was a little bit different.

4 MR. BURKE: Okay.

5 MR. GALVIN: Which there won't be any
6 dogs there anyway, because --

7 THE WITNESS: There's no dogs there at
8 night, right.

9 MR. GALVIN: Now, how did you get to
10 the number of 75 as your max?

11 THE WITNESS: We were looking at a -- I
12 think it was 20 square foot per dog within the
13 playpens, and I think that's how we ended up with
14 that.

15 MR. GALVIN: You have 75 playpens?

16 THE WITNESS: No, no, no. Twenty
17 square feet per dog, and each of the playpens was --

18 MR. GALVIN: Okay.

19 THE WITNESS: -- 500 square feet or so,
20 that gave us 25, 25, and the holding area was
21 another 250, and I think that is how we got to it.

22 MR. GALVIN: Okay. You know, we don't
23 have expertise on this, so I put down one of the
24 conditions would be the maximum number of dogs is
25 not to exceed 75, but that is for the Board to

1 decide, if that is too many, so you may have to make
2 an argument for that.

3 CHAIRMAN AIBEL: Okay. Seeing no
4 questions from the public, motion to close the
5 public portion.

6 VICE CHAIR GREENE: Move it.

7 CHAIRMAN AIBEL: Second?

8 COMMISSIONER GRANA: Second.

9 CHAIRMAN AIBEL: Thank you.

10 All in favor?

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

13 MS. BANYRA: Jim, can I ask one more
14 question of the applicant?

15 So your 20 square feet per dog, what
16 was that based on, just your own feeling, or does
17 that come from any kind of industry standard?

18 THE WITNESS: It is a nine-year like
19 operational standard that we have used. I don't
20 think there is an industry standard. In all
21 honesty, you can go out and read tons of things on
22 the internet, and people define what you should do
23 and what you shouldn't do.

24 MS. BANYRA: Did you say you had a
25 maximum in Jersey City?

1 THE WITNESS: Jersey City was 20 square
2 foot per dog, so that is probably why my brain keeps
3 going to it.

4 MS. BANYRA: Okay. And how many
5 dogs -- is it the same size --

6 THE WITNESS: It is the same size
7 floor, but I have the kennels, which makes it a
8 little bit different.

9 It is 6700 square feet on the bottom
10 floor and 2200 square feet on top floor --

11 MS. BANYRA: It's big.

12 THE WITNESS: -- so it's a big
13 facility, so we came up with the math of close to
14 like 200 dogs.

15 MS. BANYRA: Your lease doesn't
16 restrict that number?

17 THE WITNESS: No. We own the property.

18 MS. BANYRA: Oh, okay.

19 MR. BURKE: It is a condo. It's a
20 commercial condo.

21 THE WITNESS: It's a commercial condo.

22 COMMISSIONER DE FUSCO: So I just have
23 a follow-up to Eileen's question.

24 So I just quickly did the math. If you
25 take the pet areas, where the pets are supposed to

1 be, not the retail area, the lobby and the
2 bathrooms, et cetera, it comes out to -- using that,
3 it comes out to 58 dogs for the actual pet living
4 areas, if you will.

5 THE WITNESS: Are you including the
6 holding zone?

7 COMMISSIONER DE FUSCO: Including the
8 proposed grooming area, yeah. I see four areas,
9 four pens that I put into these quick calculations.
10 I could be wrong because I quickly just did it on my
11 iPhone.

12 THE WITNESS: We may have had bigger
13 playpens, but then when we did the reality of the
14 lobby, we shrunk the playpens a little bit --

15 COMMISSIONER DE FUSCO: Yeah. Perhaps
16 when we question your architect, you might want to
17 consider just doing the quick math, and maybe we can
18 follow up afterwards.

19 THE WITNESS: Okay.

20 COMMISSIONER DE FUSCO: Cool.

21 CHAIRMAN AIBEL: Okay. Thank you.

22 (Witness excused)

23 MR. BURKE: I wanted to mention one
24 thing.

25 I represent the owner of 720 Clinton.

1 That is where Hoboken Unleashed happened, and I
2 spoke to him today, and I know I am not supposed to
3 testify, but for informational purposes, they
4 closed. That facility has closed. They
5 consolidated to Jersey City, and again, just for
6 informational purposes.

7 Any other questions, or I will bring up
8 my next witness.

9 MR. GALVIN: Raise your right hand

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

13 MR. VASIL: I do.

14 J E N S E N V A S I L, having been duly sworn,
15 testified as follows:

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

18 THE WITNESS: Jensen Vasil, V, as in
19 Victor, a-s-i-l

20 MR. GALVIN: Okay.

21 Mr. Chairman, do we accept Mr. Vasil's
22 credentials?

23 CHAIRMAN AIBEL: We do.

24 MR. GALVIN: You may proceed.

25 MR. BURKE: All right.

1 I would like you to walk through the
2 architectural plan showing the layout and paying
3 particular attention to the issues that we've heard
4 about, such as noise and about the potential, where
5 the waste product will be held, and I know you
6 brought a sample of material that would be used for
7 insulation.

8 THE WITNESS: Correct.

9 MR. BURKE: So Steve did a nice job
10 describing all of that, but I would like you as an
11 architect to also go into the details.

12 THE WITNESS: Certainly.

13 So on the floor plan, I can speak to
14 the multiplier we used. We actually used 15 square
15 feet per dog, and I researched it, and I did a lot
16 of Goggle searches. I didn't find any industry
17 standards per square foot, so we used that as a
18 multiplier. So in the back room, it is more than 43
19 square feet, so that would be 30 dogs. The playroom
20 right in front by this corner was 37, and that is
21 29. The holding pen that we just kind of outlined,
22 eight holding pens, you know, general number of
23 dogs, and then here in the grooming area, it was 263
24 square feet, so we put 12 dogs.

25 The reality there, there would be some

1 in the lobby, and there might be some, you know
2 scattered around, but that is how we arrived at the
3 general number.

4 When you first come in, there is a
5 reception desk, a lobby area, and it has a retail
6 area, which is down at the bottom, and then there is
7 a grooming area across from it, then the holding pen
8 in the middle and then the two rooms in the back.
9 The existing bathroom, the existing mechanical room
10 all would stay exactly as they are.

11 The outside of the building would stay
12 exactly as it is with the exception of the signage
13 change, which would go in the same -- the same
14 size -- the same room.

15 The flood elevation or the lowest level
16 of the basement slab is 5.6 feet, so it is quite
17 low, as tall as the advisory base flood elevation,
18 so we are about 6.4 feet below that.

19 In the front there is a utility room,
20 and we have an updated drawing. We located two
21 waste storage lockers to be put in there, which
22 would have basically the waste, so it's two large
23 cooler towers that would be able to hold waste and
24 all of the garbage.

25 So on the Gold Cove job, they had an

1 acoustical engineer come in and do the soundproofing
2 of the walls and ceilings, and actually we used part
3 of their report as a basis as to how we would
4 construct or mimic that same detail here.

5 So this, unfortunately, is wood frame,
6 and the Gold Cove is concrete, but believe it or
7 not, the STC ratings, the noise ratings, can
8 actually get pretty similar just based upon the
9 composition of how you put the floor slab together,
10 so bear with me.

11 (Laughter)

12 So what this is, this represents the --

13 MR. BURKE: Put it on the table --

14 THE WITNESS: -- so this is the wood
15 structure with the floor above, and then there's a
16 hung -- from these little wires, it's a hung drop
17 ceiling with two layers of gypsum board underneath
18 it, and then another layer of -- what this is is
19 it's two layers of Roxul, which is a rock wool
20 mineral between the joists, which gives it mass
21 dampening.

22 And then the strings are there to
23 represent this wonderful contraption, which is a --
24 it's an impact dampening device that suspends from
25 the joists, and then hangs the gypsum board ceiling

1 from that, so this is the same construction that
2 they used in the Gold Cove. The only difference is
3 we don't -- we have to hang it from the joists that
4 are there.

5 Talking with both this company, which
6 is Maxim and also Roxul today, the STC rating that
7 they would hope to achieve on this would be
8 something like 70, which would cut out almost all --
9 if you were screaming inside, you would be barely
10 receptive on the other side of that wall -- or the
11 other side of this floor.

12 On the walls, we have a little bit
13 better situation because right now there are two
14 widths of brick, so it really got some good mass
15 dampening now, so most of the sound is projected on
16 mostly a concrete floor, so that it's really, you
17 know, bringing it up.

18 But on the walls, too, we also have
19 suggested doing an interior furring channel with the
20 same thing, Roxul, three inches that we can get on
21 the walls. We have to put the outlets in there
22 anyway, so that would actually effectively help with
23 the sound transmitted through the side walls.

24 So the side walls, on one side --
25 actually both sides are residences, and in the back

1 there's -- we are 92 percent lot coverage, and there
2 is only less than a foot in the back, so we have 30
3 feet to the -- or 40 feet to the building behind us,
4 which is an apartment building, and both buildings
5 on the side are apartment buildings.

6 MR. BURKE: Okay. Anything else?

7 MR. GALVIN: So the dogs have no place
8 to run then, is that the --

9 MS. BANYRA: Right. There is nothing.

10 MR. BURKE: When you say run, the pens,
11 the pictures showed that, but no, as far as running
12 outside or --

13 MR. GALVIN: There's no outside
14 running?

15 MR. ANATRO: No. There's no outside.

16 MR. GALVIN: It's not like a day care,
17 where the kids go outside and play with the gym
18 equipment?

19 MR. ANATRO: Right.

20 MR. BURKE: That's required by law --

21 COMMISSIONER BRANCIFORTE: But there's
22 not even a door that leads out to the backyard?

23 THE WITNESS: No. There is nothing.
24 It is only less than a foot deep.

25 MR. MARSDEN: If I may.

1 Are you proposing -- I didn't see any
2 proposed sidewalk or curb --

3 THE WITNESS: As per your report, we
4 did include drawings, a sidewalk and curb
5 replacement, removal replacement. We did include
6 that here.

7 MR. MARSDEN: Jim, I guess maybe your
8 question is, right now the parking is restricted in
9 front of that building. Is that correct?

10 THE WITNESS: Yes.

11 MR. MARSDEN: You are going to ask the
12 city to remove that restriction?

13 THE WITNESS: We indicated on the plan
14 that we would do a -- that a loading zone was going
15 to be lifted for city action --

16 MR. MARSDEN: Okay.

17 THE WITNESS: -- so I don't know how --
18 I didn't know the process, whether we do it or how
19 it goes.

20 COMMISSIONER BRANCIFORTE: I'm sorry.

21 Can you continue into the A-100? Yeah.
22 There in the lobby area, you don't show that sound
23 mitigation wall continuing by the stairs along --

24 THE WITNESS: You mean in this wall
25 itself?

1 COMMISSIONER BRANCIFORTE: Yes.

2 THE WITNESS: Yes. So between that
3 wall, it is wood studs now. We could actually add
4 the Roxul between. We couldn't add -- you know, we
5 couldn't add masonry, but we could actually open
6 that wall up and add insulation between it.

7 COMMISSIONER BRANCIFORTE: I mean,
8 yeah, it would be nice to see the entire, even that
9 wall that runs north-south there, if you point to
10 it. I mean, that, yeah, to see everything
11 soundproofed, so there is no chance of any sound
12 getting through whatsoever.

13 THE WITNESS: Sure. Sure.

14 MR. BURKE: The applicant agreed to
15 that. That is a condition.

16 COMMISSIONER BRANCIFORTE: And even in
17 that utility room, the same.

18 THE WITNESS: Okay.

19 COMMISSIONER BRANCIFORTE: If this
20 stuff does flood, would it have to be replaced or
21 just kind of like mold proofed?

22 THE WITNESS: We are planning on wet --
23 wet proofing the inside, so we are going to be using
24 metal studs and cement board. However, also as per
25 Mr. Marsden's report, we found this dry flood

1 proofing stack gate. Because it is so tall, you
2 couldn't really do it in sheets, and aluminum is
3 too -- it's not -- aluminum isn't strong enough by
4 itself, so it would just push in, so these actually
5 are cast aluminum --

6 MR. MARSDEN: Yes, I know the
7 manufacturer.

8 THE WITNESS: -- so that was the
9 general idea for that.

10 It seemed to be easier to assemble
11 them. They lock down and they are lightweight
12 enough that two people could do it quickly.

13 MR. MARSDEN: Can I expand on that a
14 little bit?

15 You are not proposing to rebuild the
16 building, correct?

17 THE WITNESS: No.

18 MR. MARSDEN: Then you have to make
19 sure that the walls could handle this hydrostatic
20 pressure of seven feet of water outside --

21 THE WITNESS: Sure.

22 MR. MARSDEN: -- which in looking at
23 the area, I doubt that that -- but I think your
24 walls will have to be improved for at least seven
25 feet.

1 THE WITNESS: Sure. Okay.

2 COMMISSIONER BRANCIFORTE: And also,
3 when it comes to spraying down the sidewalk out
4 front, as dogs do what they do when they get outside
5 of a building, is there a water spout, a fountain or
6 a faucet or something, where you can get the hose
7 out -- the hose up to the exterior wall?

8 THE WITNESS: There's not one existing,
9 but I don't think we have an issue with providing
10 it.

11 COMMISSIONER BRANCIFORTE: Right. Just
12 so there is always a hose handy. You don't have to
13 lug it inside. That is the reason I asked.

14 MR. MARSDEN: All of your electrical
15 outlets and so forth will have to be either
16 removable -- I mean pull downable or whatever --

17 MR. ANATRO: They have to be raised --

18 THE REPORTER: I'm sorry. I can't hear
19 you.

20 MR. GALVIN: You've got to speak up.

21 MR. ANATRO: -- they need to be raised
22 high enough that a dog can't get to it, so they have
23 to be four feet up.

24 MR. MARSDEN: Yes. But my point is the
25 flood elevation is seven, so unless you are going to

1 be replacing your electrical every time it floods
2 there, you need to have your electrical either -- I
3 mean -- I forget what they call it -- but they make
4 them so you can slide them down --

5 MS. BANYRA: Retractable.

6 MR. MARSDEN: -- retractable, right.

7 Any of your fixtures or your
8 mechanicals that you put in have to be above that,
9 so --

10 MR. BURKE: I would assume that the
11 building department would require that, no?

12 MR. MARSDEN: I think so.

13 I mean, the flood regulations and so
14 forth to protect that. It is fairly new with
15 respect to Hoboken, so it would be the building
16 official that should take care of that.

17 VICE CHAIR GREENE: In the dog holding
18 areas in the playpens, are there any floor drains?

19 THE WITNESS: There are none existing.

20 MR. ANATRO: There is two.

21 THE WITNESS: There's two?

22 MR. ANATRO: Yes.

23 THE WITNESS: Where are they?

24 MR. ANATRO: Hum, one here, and one
25 here.

1 THE WITNESS: So, yes, there is one in
2 the playpen, and there is one in the hallway.

3 VICE CHAIR GREENE: So when you hose
4 down Playpen 2, where is that runoff going to go?

5 When you clean it and sanitize the play
6 area, how do you get rid of the water and the
7 bleach?

8 MR. ANATRO: In Jersey City, we push it
9 down the drains. They didn't have restrictions
10 and --

11 VICE CHAIR GREENE: But you said there
12 was no drain here.

13 THE WITNESS: There are. He said there
14 is actually two existing. There's one in the
15 playpen and one inside of the hallway.

16 VICE CHAIR GREENE: Oh, in the hallway,
17 so you would have to take it from Playpen 2 into the
18 hallway?

19 MR. ANATRO: When I spoke to my
20 contractor, he actually said we could extend the
21 drain to here, and that is probably what we are
22 going to do.

23 THE WITNESS: They could have one in
24 each room and then do a back flow later on --

25 VICE CHAIR GREENE: Okay.

1 MR. GALVIN: So there has to be a drain
2 in each room?

3 THE WITNESS: Well, if they are going
4 to extend it, there would be one here -- there is
5 already one here, and there will be one in the
6 Playpen 2, and there is already one in Playpen 1,
7 and there's one in the hallway.

8 MR. GALVIN: So the plan is to be
9 revised to show how many drains?

10 THE WITNESS: There would be three in
11 total, two existing and one put in, installed.

12 MR. BURKE: Two existing and one put
13 in. One installed.

14 THE WITNESS: Correct.

15 VICE CHAIR GREENE: What about the
16 holding pen, how would you clean that?

17 THE WITNESS: It is pretty close to
18 this drain, so he could, if he wanted to wash it
19 out, it could be done through the door.

20 MR. ANATRO: In Woodland, that location
21 is a solid slab. There's no drains, so we actually
22 have a whole cleaning technique. We do know how to
23 do both, so I mean, we will adjust with what is
24 required.

25 VICE CHAIR GREENE: Thank you.

1 CHAIRMAN AIBEL: Mr. Vasil, where are
2 the ventilation and filtration systems?

3 THE WITNESS: They are going to be in
4 the -- right outside of where the mechanical
5 infiltration would be.

6 CHAIRMAN AIBEL: So there's no unit in
7 the playpens itself?

8 THE WITNESS: That's correct. They are
9 all in the mechanical room.

10 MS. BANYRA: Were they not in the
11 ceiling?

12 I thought you testified that they were
13 in the ceiling.

14 THE WITNESS: That's the defuser, but
15 the unit itself would be in the mechanical room.

16 MS. BANYRA: Oh, but there's something
17 in the ceiling, and that goes and links up --

18 THE WITNESS: Yes.

19 MS. BANYRA: -- in the mechanical
20 room --

21 THE WITNESS: It is on the return side.

22 (Mr. Anatro and the witness confer.).

23 THE REPORTER: I don't know, is this on
24 the record?

25 MR. GALVIN: No. I guess they're

1 conferring.

2 MR. ANATRO: It is -- the mounted
3 hospital units are inside of the ceiling, and they
4 basically take the air and circulate it.

5 You are talking about the existing
6 HVAC?

7 THE WITNESS: Right.

8 MR. ANATRO: It is two different
9 systems.

10 MR. BURKE: Explain that again. There
11 seems to be some confusion.

12 MR. ANATRO: So the HVAC is air
13 conditioning, and then these filtration systems are
14 really there for smell and anti-microbial handling,
15 and nothing to do with air conditioning.

16 MR. BURKE: Mr. Chairman, your question
17 was the latter. It was --

18 CHAIRMAN AIBEL: Correct.

19 So the air handlers for the HVAC are in
20 the mechanical room, and the compressor is on the
21 roof?

22 MR. ANATRO: Yes.

23 CHAIRMAN AIBEL: So where are these
24 filtration devices?

25 MR. ANATRO: They're inside I guess the

1 ceiling panels. I don't know where the pictures --

2 COMMISSIONER BRANCIFORTE: Here they
3 are.

4 CHAIRMAN AIBEL: They are not shown on
5 the plans?

6 THE WITNESS: We use that type -- one
7 in each room --

8 MR. ANATRO: We are going to do one
9 here, one here, and one kind of central here.

10 THE WITNESS: Okay.

11 So one in each playpen and one in the
12 common open area in the front.

13 CHAIRMAN AIBEL: Commissioners,
14 anything else for the architect?

15 COMMISSIONER DE FUSCO: Mr. Chair, I
16 have two follow-up questions. I still have one for
17 Commissioner Greene in regards to the sewage
18 infrastructure, the drains.

19 You mentioned a back flow preventer
20 because -- let me give you some background here.

21 My concern is what happens if you're
22 not able to get the dogs out fast enough, and the
23 stormwater rises faster than, you know, you can
24 carry them out.

25 Is there a back flow preventer, and

1 what is kind of the stop gap that you're proposing
2 to install, you know, to prevent that from
3 happening?

4 THE WITNESS: The back flow preventer
5 would be the best thing. It could go into the
6 branch line. There isn't one existing. The
7 infrastructure there inside of the building is
8 pretty old.

9 They can certainly -- with extending
10 it, they can also break open the slab right ahead of
11 it.

12 MR. MARSDEN: If I may, I believe the
13 construction official will require that. Any drains
14 you put in, they are going to insist in a flood
15 area, that they have back flow preventers.

16 COMMISSIONER DE FUSCO: Great.

17 My next question is with regards to the
18 sound insulation.

19 You mentioned that within the building
20 basically the floors, there is a 70-something
21 rating --

22 THE WITNESS: Correct.

23 COMMISSIONER DE FUSCO: -- my concern
24 is really the neighbors to the left and the right.

25 We heard an application, 13th and Park,

1 where there was, you know, a double brick wall there
2 as well, but she heard sounds through the wall
3 because of a bar that was next door.

4 My concern is really actually the next
5 door neighbors and the noise coming from the
6 proposed establishment.

7 What can be done to really safeguard
8 that potential problem from that happening?

9 THE WITNESS: The resilient channel
10 with the Roxul is actually 80-plus when it has the
11 masonry wall in conjunction with that, so at that
12 point you're -- it should be inaudible between the
13 two walls.

14 You are better off with two side walls
15 and the party walls when there's masonry, and then,
16 you know, the Roxul and then the zoning channel than
17 you are on the ceiling because you're always going
18 to be fighting --

19 COMMISSIONER DE FUSCO: Right.

20 Is there again a "T" that you can make
21 that you will achieve a certain level of grating and
22 soundproofing for this --

23 THE WITNESS: Yes. I mean, that is a
24 pretty easy one, because it's a conventional system.
25 This is all sort of engineered, so they have to make

1 assumptions, but there is a rating the UL has for
2 something that is exactly that composition.

3 COMMISSIONER DE FUSCO: Dennis, can we
4 put that on the --

5 MR. GALVIN: I was waiting for him to
6 tell us what it is.

7 THE WITNESS: It is 80.

8 MR. GALVIN: 80 DBA?

9 THE WITNESS: No, 80 STC.

10 COMMISSIONER DE FUSCO: The last --
11 thank you for improving the infrastructure and the
12 sidewalk, and the possibility of putting in a street
13 tree there -- I am not sure if it is a positive or a
14 negative --

15 MR. BURKE: I talked about that with
16 the planners, and I was told it was a no-no.

17 (Laughter)

18 COMMISSIONER DE FUSCO: I leave it to
19 the Board to discuss it, but if you are open to it,
20 we would certainly like to talk about it.

21 MR. GALVIN: I'm sorry.

22 Soundproofing is to be what?

23 THE WITNESS: 80 STC.

24 MR. GALVIN: 80 STC.

25 MR. BURKE: No less than 80 STC.

1 VICE CHAIR GREENE: What does "STC"
2 stand for?

3 THE WITNESS: Sound Transmission Class

4 CHAIRMAN AIBEL: Eileen?

5 MS. BANYRA: Yes.

6 So what type of sound attenuation do
7 you do on the front glass window?

8 THE WITNESS: You can't.

9 MS. BANYRA: So is it a double window?

10 Is there an air pocket in there, or is
11 there something --

12 THE WITNESS: There is a double pane in
13 that storefront panel, but it is, you know, a
14 conventional storefront, but the sound through the
15 glass is almost impossible to hear.

16 MR. ANATRO: The good thing is the dogs
17 would be situated so far away from the glass --

18 THE WITNESS: Yeah, that's true.

19 MR. ANATRO: -- and I believe this is
20 going to be a solid wall enclosed door --

21 THE WITNESS: Right.

22 MR. ANATRO: -- so I mean, I have glass
23 currently in the current -- in Jersey City, and
24 people stand outside, and they don't hear anything.

25 MS. BANYRA: But you may have a newer

1 glass element than this. I am going to guess this
2 is an older one looking at the building, correct?

3 THE WITNESS: The good news is it is
4 just the entry, the two entry doors, but yes, it is
5 an older storefront, but the glass, even newer glass
6 is not going to be that much better. It would be
7 great --

8 MS. BANYRA: Your plan is different,
9 just looking at it from here, so what is the date of
10 this plan?

11 THE WITNESS: This is today's date.

12 MS. BANYRA: Today's date.

13 So can you describe what is different
14 on this plan than what the Board has, and then I
15 also want to talk to you about what is being done on
16 the front facade.

17 THE WITNESS: Absolutely.

18 So on this as per the engineering
19 report, we added the 200 foot, just the note. It's
20 200 feet radius around on Sheet Z-002.

21 On Z-003, we added the sidewalk and
22 curb, and then we noted that the existing utilities
23 are to remain, so there's no -- we are not breaking
24 the street.

25 We also noted that the three gooseneck

1 lights in the front that are proposed would achieve
2 a minimum of 30, 30 watts, which is a standard for
3 commercial entries, and we noted that the front
4 loading area would be removed per city action.

5 On the architectural plan, we added the
6 ABD elevation and also the advisory elevation.

7 MS. BANYRA: Okay.

8 THE WITNESS: We added a note for where
9 the refrigerated waste storage was.

10 I added a couple of just pens, so you
11 could get an idea of the scale. It's really just a
12 couple of boxes.

13 And then in the grooming area, I added
14 a tub and a table, so you could again get a sense of
15 scale, so it is not an open room.

16 Then the dog calculations I put
17 underneath, so they are clear. And then we added a
18 sheet, A-101, which shows the existing front
19 elevation and the proposed, and really that was for
20 the lighting, and it shows there was no other change
21 in the front.

22 MR. BURKE: So most of these changes
23 were reflecting the comments that were received from
24 the engineer?

25 THE WITNESS: That's correct, actually

1 all of them. There was no other design changes.

2 MS. BANYRA: So the gooseneck lighting
3 is not there right now?

4 THE WITNESS: Correct.

5 MS. BANYRA: So is there a different
6 lighting that you can put in terms of -- and what
7 kind of signage is going to be there?

8 THE WITNESS: It is going to be one
9 wall sign that goes above the door.

10 MS. BANYRA: Is that compliant?

11 THE WITNESS: Yes, it is.

12 It's in the same location as one is
13 now. It is less than 8 percent of the facade, so it
14 is certainly compliant.

15 The lighting probably looks better
16 because the wall is up above. If we did sconces or
17 something like that, it would be a little bit too
18 low, lower than the --

19 MS. BANYRA: Could it be a bar
20 lighting, though?

21 THE WITNESS: Yeah, we could do that.
22 Certainly there's other --

23 MS. BANYRA: So is there any other
24 cleanup of the facade that's going to be done or any
25 other treatments that --

1 THE WITNESS: Not on the proposed, no.

2 CHAIRMAN AIBEL: Is that something that
3 you or the owner would consider?

4 MR. ANATRO: What is that?

5 MS. BANYRA: I'm just offering it as --
6 it was a question that I had in my mind. I think
7 the building looks tired personally, but, you know,
8 so I don't know -- I was asking -- I raised it as a
9 question, so that is really up for the Board to
10 decide, but I thought it looked -- I think "tired"
11 is a good word.

12 COMMISSIONER MURPHY: I have two
13 questions.

14 I am not sure who it is directed to,
15 but what is being built right next door to it?

16 THE WITNESS: It is a condominium
17 building, a five-story condominium building.

18 COMMISSIONER MURPHY: Okay.

19 But it is not built yet?

20 THE WITNESS: No. It is still under
21 construction.

22 COMMISSIONER MURPHY: So they probably
23 couldn't be notified of this kind of thing.

24 MR. GALVIN: They absolutely would not
25 be. I mean, the owner of the property would be, but

1 future condo owners couldn't possibly be.

2 COMMISSIONER MURPHY: Right, obviously,
3 okay. But the owner wouldn't be --

4 MR. GALVIN: There is no condo yet.

5 COMMISSIONER MURPHY: Gotcha.

6 VICE CHAIR GREENE: When they move in,
7 they will know it is there.

8 COMMISSIONER DE FUSCO: Diane, looking
9 at a picture over here, it appears to be three
10 stories over a garage. I don't know if that's
11 technically a fourth story -- and there's a
12 garage --

13 COMMISSIONER MURPHY: The picture I had
14 just had -- it looked like a construction site.

15 And is there any kind of environmental
16 impact with using so much bleach in one area?

17 MR. ANATRO: The bleach is diluted at a
18 1 to 30 ratio to water, so I mean, this is the
19 industry standard for cleaning up.

20 COMMISSIONER MURPHY: Okay.

21 COMMISSIONER BRANCIFORTE: Are you
22 adding any fire suppression to that building? Are
23 you improving fire suppression?

24 THE WITNESS: We are not adding
25 anything. There is an existing fire suppression

1 system in.

2 COMMISSIONER BRANCIFORTE: Like a
3 sprinkler system you mean?

4 THE WITNESS: Correct. We are not
5 adding a new one, but we're reusing the existing
6 one.

7 CHAIRMAN AIBEL: Okay, Commissioners.
8 Let me open it up to the public.
9 Questions for the architect.

10 MR. SCRUBY: Just comments.

11 CHAIRMAN AIBEL: Okay. Comments will
12 come. Thank you.

13 Okay. Seeing no public.

14 VICE CHAIR GREENE: I move to close the
15 public portion for the architect.

16 COMMISSIONER MURPHY: Second.

17 CHAIRMAN AIBEL: All in favor?

18 (All Board members voted in the
19 affirmative.)

20 CHAIRMAN AIBEL: Thank you.

21 MR. BURKE: I would assume, Pat, you
22 don't want me to mark that into evidence and take it
23 later?

24 (Laughter)

25 MS. CARCONE: Take a picture of it,

1 yeah.

2 MR. GALVIN: Mr. Ochab, raise your
3 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. OCHAB: I do.

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

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

12 THE WITNESS: Ken Ochab, O-c-h-a-b.

13 MR. GALVIN: Mr. Chairman, do we accept
14 Mr. Ochab's credentials?

15 CHAIRMAN AIBEL: Yes, we do.

16 MR. GALVIN: And can we mark this
17 picture board?

18 What is the next number, A-3?

19 MR. BURKE: A-3.

20 (Exhibit A-3 marked.)

21 MR. BURKE: Mr. Ochab, you took the
22 pictures?

23 THE WITNESS: I did.

24 MR. BURKE: About when did you take
25 them?

1 THE WITNESS: Well, three of them were
2 taken when I did the report, which was in April of
3 this year, and one of them was taken today. I will
4 explain it later.

5 MR. BURKE: So the applicant seeks one
6 use variance, as you know.

7 THE WITNESS: Correct.

8 MR. BURKE: You prepared a report.
9 Please give the Board the benefit of your analysis.

10 THE WITNESS: So we have an application
11 that takes an existing building and incorporates a
12 use into that building, which according to the
13 zoning officer, is not a permitted use in the
14 residential zone.

15 We know that under Section 196-33,
16 retail uses are allowed in residential zones, if
17 they meet certain conditions.

18 So I guess one question is: Is this a
19 personal service use or a retail use, or is it
20 something other than that.

21 The zoning officer decided it is
22 something other than that, which throws us into a
23 use variance application.

24 So we have a use variance application,
25 which is -- we will call it a true use variance as

1 opposed to typically we are talking about a height
2 variance or a density variance. We don't have any
3 of that. We have a straight-on use variance for a
4 use that is not permitted in this zone.

5 It is fair to say that this use is, at
6 least in my experience, not permitted in any zone
7 just about anywhere because it is basically a new
8 kind of use, and planning, zoning officials are not
9 used to see that use on a continual basis, so it
10 takes a while for this kind of a use to get
11 incorporated into zoning ordinances.

12 I like to refer to zoning ordinances as
13 basically dinosaurs, that they take so long for the
14 market conditions that stimulate new uses to get
15 incorporated, and probably the best example of that
16 is self-storage units. Remember when self-storage
17 units came on, nobody knew what to do with them.
18 They were all use variances, and now you find them
19 as permitted uses.

20 So here we have a use variance for a
21 dog day care facility, so we need to go through the
22 proofs for special reasons, particularly suitability
23 of the site, relationship to the master plan's goals
24 and objectives, and then talk about the negative
25 criteria.

1 There is no question -- obviously, I
2 will say this is not the first dog day care center I
3 have done, so obviously in my report, I sort of
4 talked about the nature of the day care and the dog
5 pet business, and how important it is, and how it
6 has grown over the years to the point where dogs are
7 now an integral part of our daily lives. They are
8 part of our families. We take them on vacations.
9 We take them to visit. We buy them things, you
10 know, that we buy our kids, so they are an important
11 part of our lives.

12 With that in mind, we also want to take
13 care of them, and part of that caring process is
14 because we are all very busy, we all work, we need
15 to keep them somewhere, make sure they are taken
16 care of during the days when we are at work, and
17 that has stimulated this business called doggie day
18 care.

19 So with respect to that, the important
20 notion of a dog day care center is that it is
21 incorporated into the neighborhood, that it exists,
22 because the market base is basically surrounding and
23 incorporated into that base. It needs to be close
24 to where people live, and in Hoboken it is
25 particularly important so they walk their dogs

1 hopefully, most of them walk their dogs to the
2 facility.

3 It needs to be in an area that has good
4 access as well, because some people will drive.
5 Some dogs will get picked up, and it needs to be a
6 building that can also in this case be retrofitted
7 for the use without much exterior or external
8 changes, and that is exactly what has happened here.

9 The photographs that I took that are in
10 your report show -- first of all, let me just show
11 the upper left photograph, which is a photograph
12 that I took today. You will see it is different
13 than the upper right, because the building to --
14 this is a building in the center of the photograph,
15 this is the building I am talking about, which was a
16 restaurant at some point. Now it has a -- it looks
17 to me like a three-story building over parking on
18 the bottom level, so that is a new building being
19 erected, whereas in the earlier photograph back in
20 April, we just had basically the shell of the first
21 floor being constructed.

22 So we have an existing two-story
23 building, but in that two-story building you only
24 have one resident above.

25 You have a large sidewalk area, which

1 was discussed by the Board. There is curbing, and
2 there's also a marked out yellow space, which I
3 believe is a loading zone, which would actually make
4 a good area for dropoff, if the Board were to
5 approve it, and if the right approvals can be
6 granted for dedicating that space for dropoff.

7 As you can see, we are in an area
8 that's kind of mixed. There are two residential
9 buildings to the north, to the south, and then the
10 church to the south of that.

11 And then to the north of the site on
12 the same side of Jefferson, we have a mix of
13 different non residential uses, a couple of garages.
14 There is a bicycle repair shop and some older
15 buildings, so clearly you have a mix of land use
16 types here that certainly can change over time, but
17 it is also a good place to have this kind of --
18 let's call it a hybrid between retail and something
19 more than retail or personal service use.

20 The final photograph on the lower left
21 shows the back of the building from the church area,
22 which again, is a single-story building. It goes
23 back to about maybe, it's five or six feet from the
24 rear lot line, and again, there's nothing back
25 there, no access back there. There is no way to get

1 to the outside of it, so there are no changes being
2 proposed back in here, and that is where the dogs
3 will be essentially housed.

4 I have been to the Woodland Park site,
5 which is close to where I am, and I want to say from
6 a planning perspective that when you go up to the
7 facility, it actually looks like an office building.
8 It looks like a doctor's office because of the
9 windows.

10 Then when you walk through the door,
11 you know, there are not dogs. You don't see dogs
12 immediately. There is just a counter, and it looks
13 like a reception area, so you are walking into a
14 reception area, which I did. I couldn't hear any
15 dogs. I couldn't see any dogs. They are in the
16 back.

17 So you can -- so I dealt with some
18 Boards, certainly not you guys, but some Boards,
19 who, you know, the images of dogs barking
20 uncontrollably, and dogs running all over the
21 facility, and that is not what I am used to seeing
22 anywhere, particularly in my visit to Woodland Park.
23 It is very clean. It's very orderly. There is a
24 receptionist and staff people ready to help you, and
25 so the environment is more of a business. It is

1 business-oriented environment. It is not this
2 uncontrollable environment with animals just
3 willy-nilly running all over the place and barking
4 incessantly.

5 The other issue is certainly with
6 respect to what you would anticipate is that noise
7 issue, and I have to say that I, again, it is not my
8 first one, I have not been able to ascertainably
9 hear noise from outside of the buildings where I
10 have been in these locations in Woodland -- and the
11 site at Woodland Park is certainly one of those
12 sites, where I was not able to hear anything outside
13 of the building.

14 I think these materials now are state
15 of the art. The industry itself has become
16 accustomed to a methodology as to how to retrofit
17 buildings to incorporate materials, so that the use
18 is acceptable in all kinds of land use environments.

19 So with respect to that, I think this
20 site is particularly suited for the use. It is
21 again placing a nonresidential use with another non
22 residential use. Certainly there is a need for this
23 use, particularly Hoboken Unleashed is closing or
24 has closed, that would mean there is very few dog
25 day care centers within Hoboken, and certainly none

1 that would be able to provide the types of amenities
2 that are shown by the applicant here. So I believe
3 that there would be -- you could find that the site
4 is particularly suited for the use being proposed.

5 With respect to the master plan, the
6 master plan talks extensively about dog day care --
7 no, I'm just kidding --

8 (Laughter)

9 MR. GALVIN: Okay. I am paying
10 attention really.

11 THE WITNESS: -- I just wanted to --
12 obviously the master plan doesn't discuss dog day
13 care centers, and we would be shocked if it did, but
14 it does talk about providing services for the
15 population.

16 It does talk about the lifestyle, the
17 Hoboken lifestyle, and the Hoboken lifestyle is to a
18 certain extent about having a pet and having dogs,
19 and I have been here like ten years now.

20 Every time you go look at a site, or
21 you're out somewhere, people are walking their dogs,
22 in the park, on the street. People have dogs. That
23 is what the lifestyle is about. It is not somewhat
24 unique to the world, but it is unique to Hoboken to
25 have I think so many dogs on so many streets in

1 Hoboken.

2 That is certainly a good thing, but
3 they require services. They require services
4 because their owners do work. Owners do demand and
5 need a place for their pets to be cared for during
6 the day, and the master plan does discuss a wide
7 range of land uses that are all incorporated in
8 small areas. So the master plan at least in general
9 discussed that we live in a small environment. We
10 are not spread out, like suburban communities, and
11 that we do have these needs for personal services
12 that can be accommodated in the neighborhoods where
13 the personal services are in demand and certainly
14 are in need.

15 So with respect to that, I would say
16 that, you know, this use is at least consistent with
17 where the master plan discusses the quality of life
18 in Hoboken and the needs of the population, which
19 would include this type of service.

20 With respect to the negative criteria,
21 of course, we have two prongs of the negative
22 criteria. One is whether or not there would be a
23 substantial detriment by approving the use variance.
24 That means basically is there a substantial impact
25 on the surrounding community.

1 I think that the applicant's
2 information and the architect's testimony about the
3 type of operation it is, that the materials used can
4 satisfy or answer that question, that there would be
5 no substantial detriment or impact to the
6 surrounding community.

7 Also, finally, the second prong of the
8 negative criteria would be whether there is a an
9 impairment or a substantial impairment to the zone
10 plan. Again, my view would be no, because the zone
11 plan, all zone plans that I am familiar with at
12 least have not recognized this use yet. It takes a
13 while, but certainly it's a use that is a positive
14 element to the community, a positive element to the
15 land use list of uses that are in demand and needed
16 within the City of Hoboken.

17 So I know that is very general in
18 nature, but that is the nature of this type of
19 variance that we are dealing with, and I am going to
20 stop there.

21 My report covered a litany of not
22 demographics necessarily, but where the general
23 trend is going in terms of pet ownership and the
24 demand for pet ownership, and I will let the report
25 speak for itself.

1 MR. BURKE: Thank you.

2 THE WITNESS: Thank you.

3 CHAIRMAN AIBEL: Thank you, Mr. Ochab.

4 CHAIRMAN AIBEL: Board members?

5 COMMISSIONER GRANA: I have a question
6 for Mr. Ochab.

7 CHAIRMAN AIBEL: Antonio.

8 COMMISSIONER GRANA: So under 196-33,
9 if this were some other retail site, it would be
10 permitted because there are two others on the block.
11 So if it was a coffee shop or some other corner
12 store, it would be permitted?

13 THE WITNESS: From that particular
14 aspect, yes.

15 COMMISSIONER GRANA: Okay.

16 And I read your very detailed report.
17 It makes a compelling case about this valuable
18 service to the community.

19 So is the fact that this is not
20 permitted something that has been specifically --
21 that this service has been specifically excluded, or
22 do you believe it has just not been accounted for,
23 it is an omission, it's not accounted for, or is it
24 being excluded somehow?

25 THE WITNESS: No. It hasn't been

1 specifically prohibited because if it was, there
2 usually is a section in each zoning ordinance with
3 prohibited uses, and that is not the case here. It
4 is just that this use is an emerging new land use,
5 and the slowness of the process in order to
6 incorporate this in any form, either as a permitted
7 use or as a conditional use with conditions, it is
8 just not happening anywhere. It is going to take
9 time for that to happen, and that is why the zoning
10 officer, you know, has correctly said, I am not sure
11 it is retail. It might be something else, so let's
12 be safe and do the use variance process.

13 MR. BURKE: Let's be clear.

14 Certain aspects of this would be
15 permitted, if it weren't for the fact that the dogs
16 would be there for a period of time during the day.
17 The retail aspect, selling dog products and selling
18 pet supplies --

19 THE WITNESS: Correct. Even the
20 grooming, I think, would be -- would it be just a
21 dog grooming facility, you know, that zoning officer
22 might have decided then that might fall under the
23 personal service category or get beyond that. You
24 know, I think she did the right thing by saying, I
25 am not sure, we will call it a D-1 and move on from

1 there.

2 COMMISSIONER GRANA: Thank you for
3 clarifying.

4 (Board members confer.)

5 MR. GALVIN: Well, I think what we
6 should do is I think we finish the questions of Mr.
7 Ochab, let's get public information, and then let's
8 have our planner advise us.

9 MS. BANYRA: I have a couple of
10 questions for Mr. Ochab.

11 Maybe you could tell us. The Woodland
12 facility that you visited, how big was that
13 facility?

14 THE WITNESS: It is larger. It is
15 about five or 6,000 square feet, so it a large
16 facility. It's in a brick building. It's in a
17 business park environment.

18 I was more interested in seeing how the
19 use presented itself to the street. In other words,
20 was I walking into an industrial building with, you
21 know, the whole open industrial door. No, it was a
22 business. It had a business presentation similar,
23 very similar to what is being proposed here with an
24 entrance, glass entrance door, and then the
25 reception area.

1 Two: My interest was: Could I hear
2 anything from the outside of the building, and I
3 could not.

4 MS. BANYRA: Okay. The uses on either
5 side of this particular use at that location were?

6 THE WITNESS: It is a business park, so
7 it's a combination of offices, some light
8 industrial. That's it. There's no residential.

9 MS. BANYRA: Were the two uses on
10 either side -- I am just guessing what the building
11 looks like. It is one building, or are there
12 multiple buildings there or multiple storefronts or
13 office fronts?

14 THE WITNESS: There are multiple office
15 entrances, but yes, just multiple office entrances.

16 MS. BANYRA: So this entrance
17 width-wise was roughly what?

18 THE WITNESS: Okay. I would say maybe
19 25 to 30 feet.

20 MS. BANYRA: Similar width?

21 THE WITNESS: Yeah. Windows on both
22 sides, glass door.

23 MS. BANYRA: And then the uses on
24 either side of that 25 feet were --

25 THE WITNESS: The use on one side was

1 an embroidery shop.

2 MS. BANYRA: And then retail --

3 THE WITNESS: Yeah.

4 Then actually you had to go around the
5 back to the next use, which was a sound studio, so
6 like a music studio. Maybe they are compatible. I
7 don't know.

8 (Laughter)

9 CHAIRMAN AIBEL: Elliot?

10 VICE CHAIR GREENE: Yes.

11 Correct me if I am wrong, but my
12 recollection is 12 or 15 years ago, a lot of the
13 zoning did not anticipate day care centers for
14 children?

15 THE WITNESS: That is absolutely
16 correct.

17 VICE CHAIR GREENE: Right, because
18 nobody contemplated that kind of use.

19 Would you say this is somewhat
20 comparable to that?

21 THE WITNESS: Yes. I will even go
22 further, that there is another use, which is in the
23 same classification as senior day care, day care for
24 seniors. It's not included on the list of land use
25 permitted uses anywhere that I have seen. I have

1 done a couple of them.

2 Even if you go to the Municipal Land
3 Use Law, it talks extensively about children's day
4 care, the need for children, how important children
5 are, but it doesn't talk about the other end of the
6 spectrum, and the zoning will catch up to that. It
7 is just going to take a while.

8 So every senior day care I've done,
9 which is about three, all required a use variance
10 application.

11 CHAIRMAN AIBEL: Board members?

12 COMMISSIONER MARSH: I have a question
13 for the professionals, which might turn into a
14 question --

15 MR. GALVIN: What's that?

16 COMMISSOINER MARSH: -- maybe I should
17 just ask and you can cut me off --

18 MR. GALVIN: No, no --

19 COMMISSIONER MARSH: -- I just want to
20 make sure. I think I know the answer to this, but I
21 just wanted to make sure.

22 I am looking at the building. It is a
23 very small building. I know that the applicant
24 would like to buy it. You never know really what's
25 going to happen with that.

1 So I just want to make sure, if that
2 building gets torn down and built back up, all of
3 these requirements apply, the walls --

4 MS. BANYRA: No.

5 COMMISSIONER MARSH: No, they don't.
6 That's --

7 MS. BANYRA: No, I think, and maybe
8 Dennis will correct me, but from my understanding,
9 the use variance goes with the land. However, if
10 the building is removed, then you would lose all of
11 your, I'm going to say, preexisting rights.

12 So while this is an approval, which is
13 different than a preexisting right, if the building
14 is demolished or anything, in most use variance
15 cases after a 50 percent or 75 percent loss of the
16 building, then you could conceivably lose the use,
17 and the court cases go back and forth on that.

18 But if there is a hundred percent loss,
19 I don't know that you are necessarily allowed to go
20 back to that.

21 Is that correct, Dennis?

22 MR. GALVIN: I think it is here because
23 when you grant the variance, it is a little
24 different than being a preexisting nonconforming use,
25 a preexisting nonconforming use that is destroyed or

1 terminated is lost. But one where we grant a
2 variance, the courts might see that as being
3 slightly different.

4 So I guess there is a possibility that
5 if the building were to be reconstructed exactly as
6 it currently stands, you could make an argument that
7 this business could continue in it.

8 COMMISSIONER MARSH: I'm not asking --
9 I am saying if the business was continued, would
10 they still be required to have the soundproofing and
11 the --

12 MR. GALVIN: Oh, conditions of
13 approval, yes.

14 COMMISSIONER MARSH: Yeah, okay.

15 MS. BANYRA: Yes.

16 MR. GALVIN: The approval would be
17 subject to all of the conditions --

18 MR. BURKE: That is a good question.

19 MR. GALVIN: -- I understand where
20 Carol is going. We can even put something in there
21 that says if the building is substantially
22 renovated, that they would return to the Board for
23 further action and further consideration of the
24 Board.

25 COMMISSIONER MARSH: I just want to

1 make sure that they don't tear down the building and
2 all of a sudden, they put up plaster walls and no
3 soundproofing --

4 MR. BURKE: Very good point.

5 MS. BANYRA: No. This is a two-story
6 building. If a third story went on that, that to me
7 is an expansion of a nonconforming use, not a
8 nonconforming structure. Then a nonconforming use,
9 even if the dog -- say the top was residential, it
10 is a nonconforming use, so then it would be back to
11 the Board of Adjustment. It couldn't just come in
12 and put a third floor on for residential.

13 MR. GALVIN: Well, what they are going
14 to tell the zoning officer is the building is
15 conforming. We are just adding a residential floor.
16 A residential floor is conforming, but that would be
17 wrong because the Razberry case says that any change
18 to the property, where there exists a D-1 variance,
19 would have to be evaluated by the Board.

20 Who knows what would happen in the
21 future.

22 COMMISSIONER MARSH: Okay.

23 MS. BANYRA: Yeah.

24 MR. GALVIN: Yeah, R-a-z.

25 COMMISSIONER BRANCIFORTE: Just maybe

1 the owner can ease my fears on this.

2 But you said it would not be a
3 substantial detriment to the neighborhood, but then
4 I am thinking about 75 dogs being picked up and
5 walked home. I am just worried about the 75 dogs a
6 day peeing on that block in front of the church, not
7 so fine, you know, we will hose down the sidewalk in
8 front of the building, but what happens between the
9 building and the church?

10 You know, is the front of the church
11 going to smell like urine now, dog urine, because we
12 are introducing 75 dogs every day to this place?

13 I'm not a dog owner. I literally have
14 no idea how dogs act and behave when it comes to
15 this sort of thing, how many times a day do they
16 have to go, do they have to be taken outside for
17 this to be done, I have no clue.

18 MR. BURKE: Hopefully --

19 COMMISSIONER BRANCIFORTE: Well, no --

20 MR. BURKE: -- no, I mean, hopefully
21 they are outside. You don't want it in the house.

22 COMMISSIONER BRANCIFORTE: That is a
23 question I have to ask the owner because if we have
24 75 dogs peeing --

25 MR. BURKE: I understand.

1 Steve, I want to ask you the question
2 because we talked about this a little bit.

3 Do you anticipate 75 dogs at your door
4 step and 75 leaving, or how is it done?

5 Is it staggered?

6 MR. ANATRO: It's very staggered --

7 MR. BURKE: Stand up, please, and
8 approach the Board.

9 MR. ANATRO: -- it is a very staggered
10 dropoff and pickup. Everybody is going in different
11 directions. I can't say that dogs are not going to
12 eliminate, but it's not going to be 75 at one time
13 in time.

14 COMMISSIONER BRANCIFORTE: No. But
15 even 75 dogs between that corner of St. Ann's and
16 the corner down the block, you know, you're saying
17 you are not introducing any substantial detriment to
18 the neighborhood. But when I can see 75 dogs a day
19 eliminating, that might be a problem, especially
20 with a church on the corner, that might be a
21 problem.

22 MR. BURKE: How about in Jersey City?
23 It is a block there, it's a city block --

24 MR. ANATRO: It's a city block. I
25 mean, it doesn't smell any different with the doggie

1 day care. People have dogs anyway there, and I
2 think they are going to the bathroom.

3 COMMISSIONER BRANCIFORTE: Yeah, but we
4 are not bringing in 75 dogs at once. I mean, you
5 are bringing 75 of your dogs into an area that
6 probably right now maybe has what, 15 or 20 dogs a
7 day, so now we are talking about an additional 75.
8 That is my biggest worry.

9 I am okay with the sound. I don't
10 think there is a substantial detriment because of
11 the sound.

12 My biggest problem honestly is the dogs
13 being walked there every day, what they're going --
14 we can't control what dogs do, and you can only
15 guarantee that you can clean up the area in front of
16 your building, not the two buildings on the sides.

17 MR. BURKE: You mean when 75 dogs are
18 there, there would be no dog walking aspects to this
19 business, so it would only be the owners.

20 Is that what you are referring to?

21 COMMISSIONER BRANCIFORTE: Right. Even
22 the owners can't control where the dogs are going to
23 go. Even if you say, please don't in front of our
24 building, you know --

25 (Laughter)

1 MR. BURKE: I just wanted to be clear
2 that you understood they are not walking the dogs
3 outside.

4 COMMISSIONER BRANCIFORTE: Yeah, I
5 understand. Still you are encouraging people to
6 walk dogs to their storefront every day, and that is
7 encouraging a problem with elimination.

8 So I am mostly worried about the
9 church. I don't want people coming out of mass on a
10 Saturday night or in the middle of the summer and
11 just smelling dog pee everywhere. I mean, that is a
12 substantial detriment for me, and I don't know how
13 you are going to address it.

14 MR. BURKE: I have to look to Steve
15 only because the question is: Is the supposition
16 that there will be this concentration by the church
17 true, or is it going to be dispersed?

18 Would these dogs be going around the
19 neighborhood anyway because most of them are coming
20 from the neighborhood?

21 MR. ANATRO: That is my assertion
22 because they are in that neighborhood. My pull is
23 going to be within that five-block radius, so they
24 come from there.

25 Saturday night, I don't think you will

1 have an issue with mass, because we close at four.

2 COMMISSIONER BRANCIFORTE: Right.

3 I guess my point is at the end of the
4 day -- it's not so much when people drop them off.
5 If a guy comes out of his apartment with his dog,
6 his dog is going to go in front of his apartment.
7 He leaves the dog with you all day --

8 MR. BURKE: Hang on. I own a dog, and
9 that's not true. A lot of dogs will walk down the
10 street. You don't know --

11 COMMISSIONER BRANCIFORTE: Okay.
12 Listen, you leave in the morning with your dog. The
13 dog is going to do its business wherever it is.

14 You drop off the dog with this
15 gentleman in his day care center for four or five
16 hours. You grab the dog. You walk out front. The
17 dog is going to do its business somewhere, I am
18 guessing, within a hundred feet of the front door.

19 MR. BURKE: Maybe, or maybe it did its
20 business inside, which is what he's anticipating --

21 COMMISSIONER BRANCIFORTE: That is my
22 question.

23 Do the dogs go inside or do they go
24 outside?

25 MR. ANATRO: Oh, absolutely, they go

1 inside. That's why we build it the way we do.

2 COMMISSIONER BRANCIFORTE: Okay.

3 That's what I was getting at before, do dogs go
4 inside, or do you take them outside for a walk --

5 MR. ANATRO: We do not walk the dogs.

6 That's the owner's --

7 COMMISSIONER BRANCIFORTE: Gotcha.

8 MR. BURKE: You are thinking that they
9 are holding it in until the owner picks them up, and
10 that is not the case. When they are in the pens,
11 the presumption is that they will be going as they
12 go. There will be no increase or holding, saying I
13 can't wait to get out of here, so I can go on the
14 sidewalk outside --

15 COMMISSIONER BRANCIFORTE: Gotcha.

16 MR. GALVIN: When we went to law
17 school, we weren't thinking that we were going to be
18 discussing dog urine and --

19 MR. BURKE: I have a dog, so I have
20 experience.

21 COMMISSIONER BRANCIFORTE: I know two
22 Board members here have dogs, so I'm sure they have
23 more experience with that than I have.

24 CHAIRMAN AIBEL: I'm very experienced.

25 Any other Board members?

1 Professionals, anything?

2 MS. BANYRA: I had a couple of
3 questions. I am going to throw a couple things that
4 maybe will either help or not.

5 I would recommend a tree. I know
6 everybody knows the dogs are probably going to lift
7 their legs and there's ones that will. However,
8 there is material that you could put in there to
9 neutralize any nitrogen and stuff into the soil.

10 MR. ANATRO: What if we did some kind
11 of -- not a real tree, but a fake one, which the
12 dogs would eliminate on, and that's --

13 MS. BANYRA: No. I think we're -- you
14 know what? When you look up and down the street,
15 there is not a tree on there. It looks really hot
16 to me, and I think the dogs will go on the tree,
17 And I think -- you know what, that's just going
18 to -- you're going to rinse down the sidewalk, and I
19 think that would be my recommendation, and it may be
20 relative to John's concerns also, so let them go on
21 the tree.

22 You are going to have to put something
23 in the soil that's going to neutralize the acidity
24 and the nitrogen and probably the urine, but that's
25 is something that you could probably do, and that

1 way you keep it clean. The tree gets watered down.
2 Maybe it will be the healthiest tree, I don't know,
3 and if it's not, then we will figure that out.

4 MR. ANATRO: I was going to the same
5 realm of putting a fire hydrant or something fake,
6 so that that is something that we can --

7 MS. BANYRA: Yeah. I prefer a tree
8 just because there is nothing going on there.

9 MR. BURKE: No, you are right. There
10 are no trees on the street.

11 MR. GALVIN: Let me just say this: If
12 you were an auto parts store, we would be looking
13 for the street tree because this area has no trees.

14 MS. BANYRA: It's hot. It is really
15 hot looking, and it may actually help by being an
16 attractive -- I'm going to call it an attractive
17 nuisance.

18 John, when the dogs come out, let them
19 go right on there, and then they're going down the
20 street.

21 COMMISSIONER BRANCIFORTE: At least you
22 will be controlling, you know, where they are going.

23 MS. BANYRA: Right. Okay, so that is
24 one thing.

25 The other thing is, you know, they are

1 here and they are mentioning 75 dogs.

2 The health department felt in their
3 comment that 75 sounded like a lot, so I think, you
4 know, the Board can actually look at that, and you
5 know, discuss whether or not that is an appropriate
6 number. I think the architect testified to a number
7 that was different than what the owner testified to
8 in terms of square foot per dog, so, you know, I
9 think that is something to discuss.

10 You know, it just so happens back in
11 2009 when one of these doggie day cares came up,
12 both myself and then the city planner, Elizabeth
13 Vandor, were asked to look at an ordinance, and we
14 were asked to draft ordinances relative to this, and
15 our recommendation was in an industrial zone, they
16 were very new back in 2008, 2009.

17 I think Mr. Ochab's testimony, I would
18 agree with him in terms of there is a lot of
19 emerging uses and particularly I became at one point
20 in time the self-storage queen, because I
21 represented probably 15 self-storages because no
22 one -- they were new. Nobody knew what to do with
23 them. They were storefronts. They were in
24 industrial zones. They were everywhere. So when
25 towns don't know what to do with them, they are not

1 in anybody's zoning ordinance, and they end up being
2 use variances, and I think this is a similar use,
3 and I think Mr. Ochab, you know, correctly
4 identified that.

5 Relative to the zoning officer's
6 referral to us regarding this and a retail use, she
7 correctly sent it to us, and I think really where,
8 while I wouldn't call this a retail use because, you
9 know, relative to our ordinance because even the
10 last couple of lines in our ordinance really talk
11 about -- I am just going to cut right in the middle
12 of the sentence.

13 It says: Specially mentioned for any
14 district and shall not include such uses that may
15 generate noise, traffic, fumes, glare, maintenance,
16 storage, or any different kind of degree from the
17 commonly experienced impact of the above-included
18 uses.

19 And meaning like a retail store doesn't
20 have -- we don't usually talk about defecation on
21 the sidewalk. We're not talking about noise and
22 suppression of sound. We're not talking about
23 drainage, so I think this was correctly referred to
24 us, you know. And some of the other things that I
25 think the Board may consider, and this is something

1 that certainly Elizabeth and I had spent a fair
2 amount of time on was, you know, by what other
3 mechanisms that you can monitor this.

4 I don't know what the health department
5 requires. I think they may actually require an
6 annual inspection. If they don't, I think that is
7 some kind of an inspection, I don't know that we can
8 ask the health department to do that, but something
9 that kind of checks it, makes sure its inside is
10 okay. The zoning officer is not going to have time
11 to do that. I don't think -- the Board can't
12 regulate that.

13 I don't know what entity can evaluate
14 that, but I certainly think that some kind of a
15 mechanism to monitor for any kind of nuisance, and I
16 think the Board of health would probably be the
17 appropriate entity.

18 We had recommended a biannual report to
19 the City Council of any nuisance activities. Again,
20 we were recommending that the board of health did
21 that.

22 We also recommended inclusion of a
23 revocation procedure, and this was for a conforming
24 use. I don't know how this would work, Dennis,
25 revocation to assure compliance with any kind of

1 approvals.

2 So I don't know if they don't comply
3 with hours of operation or maintenance of the
4 sidewalk or something, I don't know, you know, what
5 mechanism we have or what the Board can do.

6 MR. GALVIN: The zoning officer can
7 issue a notice of violation for not complying with
8 the conditions of the resolution I'd say. That's
9 the extent of what we can do --

10 MS. BANYRA: Then would that be for the
11 neighbors or if a Board member happens to be going
12 by --

13 MR. GALVIN: I would prefer Board
14 members didn't do that --

15 MS. BANYRA: -- exactly, but that is
16 how things really end up happening.

17 MR. GALVIN: -- because then if it got
18 appealed to the Board, then that Board member
19 couldn't participate in the proceeding.

20 MS. BANYRA: So for some reason back in
21 2009, an ordinance was drafted. Referral came to
22 the Planning Board. We sent back recommendations,
23 and whatever, and the ordinance never got adopted.

24 So when we were trying to make this a
25 permitted use in the industrial zone, so at least we

1 had acknowledged this in some zone in the town, so,
2 Mr. Chairman, that is all I have.

3 CHAIRMAN AIBEL: Thank you.

4 Jeff?

5 MR. MARSDEN: Just one thing.

6 They showed sound dampening in the
7 ceiling, but they don't show any details on sound
8 dampening through the walls, and yet they indicated
9 there will be an STC max, so my question is: How
10 are you going to assure that occurs, because there
11 is an existing residential to the south, I believe,
12 but to the north you have a brand new building.

13 MR. BURKE: Let's have the architect
14 address it.

15 MR. VASIL: We would update the drawing
16 with a detail that has that --

17 MR. MARSDEN: For the insulation in the
18 walls?

19 MR. VASIL: Yes.

20 CHAIRMAN AIBEL: Thank you.

21 Okay. Let me open it up to the public.

22 Anybody in the public wish to ask a
23 question of Mr. Ochab?

24 VICE CHAIR GREENE: Seeing nobody,
25 motion to close the public portion for the planner.

1 COMMISSIONER GRANA: Second.

2 CHAIRMAN AIBEL: All in favor?

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

5 MR. BURKE: I have no other witnesses.
6 I will hold my closing remarks until after the
7 public speaks.

8 MR. GALVIN: Public comments.

9 CHAIRMAN AIBEL: Let me open it up.
10 Anybody in the public wish to comment? Now is the
11 time.

12 (Laughter)

13 MR. GALVIN: 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. SCRUBY: I do.

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

20 MR. SCRUBY: My last name is Scruby,
21 S-c-r-u-b-y. My first name is Ryan.

22 I work and live in Hoboken.

23 CHAIRMAN AIBEL: Your address?

24 MR. GALVIN: Street address?

25 MR. SCRUBY: Street address is 1122

1 Hudson Street, Apartment 5-B.

2 MR. GALVIN: Okay.

3 MR. SCRUBY: Just speaking as a general
4 citizen of Hoboken, I know right now we have dog
5 walkers, informal and formalized services. They go
6 on the sidewalk, and there is no cleanup.

7 I know we have been talking about the
8 environmental aspects of this, and we have
9 professionals. We have proven a track record, that
10 they are willing to come in and build a business
11 here in Hoboken that will help the community with
12 the problem with dog watching and instead of giving
13 it off to these walkers that, you know, I work on
14 River Street. I see 20 dogs, 15 dogs come through
15 daily, and they, you know, eliminate their waste
16 right on the sidewalk. Some of that gets picked up,
17 and some of it don't -- doesn't. I know we have
18 ordinances, but there are not police officers all of
19 the time looking to, you know, write tickets for dog
20 waste, so I am in favor for the project, and I just
21 wanted to let that be known on the record.

22 MR. GALVIN: Thank you very much.

23 Anybody else?

24 Seeing none.

25 VICE CHAIR GREENE: Seeing no one else,

1 I move that we close the close public portion.

2 COMMISSIONER GRANA: Second.

3 CHAIRMAN AIBEL: All in favor?

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

6 CHAIRMAN AIBEL: Mr. Burke?

7 MR. BURKE: We tried to go through
8 great lengths to show the Board through exhibits and
9 through testimony that the applicant, who has
10 experience in Jersey City and what used to be called
11 West Paterson, has the experience to run this place,
12 and I think he has shown a flexibility to make it
13 work right.

14 So, as Mr. Ochab said, this is a pure
15 use variance. There's nothing else. There's no
16 other height, density. This is a pure use variance,
17 but I think the record shows now that I think the
18 Board can grant this, that it's a benefit, and that
19 there's no significant detriment to the community.

20 CHAIRMAN AIBEL: Thanks, Mr. Burke.

21 Board members, let me open it up.

22 Anybody wish to start?

23 COMMISSIONER MURPHY: I just have a
24 question still, which didn't come until right now.
25 But if this is in a redevelopment zone, will that

1 make any difference to what we are doing?

2 MS. BANYRA: I'm sorry. If this was in
3 a redevelopment zone?

4 COMMISSIONER MURPHY: It looks like it
5 is in a redevelopment zone.

6 MS. BANYRA: No.

7 COMMISSIONER MURPHY: Are you sure?

8 It is in Z-3.

9 MR. BURKE: No. It is close, but it is
10 an R-2 --

11 MS. BANYRA: I don't believe it is.

12 MR. BURKE: -- zone. It is very close
13 to that apartment. It is about a block away.

14 MS. BANYRA: I can look.

15 COMMISSIONER BRANCIFORTE: Just one
16 quick question on that.

17 If something is designated like a
18 redevelopment zone, it is out of our hands
19 completely, isn't it?

20 MR. BURKE: Correct. It would go to
21 the Planning Board.

22 COMMISSIONER MURPHY: It's just -- I
23 mean, my glasses --

24 COMMISSIONER MARSH: This line points
25 to inside --

1 COMMISSIONER MURPHY: -- yeah. But the
2 block is -- so where is it -- I guess I can't really
3 see it. It's so small, so Pat can --

4 (Commissioners Marsh and Murphy talking
5 at once.)

6 COMMISSIONER MURPHY: So it's a
7 northwest district area?

8 COMMISSIONER MARSH: I don't know what
9 describes that --

10 COMMISSIONER MURPHY: Here it says
11 redevelopment plan.

12 MR. BURKE: No. This is the R-2 zone.

13 (Board members conferring)

14 COMMISSIONER MARSH: It is this block
15 here. It's not this one.

16 COMMISSIONER MURPHY: Oh, so where they
17 have the site location, it's not right on the map --

18 COMMISSIONER MARSH: That line
19 points --

20 COMMISSIONER MURPHY: -- right to the
21 middle of the northwest zone.

22 CHAIRMAN AIBEL: Okay. Are we all
23 right?

24 COMMISSIONER GRANA: Okay.

25 CHAIRMAN AIBEL: Anybody wish to

1 comment, Board members?

2 COMMISSIONER GRANA: I will comment.

3 MR. GALVIN: Well, let me just jump in
4 for a second.

5 MS. BANYRA: Diane, it is okay. It's
6 not in redevelopment.

7 COMMISSIONER MURPHY: It's just that
8 mine looks like it is.

9 MR. GALVIN: Let me just -- chime in
10 for me, you know, when you can.

11 When we are doing a use variance, a use
12 variance is the hardest variance you can get.

13 In this instance, several times we've
14 said there's only one D variance, but really a D
15 variance is the most important variance of all, and
16 if there are any other bulk variances, since the use
17 is not permitted in the zone, there are no bulk
18 variances that are there, because it is not -- we
19 didn't plan for that. It can't be a drive-in
20 restaurant because we would have had plans for that.
21 If we approved a drive-in restaurant, we wouldn't
22 have any details about parking and how the cars come
23 in and out.

24 It's the same thing for this. Since
25 there has been no municipal plan developed for a

1 doggie day care, we don't have any regulations to
2 apply, so it is kind of the wild west. You have to
3 decide, so it makes the conditions exceptionally
4 important.

5 One of the things that Mr. Ochab was
6 saying that I agree with, and I am not saying that I
7 am making a finding, you have to make your own
8 finding, is that in the Medici case, which is what
9 we have to look to when we have a use variance is
10 you have to hit this special quality of proof. You
11 have to show why the site is uniquely situated or
12 special and deserves to get this use variance
13 designation, and that is one way to make your proof,
14 or that you have a hardship situation. That is
15 another way to make the proof.

16 The third way to do it is to kind of
17 show that this use might have been included in the
18 zone, had the governing body thought about it.

19 Like a good example would be internet
20 cafes. They came and went already. But there was a
21 point where you would have thought that if you had a
22 zone that permitted coffee shops and restaurants,
23 that it would have permitted internet cafes, and the
24 ordinances just didn't keep up with the changing
25 zone.

1 So if you think this is the kind of use
2 that the governing body might have put in the zone,
3 then that supports the argument that Mr. Ochab was
4 saying.

5 Even if you do, then you have more work
6 to do. You have to consider the negative impact on
7 the surrounding property owners, and then we're
8 talking about smells and sounds and things that
9 could possibly be a real pain in the neck for people
10 who live next door, unless these conditions address
11 them as promised.

12 You also have to reconcile the
13 deviation from the master plan, because even though
14 it is being suggested to you that the governing body
15 could have done it, you know, they've had enough
16 time. They have been around since 2008, 2009. Why
17 didn't the governing body put this into an ordinance
18 somewhere in our code book?

19 So you have to reconcile why it is not
20 included in the zone.

21 Then you have to balance the positives
22 of this application versus the negatives. If you
23 find that the negatives outweigh the positives, then
24 it would be a denial.

25 I have accumulated 17 conditions. I

1 think you might want to listen to those conditions
2 first, and here we go:

3 1: No dogs are to be kept overnight,
4 which means no dogs will be on the premises between
5 the hours of seven p.m. and seven a.m.

6 2: The facility is to be soundproofed,
7 aerated and sealed as described to the Board at the
8 time of the hearing.

9 3: Dog waste will be internally stored
10 and will be walked out to the collection vehicle.
11 Dog waste is never to be stored on the street.

12 4: There is to be a sign that asks dog
13 owners not to congregate with their dogs outside of
14 the facility.

15 5: The applicant is to obtain any
16 necessary licenses in order to operate as a kennel.

17 6: There is to be no sale or breeding
18 of animals within this facility.

19 7: The maximum number of dogs is not
20 to exceed -- I have 75, but I think we have to come
21 back to this and discuss it.

22 8: The sidewalk and curb are to be
23 replaced pursuant to the engineer's report.

24 9: The applicant is to make a formal
25 request to City Council to eliminate the restricted

1 parking area in front of the business.

2 10: The applicant to comply with the
3 reports of the Board's planner and engineer.

4 11: The property is to be wet proofed
5 per FEMA requirements.

6 Is that right, Jeff?

7 MR. MARSDEN: Well, two things: They
8 should be dry flood proofed. That is the proper
9 phrasing for it, and they need to get an individual
10 permit from DEP because they are proposing an
11 occupiable floor below the flood elevation.

12 The way I interpret it is there will be
13 workers there that will make it an occupiable floor,
14 so they will need the --

15 MR. GALVIN: All right.

16 The property is to be dry flood proofed
17 and must obtain an individual permit from the DEP.

18 MR. BURKE: I would just add, "if
19 required," because I don't know if that is required.

20 I understand Jeff thinks it is
21 required. If it is, then it will be required.

22 MR. GALVIN: You are going to have to
23 prove to Jeff's satisfaction that it is not
24 required.

25 MR. BURKE: That's fine.

1 MR. GALVIN: If required, as determined
2 by the Board's engineer.

3 MR. MARSDEN: I think my opinion on
4 situations like this, where it is not exactly black
5 or white, and we are in a gray area, is you submit
6 it to DEP and let them decide.

7 MR. BURKE: That is fine, but I don't
8 want to be caught in a condition that we can't meet
9 because DEP says it doesn't apply.

10 MR. MARSDEN: Yeah. Either you have to
11 get I.P., a neutral permit, or you will get a letter
12 of jurisdictional determination from the DEP.

13 MR. BURKE: That is fine. We agree.

14 MR. GALVIN: So the property is to be
15 dry flood proofed and the applicant must submit a
16 request for an individual permit from the DEP.

17 Is that enough, Jeff, or do you need
18 more?

19 MR. MARSDEN: I think a jurisdictional
20 determination and/or an individual permit. I think
21 then that covers both things, and your applicant
22 should be covered by that.

23 MR. GALVIN: I added: Receipt of a
24 determination or a permit shall satisfy the
25 submission request.

1 MS. BANYRA: Jurisdictional
2 determination.

3 MR. GALVIN: What's that?

4 MR. MARSDEN: Jurisdictional
5 determination.

6 MR. GALVIN: Thank you, guys.

7 12: The electrical sockets are to be
8 retractable as part of the facility's dry flood
9 proofing.

10 Is that right, Jeff?

11 MR. MARSDEN: Let's just say: The
12 facility will be -- if they dry flood proof, they
13 don't have to, you know, so there are conditions DEP
14 and the construction official will clarify that
15 depending on what kind of permit you get from the
16 DEP.

17 MR. BURKE: So we will comply with the
18 conditions of a permit, if necessary.

19 MS. BANYRA: If necessary.

20 MR. GALVIN: Well, I am not writing any
21 of that down. I am writing down what I am writing
22 down.

23 12: The electrical sockets are to be
24 retractable unless the facility is --

25 MR. MARSDEN: Dry flood proofed.

1 MR. GALVIN: Right.

2 MR. MARSDEN: But DEP may --

3 COMMISSIONER MARSH: May I ask a
4 question?

5 What if he wants them up eight feet
6 high, and he doesn't care if they are retractable?

7 MR. GALVIN: Here is the thing. I
8 always like to do things that are more restrictive,
9 and then if they get a better idea of how to handle
10 this, they can send us a -- Jim is not listening,
11 so he's not going to know what I'm saying.

12 COMMISSIONER MARSH: I didn't realize
13 that was --

14 VICE CHAIR GREENE: Eight feet high is
15 a little tough because you would need a ladder to
16 plug in your vacuum cleaner.

17 COMMISSIONER MARSH: Seven feet.

18 COMMISSIONER MURPHY: Eight feet --

19 (Everybody talking at once.)

20 COMMISSIONER MARSH: Fair enough.

21 MS. BANYRA: Commissioner Marsh, I mean
22 what Jeff and I were talking about is that, for
23 example, the building code requires electrical
24 outlets at a certain distance and every distance and
25 everything, so that may not be building code and/or,

1 so they are going to have to figure that out and
2 either come back or send us a letter indicating why.

3 MR. GALVIN: That's what I was going to
4 say. I wanted to get your attention.

5 MR. BURKE: Yes.

6 MR. GALVIN: I am putting some stuff in
7 here that I think is stronger than you might need.

8 Well, if you come across a situation
9 where you have a better plan, you send us a letter,
10 and then we will amend the resolution to do better.
11 Right now --

12 MR. BURKE: I apologize. I turned my
13 back, but there was a question, and I just wanted to
14 bring it to the Board's attention because Jensen
15 wanted to clarify one point that he made, and that's
16 why I -- so with your --

17 MR. GALVIN: Is it related to these
18 conditions?

19 MR. VASIL: It may be --

20 MR. BURKE: It was related to a
21 statement he made, and we just want to be clear.
22 Mr. Chairman.

23 CHAIRMAN AIBEL: Sure, go ahead.

24 MR. VASIL: I just wanted to clarify
25 the fire suppression, so currently there is a fire

1 suppression system, which is an Ansul system. It's
2 not a sprinkler system.

3 So now there is no kitchen, and that
4 will be taken away, so there is no sprinkler system,
5 and we are not adding one. We are not required to
6 have one.

7 MR. BURKE: Thank you.

8 MR. GALVIN: Is that okay with you,
9 sprinkler-wise?

10 MR. MARSDEN: Yes. That is the
11 building code official.

12 MR. GALVIN: Okay. Jensen, hats off to
13 you. You wanted to make sure that we didn't say
14 later on that you misled us, and I appreciate that.
15 Okay.

16 13: The plan is to be revised to show
17 three drains and the installation of a back flow
18 preventer.

19 MR. MARSDEN: If I may, if you are
20 going to have a storage area, you are going to have
21 two play areas, and you are going to make a storage
22 area, and you're also going to have a grooming area,
23 I think you probably should have a drain in each
24 floor because you are going to be pushing stuff out
25 of the room into the -- if you put in three, it is

1 not going to hurt you to put in the fourth one. I
2 think it is appropriate to do that.

3 MR. GALVIN: So I'll change it to four
4 drains.

5 Any objection to that, Jim?

6 VICE CHAIR GREENE: Four floor drains.

7 MR. GALVIN: The soundproofing, I'm
8 going to say of the walls, the walls and the ceiling
9 are to be no less than 80 STC, Sound Transmission
10 Class.

11 15: The building facade is to be
12 renovated.

13 I didn't hear that as a condition, but
14 I have -- what were we talking about there? You
15 have no control over that, right?

16 MR. ANATRO: I can work with the
17 landlord, I guess, and try to do it.

18 MR. GALVIN: That's a little too
19 nebulous.

20 MS. BANYRA: They didn't testify to it.
21 I asked a question, but they didn't testify to that.

22 CHAIRMAN AIBEL: They didn't offer it.

23 MR. GALVIN: I am going to delete that.

24 MR. BURKE: With that said, we will go
25 on the record to say that he will approach the

1 landlord to at least see if he could paint or do
2 some things to make the building a little bit more
3 attractive.

4 VICE CHAIR GREENE: I think you can use
5 the term "spiffing" it up.

6 MR. GALVIN: Yeah, but the problem
7 is -- here is one of the problems we have. The most
8 malign thing in the zoning world in Hoboken right
9 now is: Is it attractive or not.

10 And when you are trying to look for
11 proofs and reasons to grant these things, sometimes
12 one of the few things that we have -- like, yes,
13 there is a service provided here, but if the
14 building were gussied up and looked better, that
15 would be an additional special reason, but you don't
16 have that here because we really don't have -- it
17 wasn't presented to us that the building is going to
18 be really cleaned up.

19 We know we are getting a new sidewalk,
20 and we're going to get a new curb, and we're going
21 to get a tree, but we don't really know if the
22 building is going to look any better. They are
23 going to try, but I don't think that you can rely on
24 that as a proof. Okay?

25 The applicant is to plant a street tree

1 in consultation with the Shade Tree Commission.

2 16: The sidewalk and tree are to be
3 washed down -- I put "weekly."

4 VICE CHAIR GREENE: Daily.

5 MS. BANYRA: More.

6 MR. GALVIN: Daily?

7 VICE CHAIR GREENE: Yes.

8 MR. GALVIN: Can you do that even in
9 the wintertime?

10 MS. BANYRA: Well, it doesn't matter in
11 the wintertime because there's going to be snow I
12 think. It's not going to be attractive snow.

13 (Laughter)

14 MR. GALVIN: I am going to put "daily,
15 weather permitting."

16 COMMISSIONER MURPHY: No --

17 MR. GALVIN: No?

18 COMMISSIONER MURPHY: -- hum --

19 MR. GALVIN: I put: And sooner at the
20 direction of the zoning officer, if she determines
21 an odor exists.

22 So if she is walking by, and she thinks
23 there is a problem, and she comes in and says, do
24 that, and you don't do it, it will be violative of
25 this condition.

1 In addition, the tree bed will have
2 treated soil to --

3 MS. BANYRA: To neutralize the animal
4 waste, urine, whatever.

5 I think there was one more condition
6 about putting a --

7 COMMISSIONER MURPHY: Is it too late to
8 make a comment?

9 MR. GALVIN: I just want to get the
10 conditions out unless you have another condition.

11 COMMISSIONER MURPHY: No. I just
12 wanted to --

13 CHAIRMAN AIBEL: To comment on the
14 condition?

15 COMMISSIONER MURPHY: On the condition.

16 So every day I walk with my dog by the
17 Maxwell Restaurant, and they are out there cleaning
18 or they used to when it was Maxwell's, the first
19 Maxwell's, cleaning the sidewalk because people hang
20 out. You know, they have music and what-have-you,
21 and we have seen three trees die from overwatering
22 and overusing a cleaner, and they were big,
23 beautiful trees. And, you know, I think the owner
24 got to a place where he didn't really care, so you
25 know...

1 MS. BANYRA: Were they using actually
2 some kind of a cleaning material on the sidewalk?

3 COMMISSIONER MURPHY: Oh, yeah. Like
4 you could see white stuff being scrubbed and then
5 being hosed into the trees, because that's where the
6 water that -- and the sidewalk where they, you
7 know --

8 MS. BANYRA: Right.

9 COMMISSIONER MURPHY: -- so I'm just --
10 I mean, I am all for putting up trees, but I think
11 that trees and cleaning solutions --

12 MS. BANYRA: It can't be a cleaning
13 solution. I think water is a universal solvent,
14 right, so I think we are going to go with water.

15 COMMISSIONER MURPHY: Right. But we're
16 asking to clean down the urine or are we saying just
17 to hose it down with water?

18 MS. BANYRA: Just rinse it down.

19 VICE CHAIR GREENE: Hose it down.

20 (Everyone talking at once.)

21 COMMISSIONER MURPHY: That's all right.
22 I heard cleaning.

23 MR. GALVIN: No. I am agreeing with
24 you. The testimony was that he mixes it with a
25 certain amount of Clorox.

1 COMMISSIONER MURPHY: Bleach.

2 COMMISSIONER MARSH: That was inside.

3 COMMISSIONER GRANA: That was inside.

4 COMMISSIONER MARSH: That was the
5 bleach inside.

6 COMMISSIONER MURPHY: But we got to
7 make sure that it doesn't really --

8 MR. GALVIN: Outside, how are we
9 cleaning the sidewalk? Is it plain water?

10 MR. ANATRO: It probably will be a
11 water and bleach combination.

12 MS. BANYRA: No. You can't do bleach.

13 MR. BURKE: No bleach, just water. I
14 think the tree should have to be in a planter or
15 something to protect it, or some kind of a
16 mechanism --

17 VICE CHAIR GREENE: Well, it can't be
18 too protective because the idea is to let the dogs
19 go there.

20 COMMISSIONER MURPHY: They will still
21 go on the side of the pot.

22 (Everyone talking at once.)

23 MR. BURKE: That's true.

24 CHAIRMAN AIBEL: Jim is a dog owner.

25 (Everyone talking at once)

1 COMMISSIONER MURPHY: And you wanted to
2 put a socket outside --

3 COMMISSIONER MARSH: A spigot.

4 COMMISSIONER MURPHY: -- a spigot, not
5 a socket.

6 MR. GALVIN: All right. So the
7 building will have an outside spigot.

8 VICE CHAIR GREENE: Water spigot.

9 MR. BURKE: Water spigot.

10 MR. GALVIN: Anybody want to spell that
11 for me?

12 VICE CHAIR GREENE: S-p-i-g-g-o-t?

13 COMMISSIONER GRANA: No, it's g-o-t.

14 MR. GALVIN: Okay. I got it. You
15 guys.

16 Okay. And the sign shall have bar
17 lighting.

18 MS. BANYRA: Does anybody mind if we
19 get rid of the gooseneck as opposed to like a bar
20 lighting, which is a simple -- it looks just like
21 this, and it just is a down light as opposed to the
22 goosenecks that we know?

23 COMMISSIONER MARSH: That's fine.

24 VICE CHAIR GREENE: That's fine.

25 COMMISSIONER MARSH: Can I ask a couple

1 of questions?

2 VICE CHAIR GREENE: I'm sorry. By the
3 way, all of these things should be shown on the
4 plans that we are asking for.

5 MS. BANYRA: Yes.

6 COMMISSIONER MARSH: I don't know
7 whether your condition includes that description of
8 a wall material that is completely waterproof.

9 MR. MARSDEN: The Fiberglass wall.

10 COMMISSIONER MARSH: Yeah. That's part
11 of the plan.

12 MR. BURKE: It is in the plans.

13 COMMISSIONER MARSH: Okay. But I
14 didn't know whether -- okay --

15 MR. GALVIN: The plan is to be revised
16 to include all -- the plan is to be revised to
17 encompass all of the testimony and is to be reviewed
18 by the Board's professionals.

19 COMMISSIONER BRANCIFORTE: So that
20 would include continuing the south wall around the
21 perimeter of the entire stairwell and lobby --

22 MR. GALVIN: It's up to these guys to
23 double check and make sure everything that was
24 testified to is complied with.

25 COMMISSIONER MARSH: I have a few more.

1 So did those plans include -- did that
2 include how far back from the front entrance the
3 dogs are, right?

4 MR. BURKE: Yes, that is not changing,

5 COMMISSIONER MARSH: The last question
6 I had, though, I think the applicant testified that
7 his dogs are spaded and neutered. Did he say that?

8 MR. BURKE: He did say that.

9 COMMISSIONER MARSH: Do you want to --

10 MS. BANYRA: Would you ask him that,
11 please?

12 MR. GALVIN: Are the dogs spaded and
13 neutered?

14 MR. ANATRO: The dogs are all spaded
15 and neutered --

16 MR. BURKE: The dogs are all spaded and
17 neutered unless --

18 MR. ANATRO: -- they are six months or
19 younger --

20 MR. GALVIN: One voice at a time

21 MR. ANATRO: Dogs prior to six months
22 can't get pregnant, so vets don't neuter typically
23 when they are younger than that.

24 MR. GALVIN: So do you want to say
25 that, the dogs --

1 MR. ANATRO: Our requirement --

2 MS. BANYRA: Well, that's his
3 requirement.

4 MR. ANATRO: -- our requirement is
5 three months, for the dogs to come in between three
6 months and six months, and they don't have to be
7 spaded or neutered, but after that they would be
8 spaded or neutered.

9 MS. BANYRA: I have a suggestion. I
10 think, you know, based on what you have told us is
11 your protocol, do you have a manual that indicates
12 all of this that should go into the file that says,
13 we do this, we do this, this is our hours, you know,
14 that you have something to that effect?

15 MR. ANATRO: I have a requirements
16 plan -- a requirements page on my website --

17 MS. BANYRA: Or rules and regulations
18 that should go into -- if that is what he is
19 testifying to, and that is what you are required to
20 do, then we put that into the plan, so that if
21 anybody opens up the plan, that is what he testified
22 to, and we can review that pursuant to the --

23 MR. GALVIN: I mean, do you want to add
24 that?

25 Is that what we're adding?

1 MS. BANYRA: I think you should,
2 because I think then it completes the file.

3 MR. GALVIN: How is Ann going to be
4 able to enforce that?

5 MS. BANYRA: I think if an issue comes
6 up, we are going to review it based on the
7 testimony, what he presents to us. It's going to be
8 one or two pages of whatever his rules are. If it
9 complies with the testimony, it is going to be in
10 the file.

11 If there is an issue with an
12 application, we go to the file, and we look at what
13 was said in the file and what the supporting
14 documentation is. I mean, that's what you always
15 do, right?

16 COMMISSIONER MARSH: I am a little
17 loathe to put things in the files next to
18 resolutions, because they disappear.

19 COMMISSIONER BRANCIFORTE: No. We
20 attach that as part of the resolution.

21 MR. GALVIN: How about this?

22 Could you come up, so we can hear you,
23 because I kind of missed this last thing?

24 Are there rules and regulations, is
25 that what you're --

1 MR. ANATRO: I have no other rules and
2 regulations requirements than I have at all of my
3 facilities, that is standard --

4 MR. BURKE: How do you impart that on
5 the customers?

6 MR. ANATRO: When we get the
7 registration, we know the age of the dog. We know
8 the details about it.

9 MR. BURKE: How about if I bring a dog
10 to you, how do I know that if I bring a dog less
11 than a year old that hasn't been spaded, you're
12 going to say I'm not taking the dog, how do you --
13 do you fill out a form?

14 MR. ANATRO: There's a form, yeah. We
15 have a registration form, and you fill that out, and
16 it says, is the dog spaded or neutered, you know,
17 how old is it --

18 MR. BURKE: Maybe that could be the
19 attachment because it is one page, right?

20 MS. BANYRA: But you probably have your
21 hours of operation -- you give somebody, here is my
22 hours --

23 MR. ANATRO: We can compile that into a
24 business plan very easily --

25 MR. GALVIN: Is it like one or two

1 pages?

2 MS. BANYRA: We just need like
3 something simple.

4 MR. ANATRO: Yeah. It is pretty long,
5 but we can bullet point it --

6 MR. GALVIN: I have to tell you, I
7 think we are going out on a limb here --

8 MS. BANYRA: Okay.

9 (Everyone talking at once.)

10 MR. GALVIN: -- no, no, no, listen to
11 me very clearly.

12 I just had this conversation with
13 somebody, and I think they are right. It's not
14 somebody that has anything to do with us, but
15 somebody else in the city, you got to put conditions
16 that are reasonable, clear and enforceable.

17 We are never going to be able to
18 enforce rules and regulations after the fact going
19 down like a year or two years from now.

20 We are certainly not going to be able
21 to enforce whether the dogs are spaded or neutered.
22 I just think you guys are like, you know, we are
23 going to have a problem, and it is going to reflect
24 badly on the Board.

25 COMMISSIONER MARSH: Can you put in

1 that they -- I mean, I suppose this is a given -- in
2 a lot of municipalities, that they have to be
3 licensed --

4 MR. GALVIN: All dogs have to be
5 licensed.

6 COMMISSIONER MURPHY: Well, in Hoboken
7 they have to be licensed, but not everybody does it,
8 so maybe there is a condition that he could only
9 take dogs who are licensed.

10 MR. GALVIN: But why impose that
11 condition, because the dog warden can go there --

12 COMMISSIONER MURPHY: Well, that's
13 because then they check for rabies --

14 MR. GALVIN: -- I can see it now.
15 Let's say the paddy wagon will be the doggie wagon,
16 and he will come down and pick up all of the dogs
17 and take them down --

18 (Everyone talking at once.)

19 COMMISSIONER MURPHY: Right, right,
20 exactly, but they check to make sure that a dog has
21 rabies shots.

22 MR. ANATRO: Rabies, by law, you have
23 to have a rabies shot, so --

24 COMMISSIONER MURPHY: Right. So if you
25 don't go for a license, you don't have to worry

1 about having that shot --

2 MR. GALVIN: I'm saying --

3 COMMISSIONER MURPHY: -- there are a
4 lot of people who don't believe in that shot --

5 MR. GALVIN: -- it's also a risk --
6 it's also a market risk to his business not to do
7 that. I'm saying like --

8 COMMISSIONER MURPHY: -- right. We
9 have to let him do his business, too --

10 THE REPORTER: Wait. You can't talk
11 when Dennis is talking. I'm sorry.

12 COMMISSIONER MURPHY: -- I'm sorry.

13 MR. GALVIN: Well, no, I can shut up,
14 and you can talk.

15 COMMISSIONER MURPHY: No, you go ahead.

16 MR. GALVIN: But I don't know that the
17 governing body, even if they said doggie day care
18 would be permitted, how much regulation would they
19 impose. Would they impose this degree of
20 regulation, I am not sure.

21 Even when you were considering that
22 ordinance in '09, what did the ordinance say?

23 It said doggie day care is permitted.
24 It is going to be insulated. It's going to be, you
25 know, a clean facility. It is like, I don't know.

1 But, again, I just want everyone to
2 understand I want conditions that when people look
3 at our conditions, they go, boy, this Board really
4 got it. They know what they want. We got a
5 clear -- you guys want a bright line also, because
6 you don't want to have something nebulous where
7 somebody doesn't like you, and then they start
8 wanting to have every dog checked to see if one of
9 them is not spaded.

10 MR. BURKE: Here is a clear one,
11 though, to amend what you said earlier.

12 The applicant would agree to make the
13 maximum number of dogs 58 versus 70, because that
14 was something that was brought up, so he has agreed
15 to do that.

16 MR. GALVIN: I changed it to 58.

17 Mr. Branciforte, I'm sorry.

18 COMMISSIONER BRANCIFORTE:

19 Realistically, how many dogs are in your places at
20 once? I mean, people come and drop them off and
21 pick them up, they make appointments to have them
22 groomed. Realistically --

23 MR. ANATRO: Every location is
24 different. Jersey City can do it, because it has
25 got 7,000 square feet on the bottom floor, it could

1 have a hundred dogs there. Woodland Park can have a
2 hundred dogs.

3 MR. BURKE: But how many on a typical
4 day?

5 MR. ANATRO: Probably like 50, 55.

6 COMMISSIONER BRANCIFORTE: I'm just
7 curious, and I just wanted -- I mean, this is more
8 for discussion, but now we are on this topic of
9 conditions.

10 We also have to remember, you seem like
11 a very responsible owner of this business. You
12 know, what happens when you and your wife decide to
13 move to Florida -- sell the business and move to
14 Florida, and the guy you sell it to turns out to be
15 not as responsible as you?

16 That is one thing we always have to
17 think about, so that is why the conditions have to
18 be somewhat clear and specific, but at the same
19 time, you know, we don't want to tie your hands.

20 VICE CHAIR GREENE: But if we are
21 having a discussion, let me just point out, in my
22 view to a certain extent, if the maintenance of the
23 facility or some of the conditions we are looking to
24 impose are not self-imposed, the business is not
25 going to exist because nobody is more particular

1 than a dog owner about the health and safety of
2 their pet.

3 So if he's got a facility where dogs
4 are getting sick or dogs are getting bitten, people
5 are not going to leave their dogs there, and they
6 are going to close up shop, and I think perhaps the
7 location that is already closed may be an example of
8 that.

9 COMMISSIONER BRANCIFORTE: Gotcha.

10 MR. BURKE: One round of kennel cough,
11 and you don't go back.

12 MR. GALVIN: Let me suggest also, it
13 might be a good idea to record the resolution.

14 Have you done that before?

15 Just record the resolution, so that
16 future owners will be on notice.

17 MR. BURKE: My only issue is my client
18 doesn't own the property. I don't know if that
19 would be violative of the lease because it would
20 actually be something --

21 MR. GALVIN: Let me just say this: The
22 landlord in a -- I was going to say in a sick
23 twisted way -- the landlord benefits here, because
24 if your lease doesn't work out, we are granting a
25 use that is not permitted in the zone to that

1 property, so he wants to have that use because then
2 he could turn around, it is profitable for him to --

3 MR. BURKE: We will commit to seek
4 approval to do that.

5 MR. GALVIN: -- no, no, no, no, no. I
6 don't know what the Board wants to do, but what I am
7 saying is if you record this resolution, all of the
8 conditions that we are imposing, if there is a new
9 tenant or a new owner of the building, there won't
10 be any resolutions lost downstairs, so if we don't
11 know where it is, it has been recorded in the
12 county, and everybody when they transfer the
13 property will be able to check the title work and
14 see that these conditions are there.

15 So I understand what you are saying,
16 the landlord might have a problem with it, but I
17 think that if you want to get this approval, I think
18 that -- unless the Board tells me to stand down --

19 COMMISSIONER MURPHY: I think that
20 sounds great because we are giving it this
21 particular use, and you know, like any business,
22 people have profitable businesses, and they sell
23 them and move on, and so the next person should be
24 held to the same --

25 COMMISSIONER MARSH: I can also see a

1 situation where the governing body approves it,
2 makes, you know, approves these for a use in the
3 zone, but they restrict the number of like how far
4 they could be from each other, how many you can have
5 on a block, something like that, so you put somebody
6 in a terrible position, if they approve the
7 business, and then there was another one that was
8 violating -- I agree.

9 MR. GALVIN: Okay. Sorry, Mr.
10 Branciforte?

11 COMMISSIONER BRANCIFORTE: Again, it is
12 not so much -- I understand what you are saying, Mr.
13 Greene, but it is not so much the customers I am
14 worried about being turned off when they walk into
15 the premises by the conditions, but the neighbors.
16 I mean, really if a new owner decides he is not
17 going to wash down the sidewalk any more or not care
18 if people are doing whatever --

19 CHAIRMAN AIBEL: Let's save that for
20 discussion, because I think we just want to get past
21 this and then have a discussion.

22 MR. GALVIN: I am good.

23 Sorry, guys.

24 COMMISSIONER DE FUSCO: So what about
25 the street tree? Are we asking for one, because my

1 concern is that if the street tree does die, it's
2 not going to be replaced, so -- but I am all for
3 street trees, so what's the Board's thoughts on
4 that?

5 MR. GALVIN: No. I added: In the
6 event the tree dies, it will be replaced at the
7 request of the zoning officer, weather conditions
8 permitting.

9 COMMISSIONER MURPHY: Okay.

10 COMMISSIONER DE FUSCO: And we have the
11 faucet, the spigot, on the outside?

12 Great.

13 MR. GALVIN: It is a lot of conditions,
14 but it's because it is a use that is not permitted
15 in the zone.

16 CHAIRMAN AIBEL: Okay. Are we ready
17 to --

18 MR. GALVIN: I am done. Sorry.

19 CHAIRMAN AIBEL: That's all right.

20 Okay, Board, now is the time for
21 comments.

22 COMMISSIONER BRANCIFORTE: You know, I
23 understand this is all new to the planning and
24 zoning of Hoboken, these doggie day care things, but
25 I don't know if I ever heard the Board have so

1 many -- be so nervous about approving something, but
2 at the same time still sound so positive about
3 wanting to approve it.

4 So I am very nervous. You know, I hope
5 that you are a responsible owner, and I hope that
6 you respect the neighborhood, and you know, it is
7 funny to think about dogs urinating all over the
8 neighborhood unless you live in that neighborhood,
9 so I just hope that this works out.

10 It is a huge leap of faith for me, it
11 really is, to say yes to this. But I think it is
12 funny that we are all so nervous, but we seem so
13 positive about wanting to approve it at the same
14 time.

15 COMMISSIONER DE FUSCO: Well, I would
16 offer, John, that I think that we know the potential
17 negatives associated with dogs, but the reason we
18 are nervous is for that, but also see the positives
19 in the fact that our neighbors or our friends or
20 families want to have dogs in an urban environment,
21 and this is an opportunity for them to do that and
22 to have productive careers and daily lives.

23 I think it is a good service for the
24 community. I don't think that granting this
25 variance is going to seriously affect this block in

1 I think the same ways that you fear it might.

2 I think that any owner that is running
3 an operation such as this has every interest in
4 keeping this a clean facility, keeping their
5 customer base to a reputable level, and if they
6 don't, their customers will judge them, and the
7 community will certainly have its own way of dealing
8 with it and escalating it based on the points that
9 we outlined.

10 I think that based on that, I think it
11 is a good application, and I think it is a risky
12 one. I think that the reason we were so actively
13 putting these conditions down is that we just wanted
14 to make sure that this block isn't adversely
15 impacted.

16 I like the application, and I think it
17 is a good benefit to the community.

18 VICE CHAIR GREENE: I guess it is my
19 turn. I sort of echo what Mike --

20 COMMISSIONER GRANA: Go ahead.

21 VICE CHAIR GREENE: -- why don't we
22 just go around?

23 Would you like to speak first?

24 COMMISSIONER GRANA: No.

25 CHAIRMAN AIBEL: Go ahead, Elliot.

1 VICE CHAIR GREENE: -- I sort of echo
2 what Mike said.

3 I think, John, certainly you are
4 concerned about 75 dogs. It's been now reduced to
5 58.

6 My view is that most of the patrons,
7 the customers, are going to come from the
8 neighborhood, so they are there already. You are
9 not really adding to the dog traffic by and large.

10 I have some concerns about the fact
11 that this is right in the middle of other
12 residences, but it appears that the sound has been
13 mitigated. The smells have been mitigated. The
14 sanitation issues have been mitigated, so you know,
15 on the scales of, you know, yes or no, I am leaning
16 on the yes side.

17 CHAIRMAN AIBEL: Antonio?

18 COMMISSIONER GRANA: I think Mr. Ochab,
19 you know, raised a point that under 196-33, that if
20 this were some other retail use, that it would be
21 allowed in this zone, and we also heard testimony
22 that this was being considered, I guess, for I-2 or
23 I-1. I don't know which for industrial zones it was
24 being considered as probably reflective of the fact
25 that there is a demand for the service in the

1 community, but that there is a number of dogs in the
2 community.

3 The perspective I would add is, you
4 know, I will throw a personal twist. You know, I
5 live in a building where there are nannies and dog
6 walkers and, you know, cleaners and all, so on, and
7 so forth, and that is actually much less controlled
8 than this environment and much more problems of
9 potential elimination.

10 But the point is: We are promoting
11 dogs in the community because all of these condos
12 and rentals are allowing dogs. They are going to be
13 in the neighborhood either way.

14 We also allowed dogs in the community
15 in other ways because we allowed them into our
16 public parks. We reconfigured the public parks.
17 There is probably much more challenge I think with
18 the congregation and the smell across the street
19 from Church Square Park than there might be in this
20 facility. That is just a point to consider.

21 I think we are being conservative,
22 which is good. We put a lot of conditions on this,
23 which we want to transfer. I think that is
24 reasonable, and I think going beyond that we are
25 probably risking over-regulating a business. I am

1 not sure, you know, your customers will speak on
2 their own.

3 I didn't comment on the 75 or not. I
4 think it has been put in, but I am not an expert in
5 that area. I would leave it to you whether or not
6 that was the right amount or not, but that has made.

7 So, thanks.

8 COMMISSIONER BRANCIFORTE: Did we lower
9 that number by the way?

10 MR. GALVIN: It's from 75 to 58.

11 COMMISSIONER GRANA: It was offered.

12 CHAIRMAN AIBEL: Anybody else?

13 COMMISSIONER MURPHY: Hum, I guess my
14 only real concern is being in a residential area,
15 and although I believe that your building probably
16 has more than 75 dogs that come out and go to the
17 bathroom right in front of your building --

18 COMMISSIONER BRANCIFORTE: Do you
19 gladly want to step in front of my building and
20 smell what I smelled this afternoon? You'd know it.

21 COMMISSIONER MURPHY: Right.

22 But there is a part of me that wishes
23 that we were doing this more in, you know, an
24 industrial zone or a more commercial zone rather
25 than a mixed residential commercial. But being that

1 it is not, and it is a need that we need in this
2 community, and he seems like a responsible person,
3 he has done a great job I think explaining what he
4 has done in his past businesses, and I think as long
5 as we can, you know, we have the conditions and that
6 he could be held to it, then it is worth trying.

7 COMMISSIONER BRANCIFORTE: I just have
8 to tell a funny story. You know, in our building at
9 Maxwell Place, we have pretty strict rules about
10 letting your dog -- when you bring your dog outside,
11 please don't let it go in front of the building.
12 Across the street, the Shipyard has the same rule.

13 So all I see is people from the
14 Shipyard going over to Maxwell Place, and people
15 from Maxwell Place going to Shipyard, but that's
16 just -- when you say that, I just have to laugh.

17 (Laughter)

18 MR. BURKE: It's not so easy to stop
19 your dog when it is going, too, you know.

20 CHAIRMAN AIBEL: Well, let me -- I'll
21 be brief.

22 I have two dogs. I am a huge dog
23 lover. I have been here a long, long time. I have
24 seen dogs proliferate beyond anything that we could
25 wildly imagine, and I really want to support this.

1 I am just stuck on supporting this use in a dead
2 residential zone right up the street from a church.

3 The density -- the dog -- I'll use
4 that -- the dog density seems high. I have got a
5 45-foot long, 22-foot wide house, and that basically
6 approximates the area of the two dog pens. For me
7 to think of putting 30 dogs in there, five dogs is
8 beyond my imagination.

9 So my point is: There will be a
10 concentration both in the facility and in
11 necessarily getting the dogs in and out of that
12 facility. That is unavoidable.

13 You know, if I were the planner, I
14 guess I would be saying, let's plan this use, let's
15 put it in an industrial zone or find a place, a
16 unique place, a particularly suited place in an R-2,
17 R-1, whatever the zones are, and I will sort of
18 throw back Hoboken Unleashed for better or worse.
19 That was a facility that was in mid block, a large
20 run of very, very large industrial buildings.

21 If the argument were coming to me
22 today, can we put that use in an R-2 zone in that
23 building, I would say, okay, maybe that is a
24 particularly suitable building for this very, very
25 intense use, and you know, I just have trouble

1 avoiding it, because I am a dog owner, and what dogs
2 do to neighborhoods when you sort of concentrate
3 them in one area.

4 So, again, I think everybody here has
5 got their own views of what would be appropriate.

6 At the end of the day, you know, there
7 is a standard of proof. The D-1 proofs are, you
8 know, the very highest that we are supposed to
9 consider, so I am looking at it through the lens of,
10 you know, what our legal obligation is, or what our,
11 you know, commitment is here to apply the principles
12 to this particular use, and I am sort of having a
13 struggle, so...

14 MR. BURKE: May I say two things?

15 CHAIRMAN AIBEL: Sure.

16 MR. BURKE: One is: If you put it in
17 the industrial zone, that solves maybe one riddle,
18 but it creates another, because now you got people
19 in a residential zone, instead of walking their dog
20 to the facility, now have to drive the dog to a
21 facility, which creates traffic and other problems
22 and dropoff and pickup.

23 The other thing is I mentioned earlier
24 that the business you referenced just went out of
25 business. That building is now being converted --

1 they will be before you at some point with Mr.
2 Matule on an application to transfer that building
3 into a residential building, so this is going to be
4 a five-year, plus a five-year, potentially a full
5 ten-year run.

6 Neighborhoods do change one way or the
7 other, so it is hard to say a particularly suited
8 site one day is going to be that same site three
9 year later, so that may not affect your opinion, but
10 I just wanted to say that.

11 MR. GALVIN: I just want to jump in.
12 Normally when we are in deliberations, there
13 shouldn't be back and forth with the Board.

14 MR. BURKE: Right.

15 CHAIRMAN AIBEL: But I gave --

16 MR. GALVIN: I think Mr. Aibel wanted
17 your opinion, so I didn't interrupt, and I'm sorry.

18 CHAIRMAN AIBEL: No. I am happy to
19 have that discussion before we get to the vote, and
20 I think the conundrum for me is the fact that the
21 location of this business in the middle of the
22 residential population is both, you know, what will
23 make it a successful business, but also I think to
24 me is the harm, is the detriment, because it is
25 right in the middle of a residential district, so

1 you know how that gets balanced.

2 I am not sure that I am in a position
3 to, you know, balance it in favor of the applicant
4 tonight, but I have Board members here who may feel
5 differently, so...

6 COMMISSIONER BRANCIFORTE: It is kind
7 of true. I mean, there are so many storefronts on
8 Washington Street, I don't know why this isn't on
9 Washington Street.

10 COMMISSIONER DE FUSCO: I mean,
11 Washington Street is one particular part of town,
12 and this is in a completely different part of town.
13 I mean, I don't know if we can argue that the
14 business would do better in one part of town than
15 the other, but I do know that there are four corners
16 in Hoboken, and we just need to look out for our
17 friends in this particular region.

18 COMMISSIONER BRANCIFORTE: Yeah. But
19 it gets back to the question: Is this really the
20 best, the most suitable spot for this particular
21 use.

22 You know, there probably are better
23 sites in town that would be more suitable for dog
24 watching than this sort of day care thing. Right
25 off the bat, I'm just picking Washington Street.

1 COMMISSIONER MARSH: One of the
2 problems with Washington Street is the rents are
3 exorbitant.

4 COMMISSIONER BRANCIFORTE: I know, but
5 you can't really take that -- I mean, are we allowed
6 to take that into account?

7 MR. GALVIN: No, generally no. You
8 should be considering what the impact is on the
9 neighborhood, not whether -- that may be why this
10 site is attractive to the applicant, but it is not
11 something that we weigh.

12 What they are saying is I think the
13 better argument for them from a zoning perspective
14 is that Washington Street is far away, and that you
15 are serving a neighborhood here. You can have --
16 there are other places in town where you could put
17 it, which might have less negative impact on the
18 surrounding properties, but would there be other dog
19 owners who would be close by, so --

20 COMMISSIONER MARSH: You could also
21 make the argument that Washington Street has a lot
22 more foot traffic. It's got buses. It's got bus
23 stops, you know. If you are looking for targets for
24 dogs to eliminate, there are a lot of those on
25 Washington Street.

1 CHAIRMAN AIBEL: Can I ask a question?

2 COMMISSIONER MURPHY: A lot of
3 residents, too.

4 MR. GALVIN: Yes, of me?

5 CHAIRMAN AIBEL: What is the
6 precedential value, and I understand what the answer
7 likely would be, but if we grant this use variance
8 in this particular zone tonight, when we get the
9 next one in a week from now, maybe a little farther
10 away from a church and maybe in a little less
11 residential area, we would be obliged to say --

12 MR. GALVIN: It's not precedential.
13 Each case is judged by its own merits. I prefer if
14 you found this location particularly suited for this
15 use rather than finding that it's a use that was
16 excluded or overlooked by the governing body, but I
17 think you are right. I think that whoever is going
18 to present the next case would certainly say, well,
19 you guys did it. You might see after this one, that
20 it was, let's say, a good decision or a bad decision
21 that might affect what you did with the future case.

22 I always say you are not bound to do
23 the same decision in the future. If you are armed
24 with more experience, you might feel it's not
25 necessary. In other words, it's like an inherently

1 beneficial use, having one hospital in town is a
2 great benefit to the community. Having four or five
3 hospitals in town, they start to become less
4 beneficial, and they just become like an ordinary
5 use. The same kind of thing with a facility. You
6 know, saying that we don't have any place in town
7 for this type of service, and you want to get one to
8 try to like help people out, that is one answer.

9 And if we started having four or five
10 of these things, then it would be less valuable, and
11 maybe it would no longer outweigh the weighing
12 process, and also maybe the other facilities
13 wouldn't be soundproofing or wet proofing or doing
14 the other things that this particular applicant is
15 doing that persuaded you.

16 COMMISSIONER MARSH: I was just
17 listening and thinking about this, too.

18 You know, over the years I heard a lot
19 of complaints and a lot of talk about the
20 neighborhoods, and you know, I took my son to the
21 park every day for, you know, a million years. I
22 heard -- I know a lot of people who say, I wanted to
23 move to Hoboken -- not a lot -- several people --
24 who say I wanted to move to Hoboken, so I could buy
25 a house that was near the park because I wanted my

1 kids to be able to go to the park.

2 I know other people who say, I would
3 never live by a park because you can't imagine the
4 sound that swings make at eleven o'clock at night,
5 and there are people who will not move into my
6 neighborhood because there is no parking, and people
7 who don't care, you know. They like the walking
8 aspect of living in my neighborhood.

9 So I am not saying I'm right, and I am
10 a little nervous about this, but maybe this is an
11 attraction. I mean, the people that are building
12 the building next door didn't come and complain.
13 Maybe they are thinking this is actually a plus.

14 For somebody that wants a place to drop
15 their dogs off while they go grocery shopping for
16 five hours or whatever they do, maybe this is good
17 and maybe somebody else will move to a different
18 neighborhood, I don't know.

19 COMMISSIONER BRANCIFORTE: Well, the
20 thing I always ask myself is if I lived on this
21 block, if I lived next door to this, would I want
22 this thing going in next door to me, and that is the
23 way, and would it be a substantial detriment to my
24 quality of life.

25 COMMISSIONER MARSH: What's the worst

1 local businesses and the betterment of lifestyles,
2 and this to me does that.

3 MR. GALVIN: Somebody should make
4 motion for or against.

5 COMMISSIONER GRANA: I was going to
6 move for it.

7 Is that where we are at?

8 CHAIRMAN AIBEL: Yes.

9 VICE CHAIR GREENE: Subject to?

10 COMMISSIONER GRANA: Subject to the
11 conditions -- the 17 -- what are we at, Dennis?

12 MR. GALVIN: It's 20 plus my regular
13 conditions, and the applicant is going to have to
14 record the resolution.

15 I don't really see any detriment to the
16 land owner, because if he gets the doggie day care,
17 he has this condition. If he decides to stop using
18 his doggie day care, then --

19 MR. BURKE: We will agree.

20 MR. GALVIN: -- if he gives up the
21 doggie day care, he can take the restriction off.
22 We're not asking him to build anything or do
23 anything.

24 MR. BURKE: That's fine.

25 MR. GALVIN: The other thing is we are

1 at a maximum of 58, okay.

2 MR. BURKE: Correct.

3 COMMISSIONER GRANA: I will move with
4 the items that Dennis just mentioned for approval.

5 CHAIRMAN AIBEL: Is there a second?

6 VICE CHAIR GREENE: I will second it.

7 MS. CARCONE: Okay.

8 Commissioner Greene?

9 VICE CHAIR GREENE: Yes.

10 MS. CARCONE: Commissioner DeFusco?

11 COMMISSIONER DE FUSCO: Yes.

12 MS. CARCONE: Commissioner Grana?

13 COMMISSIONER GRANA: Yes.

14 EXECUTIVE DIRECTOR GARCIA:

15 Commissioner Marsh?

16 COMMISSIONER MARSH: Yes.

17 MS. CARCONE: Commissioner Murphy?

18 COMMISSIONER MURPHY: Yes.

19 MS. CARCONE: Commissioner Branciforte?

20 COMMISSIONER BRANCIFORTE: Yes.

21 MS. CARCONE: Commissioner Aibel?

22 CHAIRMAN AIBEL: No.

23 Thanks, everybody.

24 MR. BURKE: Thank you very much.

25 CHAIRMAN AIBEL: Congratulations and

1 good luck.

2 MR. GALVIN: Keep that sidewalk clean
3 there.

4 (Laughter - everyone talking at once.)

5 (Discussion held off the record.)

6 (The matter concluded at 10:15 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: 7/24/14

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

1 CHAIRMAN AIBEL: Back on the record.

2 Pat, we have an August schedule?

3 We have a Regular Meeting on the 19th.

4 MS. CARCONE: On the 19th, and a
5 Special Meeting on the 26th.

6 CHAIRMAN AIBEL: So we are trying to
7 determine (a) who might be available for the 19th,
8 and who might be available for the 27th --

9 MS. CARCONE: The 26th

10 CHAIRMAN AIBEL: -- the 26th, I'm
11 sorry.

12 VICE CHAIR GREENE: I already indicated
13 the fact that I will be here for the 19th, but I
14 won't be here for the 26th.

15 (Board members all talking at once.)

16 COMMISSIONER BRANCIFORTE: Labor Day is
17 the --

18 VICE CHAIR GREENE: The Monday after
19 the 26th.

20 COMMISSIONER BRANCIFORTE: Yeah,
21 Monday, the 1st.

22 CHAIRMAN AIBEL: Anybody have
23 definitive plans to be away either of those days?

24 COMMISSIONER BRANCIFORTE: Not right
25 now.

1 MS. CARCONE: So it's just Elliot for
2 the 26th.

3 COMMISSIONER MURPHY: I was saying I am
4 away for those two weeks. I am willing to come
5 back, if I have to. I would prefer to come back one
6 day, not both, because it really takes me -- that
7 will be four days away from my vacation.

8 MR. GALVIN: There are enough alternate
9 members.

10 CHAIRMAN AIBEL: There's plenty of
11 alternates.

12 Pat, do we have enough work for two
13 nights?

14 MS. CARCONE: Oh, we definitely have
15 enough for two nights, and that would carry the two
16 applications and --

17 (All Board members talking at once.)

18 CHAIRMAN AIBEL: Diane, we will see
19 whether we have enough people.

20 COMMISSIONER MURPHY: Yeah, see how it
21 goes. I might be ready to leave my family for two
22 days.

23 VICE CHAIR GREENE: I often use it as
24 an excuse.

25 COMMISSIONER GRANA: I am available on

1 the 19th and 26th.

2 MS. CARCONE: Thank you.

3 MR. GALVIN: Motion to close.

4 CHAIRMAN AIBEL: Okay. Motion to
5 close.

6 COMMISSIONER GRANA: Motion to close.

7 (All Board members talking at once.)

8 THE REPORTER: Is this on the record?

9 CHAIRMAN AIBEL: No.

10 All in favor?

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

13 (The meeting concluded at 10:20 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 7/24/14

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