

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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SPECIAL MEETING OF THE :
HOBOKEN ZONING BOARD OF :October 14, 2014
ADJUSTMENT :Tuesday 7 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff

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

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

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1 CHAIRMAN AIBEL: Good evening,
2 everyone.

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

11 Can you join me in the salute of the
12 flag?

13 Thank you.

14 (Pledge of Allegiance recited.)

15 CHAIRMAN AIBEL: Welcome, everybody.

16 We are at a Special Meeting of the
17 Hoboken Zoning Board of Adjustment. We have a few
18 administrative matters to go through first, and then
19 we will reach the hearings. At the moment we are
20 going to take them in the order that they appear on
21 the agenda, 316 Park, 221 Bloomfield, and then 1137
22 Garden. But first, we have a couple of resolutions
23 to be memorialized.

24 MS. CARCONE: We have to do roll call.

25 CHAIRMAN AIBEL: Oh, thank you, Pat.

1 MS. CARCONE: Commissioner Aibel?
2 CHAIRMAN AIBEL: Here.
3 MS. CARCONE: Commissioner Greene?
4 VICE CHAIR GREENE: Here.
5 MS. CARCONE: Commissioner Cohen?
6 COMMISSIONER COHEN: Here.
7 MS. CARCONE: Commissioner DeFusco is
8 absent.
9 Commissioner Grana?
10 COMMISSIONER GRANA: Here.
11 MS. CARCONE: Commissioner Marsh?
12 COMMISSIONER MARSH: Here.
13 MS. CARCONE: Commissioner Murphy is
14 absent.
15 Commissioner Branciforte?
16 COMMISSIONER BRANCIFORTE: Here.
17 MS. CARCONE: Commissioner Fisher?
18 COMMISSIONER FISHER: Here.
19 MS. CARCONE: Commissioner McAnuff?
20 COMMISSIONER MC ANUFF: Here.
21 MS. CARCONE: Commissioner Tremittedi
22 is absent.
23 CHAIRMAN AIBEL: Great. Thanks, Pat.
24 MR. GALVIN: The first matter is 516
25 Monroe Street. That is Mr. Cohen, Mr. Grana,

1 Ms. Marsh, and Chairman Aibel.

2 Do I have a motion?

3 COMMISSIONER COHEN: Motion.

4 MR. GALVIN: Do I have a second?
5 Anybody?

6 COMMISSIONER MARSH: Second. I'm
7 sorry.

8 MR. GALVIN: That is all right.

9 Mr. Cohen?

10 COMMISSIONER COHEN: Yes.

11 MR. GALVIN: Mr. Grana?

12 COMMISSIONER GRANA: Hum --

13 MR. GALVIN: 516 Monroe.

14 COMMISSIONER GRANA: -- I believe I was
15 a dissenting vote.

16 COMMISSIONER COHEN: It says yes in the
17 resolution.

18 MR. GALVIN: We will double check it.
19 You don't have to vote on this.

20 Ms. Marsh?

21 COMMISSIONER MARSH: Yes.

22 MR. GALVIN: And Chairman Aibel?

23 CHAIRMAN AIBEL: Yes.

24 MR. GALVIN: I will check that. That
25 sometimes happens.

1 CHAIRMAN AIBEL: 819 Bloomfield.

2 MR. GALVIN: All right. 819
3 Bloomfield. Mr. Cohen, Mr. Greene, Mr. Grana,
4 Ms. March, and Chairman Aibel.

5 COMMISSIONER COHEN: Motion to approve.

6 MR. GALVIN: Okay. Can I have a
7 second?

8 COMMISSIONER GRANA: Second.

9 MR. GALVIN: Thank you, Mr. Grana.

10 Mr. Cohen?

11 COMMISSIONER COHEN: Yes.

12 MR. GALVIN: Mr. Greene?

13 VICE CHAIR GREENE: Yes.

14 MR. GALVIN: Mr. Grana?

15 COMMISSIONER GRANA: Yes.

16 MR. GALVIN: Ms. Marsh?

17 COMMISSIONER MARSH: Yes.

18 MR. GALVIN: And Chairman Aibel?

19 CHAIRMAN AIBEL: Yes.

20 We are going to wait until next week to
21 do our waivers. Is that okay, Jeff?

22 MR. MARSDEN: Yes.

23 CHAIRMAN AIBEL: Thanks.

24 (Board members confer)

25 (Continue on next page)

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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316 Park Avenue : SPECIAL MEETING
Applicant: 316 Park Corp : October 14, 2014
C&D Variances : 7:10 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commisioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner John Branciforte
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10 (201) 659-0403
11 Attorney for the Applicant.

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1 I N D E X

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11 EXHIBIT NO. DESCRIPTION PAGE

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1 CHAIRMAN AIBEL: So that brings us to
2 316 Park, Mr. Matule.

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

5 Robert Matule appearing on behalf of
6 the applicant.

7 This is an application for property
8 located at 316 Park Avenue. It is an application to
9 replace the existing building with a new four-story,
10 two-family house. I will have two witnesses
11 tonight, Mr. Minervini, our architect, and Mr.
12 Kolling, our planner. I also have a representative
13 of the applicant here.

14 Just by way of some opening comments or
15 remarks, apparently in the last week or so, there
16 have been some conversations between the applicant
17 and the property owners of the property to the
18 north. I guess that would be 318 Park Avenue.

19 Apparently, and I did not participate
20 firsthand in them, but apparently some concerns were
21 expressed about the two rear decks on the property.
22 I believe there was one at the first floor and one
23 at the third floor. And as a result of those
24 conversations back and forth, the applicant has
25 agreed to remove those decks.

1 So, first of all, we want to state for
2 the record that we are formally requesting an
3 amendment to the plan to remove those decks. Mr.
4 Minervini will go into more detail, but I believe
5 the original total lot coverage that was being
6 requested was 70 percent, 6.85 of which was the rear
7 deck, and this is now reducing it to 63.15 percent.
8 The main building is not changing.

9 CHAIRMAN AIBEL: Board members, any
10 dissent on accepting the amendment?

11 MR. GALVIN: Is everybody agreeable
12 with the amendment?

13 COMMISSIONER COHEN: Yes.

14 COMMISSIONER GRANA: Yes.

15 COMMISSIONER MC ANUFF: Yes.

16 MR. MATULE: Thank you.

17 Well, having said that, then I would
18 like to call Mr. Minervini.

19 MR. GALVIN: Raise your right hand.

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

23 MR. MINERVINI: I do.

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

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

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

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

7 CHAIRMAN AIBEL: Yes, we do.

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

9 Mr. Minervini, could you please
10 describe the existing property and the surrounding
11 area?

12 THE WITNESS: The existing property is
13 a 25 foot wide by 95 foot deep parcel with a
14 three-story three-unit building on it, on the west
15 side of Park Avenue between Third and Fourth
16 Streets.

17 I mentioned that it is 95 feet, which
18 as we are all used to, the standard is 100 feet.
19 But there is a ten foot section in the rear of this
20 building and the rear of the adjacent building to
21 our south that is owned or was owned by the Hoboken
22 Land Improvement Company. It is vacated. It has
23 never been constructed on, and the applicant owns
24 the tax liens.

25 I have a new survey showing that for

1 anybody who would like to see it, and the new survey
2 also has dimensions of all of the adjacent
3 buildings, so that might be helpful.

4 MR. MATULE: Can we mark it A-1?

5 MR. GALVIN: Yes.

6 MR. MATULE: We will mark it A-1, and
7 if you want to hand out the extra copies.

8 (Exhibit A-1 marked.)

9 MR. MATULE: Okay.

10 THE WITNESS: So we are proposing to
11 raise the existing structure and construct a
12 four-story, two-unit residential building.

13 We are within the flood plain, and the
14 building has to be raised about five feet three
15 inches, but we are proposing a 40-foot high building
16 at above the base flood elevation.

17 So the building conforms to the height
18 that is permitted. The lot size allows us to build
19 three units. We are proposing two duplexes, and I
20 will go through the floor plans, and it will make a
21 bit more sense.

22 The drawings that you have reflect two
23 rear decks that were proposed to be constructed off
24 the back of the building. The thinking that there
25 is, that would be outdoor spaces for the two

1 apartments. The applicant has had some discussions,
2 as Mr. Matule said, with the property owners to the
3 north, and after those discussions we are proposing
4 to remove them.

5 The drawings, I've got here, are the
6 same as your drawing set, save for that rear deck
7 section being removed.

8 So to talk about the context, and this
9 is a board with photographs on either side.

10 MR. MATULE: We will mark that A-2.

11 THE WITNESS: Yeah.

12 (Photograph board marked Exhibit A-2.)

13 THE WITNESS: These photographs on this
14 side, with the exception of these two in the center,
15 were taken by my office. On the flip side, these
16 are from an internet site.

17 So the property as it exists is here.
18 That is 316 Park.

19 314 Park, three and a half, call it a
20 four-story building, as the survey does.

21 A new four-story structure, that is at
22 310-312.

23 As we go further to the north, we have
24 a five-story building directly adjacent to us, and
25 then a three-and-a-half, and so on.

1 Our drawings on Sheet Z-1 show the
2 street elevations.

3 The building directly to our north, we
4 will talk about those first -- that first, a
5 five-story residential building, and I will go
6 through all of the floor plans, but just to discuss
7 and describe the context better, I am using my Sheet
8 Z-3, which is slightly different from yours because
9 there are no decks on this rear section.

10 The dimensions of the adjacent
11 buildings are taken from the property survey, which
12 you have in front of you now.

13 CHAIRMAN AIBEL: Mr. Minervini, could
14 you hold it one second?

15 THE WITNESS: Sure.

16 CHAIRMAN AIBEL: If anybody is here
17 from the public who would like to see these plans or
18 understand what Mr. Minervini is saying, feel free
19 to come up and take a look. Sorry.

20 THE WITNESS: Thank you.

21 MS. UGAZTHEANDR: Are these affecting
22 the changes that he mentioned with the decks?

23 CHAIRMAN AIBEL: He is showing us the
24 changes.

25 THE WITNESS: So here is Sheet Z-3.

1 It's our site plan based on the property survey. It
2 shows the property as being 95 feet in depth, with
3 again that ten-foot rear parcel that is part of the
4 Hoboken Land Improvement Company, which our
5 applicants have --

6 MR. MATULE: Frank --

7 CHAIRMAN AIBEL: Frank, why don't you
8 spin it a little bit more.

9 THE WITNESS: Sure.

10 Is this better?

11 MS. UGAZTHEANDR: Was it before and
12 after --

13 THE WITNESS: So the building we are
14 proposing is 60 feet in depth, and that requires a
15 lot coverage variance because our lot is 95 feet,
16 but we designed it with the thinking that and
17 treating of this property as if it were 100 feet in
18 depth. Again, that parcel in the back, the tax
19 liens are owned by the applicant of this project,
20 and they expect to have full ownership of those
21 properties by January.

22 To that point, what they would do is
23 they would give a permanent easement to the four
24 properties that are also abutting that, and this --
25 abutting that Hoboken Land Improvement parcel.

1 This is a blowup of the Hoboken tax
2 map, so there are four properties. Lot 31 is 316.
3 Lot 32 is 314, and these two along Willow, each of
4 those butt up against this 10-foot piece of property
5 that we are talking about.

6 When the applicant takes full ownership
7 of those, they are going to provide an easement, so
8 that a five-foot swath will be given to these two
9 lots along Willow to their project as well as the
10 existing building at 314.

11 With that in mind, we treated this as
12 if the lot were 100 feet in depth, and in all
13 reality it is 100 feet deep.

14 So the building is 60 feet in depth,
15 which if it were 100, it would be conforming. We
16 are proposing a zero lot line. It does then conform
17 with almost all of the properties along the street,
18 so there is a consistent street frontage.

19 The building to our north is a
20 five-story building. It is slightly unusual in the
21 sense that it is -- there is a cutout, as you can
22 see, and your drawing reflects this as well on Sheet
23 Z-3. So there is a cutout that extends, that starts
24 at 55 feet, six inches from the front property, and
25 the buildings -- so if I were to use -- pardon me --

1 a marker and show exactly what that building looks
2 like, an outline, this is it. So that's the
3 building.

4 This dimension is 55 feet six to a five
5 foot deck, so this area as shown is an existing
6 outdoor space attached to the building at 318. I
7 have some photographs of it that I will go through.

8 The rear yard of the adjacent building
9 to our north is parking. It is asphalt, covered in
10 asphalt, and the garage extends from beneath the
11 building to the rear yard, so that rear yard is
12 asphalt and used for parking.

13 The property to our south, and I will
14 use again the same marker and outline, extends back
15 52 feet eight inches according to the survey and
16 then another seven feet six in depth, so it goes
17 slightly past our 60 foot point.

18 So, again, we are proposing to remove,
19 relative to the drawings you have got, the rear
20 outdoor space that was to extend into the rear yard,
21 and now only have a small set of stairs going from
22 that second floor apartment to the rear yard.

23 That rear yard will be apportioned to
24 that lower section.

25 The property directly to our rear is

1 312, so I went to the roof of 312 and took
2 photographs down.

3 From the yard of 312, this is it as
4 well.

5 This is the building at 314 directly to
6 our south.

7 And in terms of facades, this is a new
8 building at 310-312. 314, it's a relatively new
9 structure renovation.

10 Our building, which is to be raised,
11 and then the five-story building directly adjacent
12 to our north.

13 So, again, here is those -- this is the
14 yard and the rear decks at 310-312, which is a newly
15 constructed building, and this is the side view of
16 that building as well.

17 This is the rear deck side section
18 facing the north of 314.

19 I will pass this around if anybody
20 would like to see it.

21 These are blowups of -- a bird's eye
22 view, we will call it, of four different views
23 showing the context, and again, here are those
24 decks, if you want to pass that around.

25 So with these rear decks removed, we

1 think the impact given this lot size and the
2 proposed building depth is minimal. Our planner, of
3 course, will talk about that in more detail.

4 I will go through the drawings.

5 MR. MATULE: If you get to any that are
6 changed, let me know, so I will mark them.

7 THE WITNESS: Yes.

8 So Sheet Z-1, the first drawing, is
9 changed because the zoning tabulation chart has
10 changed. Again, the decks are removed.

11 So the lot coverage of the proposed
12 building is 63.15 percent, and that additional 3.15
13 percent comes from the fact that our property is 95
14 feet in depth technically, not 100. Again, the
15 applicant -- applicants have a tax -- own the tax
16 liens, and they should be closing on that property
17 in January. Therefore, it will be 100 foot in
18 depth.

19 MR. MATULE: Frank, if I could just
20 interrupt you.

21 For the record, we marked that A-6 --

22 THE WITNESS: A-5.

23 MR. MATULE: -- I'm sorry, A-5.

24 THE WITNESS: Yes.

25 (Sheet Z-1 marked Exhibit A-5.)

1 MR. MATULE: Okay.

2 THE WITNESS: There is also a rear
3 stair, which I will show in more detail, that will
4 be connected -- we propose to connect the second
5 floor apartment, which is a duplex, to the rear
6 building, so that has an additional 1.28 percent.
7 If you add those together, of course, it is 64.43
8 percent proposed lot coverage.

9 COMMISSIONER GRANA: Say that again,
10 Frank. I missed that.

11 THE WITNESS: 64.43, and that includes
12 the 1.28 percent, which is a rear stair. Of
13 course, it's not a structure. It's just a vertical
14 transportation from the second floor to the ground.

15 COMMISSIONER GRANA: That is based on
16 95 percent --

17 THE WITNESS: That's based on 95, yes.
18 All of these calculations are based on 95. Hence,
19 the variance. If it were 100 feet, it wouldn't need
20 a lot coverage variance for the depth of the
21 building, just the remaining 1 percent and change
22 for the stairs.

23 So Sheet Z-2 is similar to Sheet Z-1,
24 which just slightly shows more paving details, but
25 the two site plans are the same.

1 Z-3, I discussed, which is the site
2 plan showing the properties to our north and south
3 and our relative depths.

4 Z-4, which is new, and it is different
5 relative to yours because the decks are removed,
6 there is no deck --

7 MR. MATULE: So we will mark that A-6.

8 (Sheet Z-4 marked Exhibit A-6.)

9 THE WITNESS: The first floor, the
10 lower floor of the duplex, which is the first and
11 second.

12 The total square footage of this
13 apartment is 2,032 square feet. We are proposing to
14 construct a residential style elevator, which is not
15 the ADA compliant one, but because this building is
16 a two-unit building, a two-family, it is not
17 required to be ADA compliant in composite.

18 So the first lower duplex is floors one
19 and two. Floors two and three are the upper duplex,
20 and they total 2,157 square feet.

21 The roof plan shows our proposed deck.
22 The deck itself is 470 square feet.

23 The thinking here is that lower duplex,
24 and the people who will be purchasing these
25 apartments -- this apartment, will want outdoor

1 space, so the rear yard will be outdoor space for
2 use and owned by the lower duplex.

3 The outdoor space for the upper duplex
4 will be provided on the roof, and there is also on
5 the roof the mechanical units, some skylights, and
6 the elevator penthouse, as well as the required fire
7 department access there.

8 Z-5 is different only in the sense --
9 only because the rear decks that were shown on the
10 rear elevation drawing number three have been
11 removed.

12 MR. MATULE: So we will mark that A-7.

13 (Sheet Z-5 marked Exhibit A-7)

14 THE WITNESS: We have got a colored
15 elevation, which shows what we were thinking in
16 terms of materials, but very simply brick, vertical
17 piers, a swath of glass between the two, and two
18 bays, alternating bays, one for each apartment, and
19 those two bays will require approval from the
20 Hoboken City Council.

21 I will pass this around.

22 MR. MATULE: I will mark that A-8 for
23 the record.

24 (Exhibit A-8 marked)

25 MR. MATULE: Mr. Minervini, you

1 mentioned the building is going to have an elevator,
2 not ADA compliant, but nonetheless an elevator. I
3 know typically when you talk about the elevators
4 that you are putting in now, they are electric as
5 opposed to hydraulic piston elevators.

6 THE WITNESS: Yes.

7 MR. MATULE: What kind of elevator is
8 this one?

9 THE WITNESS: It's a residential
10 elevator, which is not a piston elevator. There's
11 very little vibration. It is constructed and will
12 be installed within a masonry shaft, so no vibration
13 will affect the buildings to the north, and it's run
14 by an electric motor.

15 This building will be two families.

16 Just to conclude, what we are asking
17 for is a four-story building, where three stories
18 are allowed. We are asking for 40 feet, where 40
19 feet is permitted, and those three stories.

20 Also, three units are permitted here.
21 We are asking for a reduction in density, although
22 it is not a variance, but this is what we are
23 proposing. So it will be two duplex units, where
24 three are allowed. And given the context of the
25 street, we think the building makes perfect sense

1 especially given that we have removed the rear
2 decks.

3 MR. MATULE: And the exhibit that we
4 just marked, I think it was A -- the rendering.

5 THE WITNESS: Yes.

6 MR. MATULE: Is that A-8?

7 MS. CARCONE: A-8.

8 MR. MATULE: I just wondered what the
9 number is.

10 COMMISSIONER COHEN: A-8.

11 MR. MATULE: A-8. Thank you.

12 As far as the design, you are
13 requesting variances from the facade ordinance also?

14 THE WITNESS: Materials, the
15 requirement with regard to masonry is 75 percent,
16 and we are proposing 69 percent and change, if I
17 recall, and that is really a function of the two
18 bays, which in this construction method can't be
19 brick anyway because they extend past the
20 cantilever.

21 MR. MATULE: The roof coverage variance
22 is for the upper deck?

23 THE WITNESS: Yes. The roof coverage
24 variance is driven by the fact that we are proposing
25 to use that roof for outdoor space for the upper

1 duplex apartment.

2 MR. MATULE: And you have all of the
3 typical things that you're required to have,
4 stormwater detention --

5 THE WITNESS: The stormwater detention
6 system will be installed.

7 We have to receive -- it is a TWA-1
8 application, which is a Treatment Works Application,
9 from the North Hudson Sewerage Authority.

10 We will also require a waiver from the
11 DEP. It is a two-family house, so we will require a
12 waiver. Nevertheless, we will also get an approval
13 from the Hoboken Flood Plain Administrator.

14 MR. MATULE: And you received Mr.
15 Marsden's letter of September 19th?

16 THE WITNESS: Yes.

17 MR. MATULE: And you have no issues
18 addressing any of his comments?

19 THE WITNESS: No.

20 MR. MATULE: And I guess lastly,
21 assuming this application were to be approved, the
22 applicant would also have to get county site plan
23 approval, correct?

24 THE WITNESS: That's right.

25 Park Avenue is part of the county road

1 system, and several of them, of course, in Hoboken
2 are county roads, and this is one, so we will need
3 approval from the Hudson County Planning Board.

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

6 CHAIRMAN AIBEL: Great, thanks.

7 Board members, questions for Mr.
8 Minervini.

9 COMMISSIONER GRANA: Frank, Mr.
10 Minervini --

11 THE WITNESS: Yes.

12 COMMISSIONER GRANA: -- so you
13 requested a masonry coverage variance. That is for
14 what specifically?

15 Is that in order to enable the glass or
16 is that to enable the bays?

17 THE WITNESS: It enables the bays.

18 Generally we don't want -- here we go, thank you,
19 Bob -- you don't want the bay projection to be
20 masonry. So in this case we got the metal clad, and
21 with the exception of those two bay projections, the
22 rest of the building conforms.

23 COMMISSIONER GRANA: You mentioned that
24 they need to be approved by City Council?

25 THE WITNESS: Yes.

1 COMMISSIONER GRANA: Why is that?

2 THE WITNESS: Because we are proposing
3 to build over our property line and --

4 COMMISSIONER GRANA: So it will go over
5 that zero lot line in the front?

6 THE WITNESS: Yes, two feet.

7 The Hoboken zoning ordinance allows
8 that with City Council approval.

9 COMMISSIONER GRANA: Thank you.

10 CHAIRMAN AIBEL: Any more questions?

11 VICE CHAIR GREENE: Mr. Minervini, on
12 Z-4, you are showing I think -- it looks to me like
13 the doubled square footage because you are showing,
14 for example, unit one, the first one is 2,032 square
15 feet --

16 THE WITNESS: Yes.

17 VICE CHAIR GREENE: -- and the second
18 floor is 2,032 square feet, which is not possible.
19 Is that correct?

20 THE WITNESS: That is the total for
21 that apartment combined.

22 VICE CHAIR GREENE: Okay.

23 THE WITNESS: I could --

24 VICE CHAIR GREENE: When I first looked
25 at it, I said these are very big apartments.

1 THE WITNESS: No, they are not big.

2 (Laughter)

3 2,032 for the lower duplex, and 2,257
4 for the upper.

5 VICE CHAIR GREENE: Usually, my
6 experience usually, that measurement is the
7 measurement of the floor that it is attached to.

8 THE WITNESS: That is more typically
9 how we delineate it. My apologies.

10 VICE CHAIR GREENE: Secondly, what is
11 the elevation -- there is no stoop to this building.
12 What is the elevation of the front door?

13 THE WITNESS: Yeah.

14 The elevation sheet, Z-5, describes --
15 so the change in elevation to get to that first
16 residential floor occurs within the building. So if
17 you look at the floor plan, and the distance is six
18 foot three inches in total.

19 If you look at the floor plan, Sheet
20 Z-4, our first floor plan, this set of stairs right
21 there takes you up that six feet three inches.

22 This landing allows you then to enter
23 this apartment, to enter the apartment above at
24 floors three and four. You walk directly down this
25 hallway to the elevator, and that takes you up, as

1 well as this stair, which wraps around.

2 So the second apartment, which is
3 floors three and four, you can access either by
4 stairs, of course, or the elevator which is meant to
5 be used just by that apartment.

6 VICE CHAIR GREENE: You don't have to
7 wet proof that entry way?

8 THE WITNESS: No -- well, a portion of
9 it will have to be. This lower portion will have to
10 get approval from the Hoboken Flood Plain
11 Administrator, so yes, the answer is yes.

12 But once we enter the apartment, there
13 is a landing here, which is -- takes us to and out
14 of that flood plain.

15 VICE CHAIR GREENE: Okay.

16 Can you describe where all of the
17 utilities are?

18 THE WITNESS: The utilities -- the
19 sprinkler room and elevator machine room -- the
20 elevator machine room is at our lower floor at our
21 lowest level. The sprinkler room is directly
22 beneath the stairs. I don't see if I delineated
23 where the meters -- the meters will have to be --
24 oh, I'm sorry --

25 COMMISSIONER COHEN: No, they are

1 there.

2 THE WITNESS: -- I got them there, so
3 the meters are at the lobby area --

4 VICE CHAIR GREENE: Oh, I see.

5 THE WITNESS: -- but they will be
6 raised up, so we have to raise them about five feet,
7 which still meets the PSE&G requirements, as well as
8 getting out of the flood plain.

9 VICE CHAIR GREENE: Thank you.

10 CHAIRMAN AIBEL: Ms. Fisher?

11 COMMISSIONER FISHER: I have two
12 questions.

13 One is: I noticed on the building to
14 the north currently, there is like an odd wall that
15 extends out beyond the building that it looks like
16 it abuts the back --

17 THE WITNESS: On the photographs here
18 you are referring to?

19 COMMISSIONER FISHER: Yes, all of the
20 photographs on like Google --

21 THE WITNESS: Okay.

22 COMMISSIONER FISHER: -- if you pull up
23 any of them, it just seems like this odd wall.

24 My question is: Is the building -- do
25 you see the center photograph, the center top, the

1 center top?

2 THE WITNESS: This?

3 COMMISSIONER FISHER: See on the
4 right-hand side, there is that wall that just kind
5 of juts out?

6 THE WITNESS: Yes.

7 COMMISSIONER FISHER: I guess my
8 question is: First of all, it is interesting, I
9 have not seen that before, and it shows up on all of
10 the aerials. But the building that you are
11 proposing, how does the depth of that compare to
12 that wall?

13 THE WITNESS: Yes. I would have to
14 confirm that that wall is actually shown on our
15 survey.

16 COMMISSIONER FISHER: It doesn't look
17 like it is --

18 THE WITNESS: It is shown.

19 COMMISSIONER FISHER: Is it?

20 THE WITNESS: No, we only have eight
21 feet seven --

22 COMMISSIONER FISHER: Oh, it is, okay.

23 THE WITNESS: -- but that would be -- I
24 will pull out my marker. It would be here.

25 COMMISSIONER FISHER: Yup.

1 THE WITNESS: So our building goes up
2 against that wall.

3 COMMISSIONER FISHER: So it doesn't
4 extend beyond it?

5 THE WITNESS: No.

6 COMMISSIONER FISHER: So there is
7 already -- so this isn't contemplating creating a
8 new obstruction that is not already there for the
9 building to the right in terms of light?

10 THE WITNESS: No.

11 COMMISSIONER FISHER: Okay.

12 THE WITNESS: Judging by the survey,
13 that wall is further back than our building because
14 that wall goes back to right here.

15 COMMISSIONER FISHER: Okay.

16 And then my second question is: On
17 the -- you may have described this, and my apologies
18 if you did -- on the rendering, on the upper right
19 corner, you have that gray brick. What is that?

20 THE WITNESS: That is the elevator
21 penthouse.

22 COMMISSIONER FISHER: Okay. So that's
23 set back?

24 THE WITNESS: That's set back.

25 COMMISSIONER FISHER: Okay.

1 THE WITNESS: So on the plan, and I
2 will show you where that is -- in the plan it is
3 just about the center of the building. So on the
4 roof plan, it is right about here.

5 My apologies. It is the elevator
6 panels, but it's also the stair penthouse, so it is
7 both.

8 COMMISSIONER FISHER: And visually,
9 that is not something that you could see from the
10 street?

11 THE WITNESS: Well, it is set back 11
12 feet two inches from the front wall of our building,
13 and at 40 feet plus in height, so three blocks
14 away --

15 COMMISSIONER FISHER: It's a narrow
16 street. It's not like Observer Highway or something
17 like that. It's minor.

18 THE WITNESS: No.

19 COMMISSIONER FISHER: Okay.

20 COMMISSIONER MARSH: I have a question.
21 This floor plan, Z-4, where you show
22 the -- okay.

23 You show an entry way from the stairway
24 into the apartment on the first floor and the third
25 floor.

1 THE WITNESS: Yes.

2 COMMISSIONER MARSH: Is there really
3 not an entrance on the third floor?

4 THE WITNESS: I'm sorry. Not an
5 entrance on the third floor --

6 COMMISSIONER FISHER: From the
7 elevator?

8 COMMISSIONER MARSH: No, from the
9 stairs.

10 THE WITNESS: No. There is no entrance
11 on the stairs -- we could, if the owners wanted, we
12 could put a doorway right there at the landing.

13 COMMISSIONER MARSH: Well, here is
14 actually the reason I'm asking.

15 This elevator, is this one of those --
16 because it butts up against the apartment next door,
17 right?

18 THE WITNESS: Yes.

19 COMMISSIONER MARSH: And also, it goes
20 right by the people on the first and second floors,
21 right?

22 THE WITNESS: Yes.

23 COMMISSIONER MARSH: Is this one of
24 those super sonic quiet elevators?

25 THE WITNESS: It is, and it's --

1 COMMISSIONER MARSH: Because you are
2 encouraging people to take the elevator all of the
3 time, so they can only get in on the fourth floor,
4 right?

5 THE WITNESS: That's right -- well,
6 yes. Now, having pointed that out, we probably
7 should, just for furniture purposes, provide a door
8 there, and if this Board approves it, I will fix
9 that.

10 But it is a residential-sized elevator
11 in terms -- much different from what we're used to
12 in terms of the ADA requirement. With that, it is a
13 very small electric motor that runs it, so in terms
14 of noise and vibration, it is minimal within a
15 masonry enclosure.

16 COMMISSIONER FISHER: There is not a
17 fire reason to have a door, exits --

18 THE WITNESS: No, there isn't.

19 A duplex, the lower floor of a duplex
20 must have a means of egress directly to the
21 exterior, but it probably makes sense to put it
22 there, so we will revise the drawing.

23 COMMISSIONER GRANA: And in the current
24 plans, the means of egress will be through the rear?

25 THE WITNESS: To the front.

1 COMMISSIONER GRANA: So there is a
2 means of egress from the first floor of the top
3 duplex?

4 THE WITNESS: Yes. If you look at our
5 first floor plan, the stair comes out this way.

6 COMMISSIONER BRANCIFORTE: Jim?

7 CHAIRMAN AIBEL: John, go ahead.

8 COMMISSIONER BRANCIFORTE: The building
9 that is there now has a stoop.

10 THE WITNESS: Yes.

11 COMMISSIONER BRANCIFORTE: Why can't
12 you try to save that stoop?

13 THE WITNESS: Save the stoop or --

14 COMMISSIONER BRANCIFORTE: Not save it,
15 but, you know, have a stoop on the new design.

16 THE WITNESS: Other than the newer
17 projects, two buildings down at 310-312, it doesn't
18 have a stoop either. I don't think there is any
19 reason, other than architecture.

20 Your point is that we don't need the
21 elevator, but having said that, yeah, I just
22 answered my own question --

23 COMMISSIONER BRANCIFORTE: No. I --

24 THE WITNESS: -- we are proposing an
25 elevator, and the reason for that is, again, if

1 somebody were to purchase this apartment, and they
2 do have a stroller, this then is a very convenient
3 enclave entry to the elevator.

4 If there were a stoop, you're talking
5 about, if there were a stoop, then they would have
6 to, of course, take the stroller up or anything
7 else, furniture, up that five or six feet.

8 COMMISSIONER BRANCIFORTE: Yeah. It's
9 a shame that what we call stoop life in Hoboken is
10 sort of disappearing more and more, and it is going
11 to be gone in this building. That is why I asked.
12 It had nothing to do with the elevator, but --

13 THE WITNESS: I understand.

14 COMMISSIONER BRANCIFORTE: -- you
15 pointed out -- you make a good point.

16 But still, once they enter the
17 building, the people are still going to have to
18 climb a few steps to get to the elevator or --

19 THE WITNESS: No. The elevator is at
20 grade level.

21 COMMISSIONER BRANCIFORTE: Oh, it is at
22 grade?

23 THE WITNESS: Yes.

24 COMMISSIONER BRANCIFORTE: I thought
25 there were steps that were shown.

1 THE WITNESS: There are steps, if you
2 want to enter the lower duplex apartment.

3 The elevator doesn't -- the first floor
4 plan, the elevator doesn't -- isn't to be used by
5 this first floor unit. They have to go up these
6 seven or eight stairs.

7 It is solely for the use of the upper
8 duplex floors three and four.

9 COMMISSIONER MARSH: Can I see that
10 sheet again?

11 VICE CHAIR GREENE: So the elevator is
12 not going to open on the second floor?

13 THE WITNESS: No.

14 MR. MARSDEN: It will open on the
15 third?

16 THE WITNESS: Third floor.

17 MR. MARSDEN: All right. That's the
18 opening that you are adding?

19 THE WITNESS: That's right -- no, it is
20 shown on the --

21 MR. MARSDEN: On the third floor?

22 THE WITNESS: -- well, we have it set
23 up -- designed right now, so that the fourth floor
24 is the more of a public place within the apartment,
25 so this is the living room, dining room, so we would

1 the bulk of the structure on the roof to accommodate
2 the elevator?

3 I mean, I know you mentioned that it
4 also accommodates the stairs it goes through as
5 well, but --

6 THE WITNESS: The elevator is actually
7 hidden behind the stair. The stair itself is
8 approximately eight feet off the roof level, and the
9 elevator itself is behind that, that similar height.

10 COMMISSIONER COHEN: So is that
11 structure on the roof, the bulkhead structure, an
12 eight-foot structure, is that the height of --

13 THE WITNESS: Yes.

14 COMMISSIONER COHEN: And do you foresee
15 that it would be -- I mean, just to sort of grade it
16 out on your schematic, do you think it would be the
17 same brick color as the front, or have you thought
18 about what surface would be on that eight foot
19 structure?

20 THE WITNESS: What we normally do, and
21 we will do here as well, would be a neutral color,
22 so it's not as easily seen, and that is the purpose
23 of the gray also to show that it is set back.

24 It won't be the same color as the front
25 brick, and it's more than likely not going to be

1 brick.

2 COMMISSIONER COHEN: Okay, thanks.

3 CHAIRMAN AIBEL: Let me ask you a
4 couple of questions about the roof deck.

5 On Z-4, the gray area is the entirety
6 of the roof deck?

7 THE WITNESS: Yes, 470 square feet.

8 CHAIRMAN AIBEL: And approximately what
9 is the setback in the rear yard, from the rear yard?

10 THE WITNESS: So I got the front yard
11 as 11 feet two.

12 The rear yard, I can -- if you don't
13 mind, I can scale it. I got my --

14 CHAIRMAN AIBEL: Sure.

15 THE WITNESS: -- right here.

16 So off the rear face of the building,
17 it is as proposed eight feet six inches.

18 CHAIRMAN AIBEL: Okay.

19 And is there a deck on the building to
20 the south at 314?

21 THE WITNESS: The building to the south
22 has a deck at grade level, and I've got that shown.
23 It is shown on your survey.

24 CHAIRMAN AIBEL: I meant a roof deck.

25 THE WITNESS: No. There's no roof

1 deck.

2 CHAIRMAN AIBEL: Okay. Until 314 comes
3 and asks for a roof deck.

4 THE WITNESS: I can't control that, of
5 course.

6 CHAIRMAN AIBEL: I guess maybe what I'm
7 suggesting is maybe there should be a taller privacy
8 fence on the south side. You show a 42-inch sort of
9 knee fence, I take it, around the entirety?

10 THE WITNESS: We can certainly design,
11 and it's something that this Board has seen from us
12 before, a six-foot high fence, which would not allow
13 any visual contact between the two.

14 CHAIRMAN AIBEL: Well, I'll leave that
15 for my Board members.

16 THE WITNESS: I think we will propose
17 that anyway.

18 CHAIRMAN AIBEL: All right.

19 Board members, any other questions?

20 COMMISSIONER BRANCIFORTE: You know,
21 one thing I am really kind of thinking about lately
22 with these roof decks, is there any way for these
23 people to get water up there, if they want to have
24 plants or gardens?

25 THE WITNESS: We will always provide a

1 water spigot in any of these outdoor spaces. It is
2 shown on the construction drawings, but yeah, we
3 always will do that.

4 We can't show a gas line, because we
5 are not allowed to have a gas burning appliance up
6 there or any sort of -- but a water line, yes, for
7 that exact reason.

8 COMMISSIONER BRANCIFORTE: Okay.

9 VICE CHAIR GREENE: Can you describe
10 the green elements of the building?

11 THE WITNESS: The building as of now as
12 part of this proposal will be LEED certified.

13 We have the water retention system. We
14 have not proposed as part of this a green roof.
15 Certainly I think that is something we probably can
16 do.

17 As part of the amended drawings, I
18 think we will show that all of this extra roof area
19 will have an extensive green roof, again, the non
20 walkable type, so the drawings will be amended to
21 reflect that.

22 CHAIRMAN AIBEL: Good.

23 Anything else, Board members?

24 Professionals?

25 MS. BANYRA: Yes.

1 Mr. Minervini, can you walk me through
2 on page -- I don't have the benefit of your revised
3 plans.

4 What is the date of the revised plans
5 that you have there?

6 THE WITNESS: The revision date is the
7 14th of October.

8 VICE CHAIR GREENE: Fresh off the
9 press.

10 MS. BANYRA: Can you just tell me what
11 is happening on the first floor deck?

12 What is different on that? I can't see
13 it from here, from the plans that we have, and what
14 is happening there?

15 THE WITNESS: It is, of course,
16 different than what you got.

17 Right now as part of the drawings I
18 have got here and as part of the presentation, it is
19 nine foot two inch wide stairs, so it has got a
20 three-foot landing and the stair -- seven stairs,
21 seven treads going to the north.

22 It is three feet in width, just about
23 in approximately the center of building, so it is
24 five feet six off the south property line, and five
25 feet four off the north, and that is only for the

1 first floor apartment to have direct access to the
2 rear yard.

3 CHAIRMAN AIBEL: Eileen, are you
4 finished?

5 MS. BANYRA: No.

6 Can you also indicate if -- you are
7 requesting a variance because you don't -- because
8 the applicant has not acquired that rear property
9 yet, correct?

10 THE WITNESS: Yes.

11 MS. BANYRA: So the variance that is
12 requested is for 95?

13 THE WITNESS: 95.

14 MS. BANYRA: What would happen if they
15 do acquire it, what would that do to your coverage?

16 THE WITNESS: If they do acquire it?

17 MS. BANYRA: Yes.

18 THE WITNESS: Well, let me go to Sheet
19 Z-1.

20 We will still need a variance for that
21 rear stair. However, I can do the quick math. The
22 percentage would be less than 1.3 percent.

23 Right now, as proposed, the principal
24 building is 63.15 percent of the lot because the lot
25 is 95 in depth. If they acquire that property, that

1 principal building is 60 percent. The 1.28 percent
2 will be slightly diminished because, of course, our
3 property area is larger.

4 I can do the math, if you would like.

5 MS. BANYRA: I mean, I think it is
6 important that, you know, you are asking for a
7 variance. We have to assume that that is not going
8 to be able to be acquired --

9 THE WITNESS: And that is what this
10 requires --

11 MS. BANYRA: -- exactly, and I think
12 that is appropriate, and I just wanted to get an
13 idea of that.

14 You know, I think when we talk in terms
15 of green solutions, you know, an adaptive reuse is
16 always a greener solution.

17 Can you just tell me why you are doing
18 a new building, or whether any of the components of
19 this building are being saved, and why can't they
20 be?

21 THE WITNESS: Nothing is being saved.
22 The building is not in good physical condition.

23 Also, one of the apartments is below
24 base flood elevation, so we couldn't use that space
25 anyway. There is no way we use that as part of the

1 renovation. It seemed it made sense given that
2 condition and the condition of the building to raise
3 it and go to something that is new and well built
4 and deals with the flood plain issues that we got.

5 MS. BANYRA: Okay.

6 On my report I had the number of
7 stories, because I was counting the basement, but
8 you are actually removing that basement level. It
9 is going to be filled in or --

10 THE WITNESS: Yes.

11 MS. BANYRA: -- so you are doing four
12 above grade?

13 THE WITNESS: That's right.

14 MS. BANYRA: Okay. Thank you.

15 So my report should be amended to show,
16 you know, four stories and not -- I have down five
17 stories. That was a question that I had.

18 My report also indicates that there is
19 a gore in the back of the property. It is actually
20 not a gore. That is not the correct term for that,
21 but the property that was testified to is possibly
22 being acquired.

23 THE WITNESS: Yes.

24 MS. BANYRA: Okay. Great.

25 Thank you.

1 MR. MARSDEN: If I may, Mr. Minervini,
2 do you have a crawl space under the building?

3 THE WITNESS: No.

4 MR. MARSDEN: It will be solid?

5 THE WITNESS: Yes.

6 MR. MARSDEN: It will be filled with
7 soil, I guess, or --

8 THE WITNESS: Soil, that is how we
9 built the building to the north -- to the south. It
10 was the same developers. That is more than likely
11 how we will construct this one.

12 MR. MARSDEN: Okay.

13 CHAIRMAN AIBEL: Okay.

14 COMMISSIONER FISHER: A similar
15 question I had before, but now focusing on the
16 south. This building, when I look at the survey,
17 this building effectively is going to go the length
18 of the building next to it to the south, extending
19 beyond the building, but basically pretty close to
20 the end of the deck?

21 THE WITNESS: Yes.

22 COMMISSIONER FISHER: Okay. That's the
23 deck, that little thing --

24 THE WITNESS: That is the end of the
25 building. This is the end of the deck, which is

1 slightly further approximately the same as the end
2 of our building, that first floor.

3 COMMISSIONER FISHER: So I think when I
4 look at these pictures, now it looks like on this
5 one, and if you think I am wrong, this is the
6 building --

7 THE WITNESS: That is 310-312.

8 COMMISSIONER FISHER: -- so literally
9 this is going to be enclosed effectively?

10 THE WITNESS: Correct, at 60 feet.

11 COMMISSIONER FISHER: At 60 feet?

12 THE WITNESS: Yes.

13 COMMISSIONER FISHER: So this deck now
14 is going to have a wall on both sides?

15 THE WITNESS: Yes.

16 COMMISSIONER FISHER: It has one on the
17 left for the new building, and it is going to have a
18 wall on the right now?

19 THE WITNESS: That is right.

20 COMMISSIONER FISHER: Okay.

21 COMMISSIONER BRANCIFORTE: Now I am
22 curious, how deep the lot next door is.

23 Is the lot next door a hundred feet
24 also, or --

25 THE WITNESS: To our south --

1 COMMISSIONER BRANCIFORTE: -- south.

2 THE WITNESS: -- is 95. To our north
3 is 100. I have gotten a look with the tax map, if
4 you would like to see it.

5 COMMISSIONER BRANCIFORTE: So if those
6 people to the south wanted to do an addition to
7 their building, I guess they would have to come for
8 a variance?

9 THE WITNESS: Yes. And as part of this
10 acquisition of this area, the applicant is going to,
11 in terms of an easement, give that property back to
12 the four -- to the three other properties that abut
13 that parcel.

14 COMMISSIONER BRANCIFORTE: So once the
15 process of getting the easements is finalized, is
16 done --

17 THE WITNESS: I don't know. That's a
18 question for Mr. Matule, I think.

19 COMMISSIONER BRANCIFORTE: -- the
20 people next door will be at a hundred feet?

21 THE WITNESS: Yes.

22 COMMISSIONER BRANCIFORTE: The lots
23 will be at a hundred feet?

24 THE WITNESS: All four properties will
25 be at a hundred feet.

1 MR. MATULE: Well, again, just to be
2 clear, they will have the effective use of a hundred
3 feet, but it will be by way of an easement as
4 opposed to ownership.

5 I mean, for all practical purposes,
6 they have dominion and control over their 25-by-5
7 foot piece, but it still would belong to the people
8 next door because you get into the whole
9 resubdivision thing otherwise, so you accomplish it
10 by way of an easement.

11 CHAIRMAN AIBEL: But they will have the
12 same argument you have tonight, that it is a hundred
13 foot lot, and they are entitled to 60 percent
14 coverage.

15 MR. MATULE: Yes.

16 CHAIRMAN AIBEL: Anything else, Board
17 members?

18 MR. MARSDEN: Is that true, though,
19 Bob?

20 MR. MATULE: What?

21 MR. MARSDEN: If you are only giving
22 them an easement, they don't have a hundred foot
23 lot.

24 MR. MATULE: No. I said they have, for
25 all practical purposes, they have the --

1 MS. BANYRA: Use.

2 MR. MATULE: -- I don't want to use the
3 word "virtual," but basically they do have virtual
4 use of a hundred feet of property, even though they
5 don't own that last five feet. These are all left
6 over landlocked --

7 MR. GALVIN: But if they came into us,
8 it would be an undersized lot.

9 MR. MARSDEN: Yeah. It would be an
10 undersized lot.

11 MR. MATULE: From --

12 MR. GALVIN: But then they would be
13 saying, hey, well, we do have the easement.

14 (Laughter)

15 MR. MATULE: Well, I think it is
16 certainly something that could be offered by way of
17 mitigation to the impact, even though there is no
18 ownership.

19 CHAIRMAN AIBEL: Are we finished, Board
20 members?

21 MS. BANYRA: Mr. Minervini, can I see
22 the tax map?

23 THE WITNESS: That has not been marked.

24 COMMISSIONER BRANCIFORTE: The reason I
25 bring it up is usually on a hundred foot lot, you

1 would say, look, we have as of right to go back 60
2 feet, correct --

3 THE WITNESS: 40 feet.

4 COMMISSIONER BRANCIFORTE: -- and then
5 we look at the neighbors, and we say, well, you
6 know, what can you do? These guys go back 60
7 percent and 60 feet, so that is their right-of-way,
8 and that is their right.

9 But in this case, the people next door
10 don't necessarily have the same right to go back 60
11 feet unless they apply for a variance and come in
12 front of us.

13 MR. MATULE: As we are doing, yes, the
14 same. Both lots are 95 deep, the lot to the south
15 and us.

16 COMMISSIONER BRANCIFORTE: So if you
17 didn't include this extra five foot easement, then
18 it would be a 95 foot lot, what would be the -- how
19 deep can you go back?

20 THE WITNESS: Oh, how deep can we go?

21 COMMISSIONER BRANCIFORTE: You can go
22 about 55 feet, I guess.

23 THE WITNESS: Let's see. I have it on
24 my zoning drawing.

25 COMMISSIONER BRANCIFORTE: You know,

1 Frank, it is not that important. Don't worry about
2 it.

3 THE WITNESS: Okay.

4 VICE CHAIR GREENE: It's 58 and a half.

5 THE WITNESS: 57 feet.

6 (Laughter)

7 CHAIRMAN AIBEL: Okay. Board members,
8 we are finished.

9 Let me open it up to the public.

10 MS. BANYRA: Can I just -- I think we
11 need to have this marked, I'm sorry --

12 CHAIRMAN AIBEL: That's fine.

13 MS. BANYRA: -- because Jeff and I are
14 still kind of chatting about whether or not we need
15 a subdivision or a consolidation relative to the
16 acquisition of that lot at some point.

17 So do you want to mark it?

18 THE WITNESS: Mr. Matule just pointed
19 out that that drawing is also on Sheet Z-1 as part
20 of our vicinity map.

21 MR. MATULE: But I will mark it anyway.

22 Do you want to mark it anyway?

23 MS. BANYRA: So can I ask a question
24 relative to that?

25 Mr. Minervini, so Lot 39 is going to be

1 acquired by this property --

2 THE WITNESS: Yes.

3 MS. BANYRA: -- and so it will in
4 effect have an additional, whatever that footage is,
5 20 feet, and each adjacent property is going to be
6 getting an easement, correct?

7 THE WITNESS: Well, by the width of our
8 property and five feet, that will take us to 100.
9 The reality is it would be owned, as Mr. Matule
10 described in legal terms, it will be owned by the
11 applicants. They are willing to give easements, so
12 that the other three parcels can use it.

13 MS. BANYRA: Okay. But it is not five
14 feet. It actually goes the full depth of that 39,
15 right?

16 THE WITNESS: Yeah.

17 MR. MATULE: If I may, for the 20 foot
18 width of the lot in question and the lot to the
19 south, it is 10 foot deep, and then there is a
20 little tail on it, going to the third lot. It is
21 approximately 425 square feet say.

22 MS. BANYRA: But your applicant will
23 still own it?

24 MR. MATULE: He would own it. In other
25 words, his lot size would increase. His lot depth

1 would increase to 105 feet, so that would probably
2 drive the percentages of the lot coverage down even
3 more than the architect testified to. But the
4 reality is, and just so we are clear, and I want to
5 make it very clear to the Board, the applicant owns
6 tax liens on this property, and they are currently
7 in foreclosure. The Hoboken Land and Improvement
8 Company is out of business, so certainly not
9 anticipating anybody is going to defend the
10 foreclosure action. It is a possibility, but not
11 likely.

12 So once they go through this tax lien
13 foreclosure process, then they will have title to
14 that property. The intention being at that point to
15 then enter into the easement agreements with the
16 three contiguous neighbors to share the benefit, if
17 you will, of having that additional piece of
18 property.

19 MS. BANYRA: Okay. I'm okay for this
20 moment.

21 MR. GALVIN: They may or may not be the
22 best solution.

23 MS. BANYRA: I still have a couple of
24 questions, but why don't we keep going, and I'll --

25 MR. GALVIN: Let's get the public.

1 CHAIRMAN AIBEL: Okay. Let me open it
2 up to the public. It is time for questions for the
3 architect. We are not asking for your opinions yet,
4 just questions.

5 Seeing -- please come up,

6 MR. GALVIN: But there will be a time,
7 you know, once they get done with their witnesses,
8 when you can just comment on the application. So
9 you don't have to try to comment now through
10 questions. You can wait a little while longer.

11 MS. UGAZTHEANDR: Yeah, I think we get
12 a -- have --

13 THE REPORTER: What is your name?

14 MR. GALVIN: Do you have a question?

15 If you have a question, that is what we
16 are saying, if you have questions, please feel free
17 to ask your questions.

18 MS. UGAZTHEANDR: Okay.

19 MR. GALVIN: Questions only.

20 CHAIRMAN AIBEL: We are going to get
21 your name --

22 MS. UGAZTHEANDR: So we're going to
23 show the pictures that we have.

24 MR. GALVIN: When you comment in about
25 ten or 15 minutes, yes. That is the way the

1 procedure works.

2 MS. UGAZTHEANDR: Okay. So --

3 MR. UGAZTHEANDR: I just have a few
4 questions.

5 THE REPORTER: Can you tell me what
6 your name is?

7 MS. UGAZTHEANDR: Julieta,
8 J-u-l-i-e-t-a, and my last name is U-g-a-z-t, as in
9 Tom, -h-e-a-n-d-r, Ugaztheandr, and I reside at 314
10 Park.

11 THE REPORTER: Thank you.

12 MS. UGAZTHEANDR: But I am going to sit
13 down.

14 CHAIRMAN AIBEL: Questions for the
15 architect, please come forward.

16 MR. GALVIN: Only what the architect
17 has testified to.

18 And like I said, we are going to put
19 their planner on, and when their planner is done,
20 which should only take a few minutes from now, then
21 you will be able to just tell us how you feel about
22 it.

23 Go ahead, if you have questions.

24 A VOICE: No, I can wait.

25 MR. GALVIN: Okay. Thank you. That

1 was kind of you. Thank you.

2 CHAIRMAN AIBEL: Any other questions?

3 VICE CHAIR GREENE: Seeing no one on
4 the floor --

5 CHAIRMAN AIBEL: Step forward, please.

6 MR. GALVIN: Name and address.

7 MR. ADELHOCK: Michael Adelhock.

8 MR. GALVIN: You have to spell your
9 last name.

10 MR. ADELHOCK: A-d-e-l-h-o-c-k.

11 I live at 319. I also own 318 Park.
12 Just generally the size of the stair
13 structure.

14 THE WITNESS: Yes.

15 MR. ADELHOCK: Just because I couldn't
16 really --

17 THE WITNESS: Nine feet two inches in
18 width, and it comes out three feet from the
19 building. What it will look like in elevation is
20 this.

21 MR. ADELHOCK: Okay.

22 THE WITNESS: It is a short straight
23 run stair from that apartment down.

24 MR. ADELHOCK: The only other question
25 I have is: You stated that it would only come to

1 that privacy wall on 318.

2 Is that exactly the case, or will the
3 fence slightly pass?

4 I just want a clarification as to how
5 far past that privacy wall.

6 THE WITNESS: The privacy wall, and you
7 can view the survey, if you like, that is the end of
8 the privacy wall.

9 MR. ADELHOCK: So that privacy wall is
10 just on the ground floor?

11 THE WITNESS: Right.

12 MR. ADELHOCK: It doesn't extend the
13 height of the building?

14 THE WITNESS: That's all we're
15 referring to. The back of the building itself is
16 this drawing, which I showed before, here.

17 So this is the building at 318. This
18 line represents the actual structure of the
19 building, and this is the deck.

20 MR. ADELHOCK: Okay. Great.

21 How much further past the deck is it
22 supposed to be?

23 THE WITNESS: So we got 55 feet six,
24 and you are at about 60 feet six inches -- no, I'm
25 sorry -- about four feet past that total of 55 feet

1 six to the edge of that deck based on the survey.

2 MR. ADELHOCK: So about four feet past
3 the end of our deck?

4 THE WITNESS: Correct.

5 MR. ADELHOCK: Okay. Thank you.

6 That's my only question.

7 CHAIRMAN AIBEL: Seeing no further
8 questions, can I have a motion to close the public
9 portion?

10 COMMISSIONER GRANA: Motion to close
11 the public.

12 CHAIRMAN AIBEL: Second?

13 Anybody want to second?

14 COMMISSIONER FISHER: Second.

15 CHAIRMAN AIBEL: Thank you.

16 All in favor?

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

19 MR. MATULE: Before I call up Mr.
20 Kolling, just a procedural question. I don't know
21 if you want to mark that exhibit, the tax map
22 exhibit or not. We have not marked it.

23 COMMISSIONER GRANA: Eileen, do you
24 want to mark it?

25 MR. MATULE: Just for the record, I

1 know it is on the plans, but it might make more
2 sense to have it as a separate exhibit.

3 If I may ask, what are we up to?

4 MS. CARCONE: A-9.

5 MR. MATULE: A-9, thank you. I should
6 be keeping track. I'm sorry.

7 So A-9 is just the relevant sheet of
8 the tax map.

9 (Exhibit A-9 marked.)

10 MR. MATULE: All right.

11 Edward Kolling.

12 MR. GALVIN: Mr. Kolling raise your
13 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. KOLLING: Yes, I do.

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

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

22 THE WITNESS: Edward Kolling,
23 K-o-l-l-i-n-g.

24 MR. GALVIN: Mr. Chairman, do we accept
25 Mr. Kolling's credentials?

1 CHAIRMAN AIBEL: We do.

2 MR. GALVIN: You may proceed.

3 MR. MATULE: Mr. Kolling, you are
4 familiar with the zoning ordinance and the master
5 plan of the City of Hoboken?

6 THE WITNESS: Yes, I am.

7 MR. MATULE: And you are familiar with
8 the site and the surrounding area?

9 THE WITNESS: Yes.

10 MR. MATULE: Obviously, you are
11 familiar with the project.

12 Are you also familiar with recent
13 amendments, removing the rear deck?

14 THE WITNESS: Yes. We exchanged
15 emails, and I had conversations with the architect,
16 so I am familiar with it.

17 MR. MATULE: And you prepared a
18 planner's report, dated August 24th, 2014, in
19 support of the requested variance relief?

20 THE WITNESS: Yes.

21 MR. MATULE: Could you go through your
22 report for the Board and give us the benefit of your
23 professional opinion respecting the variances being
24 requested?

25 THE WITNESS: Okay. The property is in

1 an R-1 district, permitted use. We are beneath the
2 permitted density.

3 We are seeking a D-6 variance for
4 height for the number of stories. We are not
5 seeking a variance for the height in linear feet.
6 We are at the permitted height.

7 Most of the buildings in the area are
8 four stories. There are some fives, and there is a
9 couple of buildings that are shorter, so a
10 four-story building is certainly in keeping with the
11 character of the area.

12 The purpose of the R-1 district is to
13 conserve the architecture scale and graining of the
14 residential blocks and street patterns and to
15 reinforce the residential character of the district,
16 which this certainly does. It is a residential
17 building in a residential zone. Four stories, as I
18 said, is in keeping with the character, so I think
19 it promotes the purpose of the district.

20 The other variances that we are looking
21 for, one is the lot coverage, which we are at 63.15
22 percent for the building.

23 I know that the architect calculated
24 the stairs going into the back as lot coverage, but
25 if you look at the definition of lot coverage in the

1 Hoboken code, it talks about lot coverage being the
2 same as building coverage. Building coverage is
3 described as having a roof. So if you have a porch
4 or steps, it really doesn't constitute building
5 coverage, so I would kind of -- I would make an
6 argument that it is not part of the building
7 coverage. Nonetheless, even without doing that, we
8 are 3.15 percent over because the lots were 95 feet
9 deep.

10 As was described, there's this missing
11 piece in the back. I describe it as a gore. I
12 agree with Ms. Banyra, that it is really not
13 technically a gore. But there is something that
14 happened in different locations in Hoboken, and I've
15 run across this before, where when the Hoboken Land
16 Improvement Company was subdividing these lots,
17 these sections for some reason got left out, and
18 when they were not transferred, ownership to the
19 other lots. So in this case, we have this gap in
20 the back, which is roughly ten feet by 40 feet, a
21 little bit more than 40 feet, because of the little
22 tail that the attorney had described.

23 But the properties functions as if they
24 had a hundred foot of depth. People use those
25 spaces. They put fences up, and no one has paid

1 much attention to the fact that they are there.
2 They are simply lines on a map. You can't see it
3 when you are out in the field necessarily, so it
4 functions the same as if it were a 95 by a hundred
5 lot.

6 As was described, this applicant has
7 now taken the steps to procure those properties in
8 the back, and when that does happen, the lot
9 coverage will actually comply.

10 I think that the lot coverage variance,
11 even in the interim, can be granted, because as I
12 said, from a practical perspective, it functions as
13 if it were there, and it functions the same as if it
14 had 60 percent lot coverage.

15 The depth from the street is permitted.
16 It is actually less than would be permitted.

17 The rear yard exceeds what would be
18 required as well, so I think all of those factors
19 mitigate the coverage variance.

20 The front yard we need a variance for
21 because we are asking for zero, but that is the
22 condition along the entire frontage, which is very
23 similar to other blocks in Hoboken, so I think
24 allowing for that zero front yard is a better
25 approach to urban design, a better approach to

1 maintaining the street scape, and I think the
2 benefits outweigh any detriment in that regard.

3 The facade materials, it is a few
4 percentage points. It is not uncommon when you have
5 buildings in Hoboken that have bays. You won't have
6 the full 75 percent because, as the architect
7 pointed out, even historically the bays were often
8 metal clad. They weren't masonry. The intent of
9 this requirement, in my opinion, is that Hoboken
10 wants to promote more quality materials in the
11 front.

12 I think they were trying to say that
13 you can't have like vinyl siding, and you can't have
14 other types of cheap materials, so they wanted to
15 have the traditional Hoboken look, which had the
16 masonry. In this case it is being done with the
17 metal cladding on the bays, which as I said, which
18 have been even in a traditional building with a bay.

19 Obviously it is not traditional design,
20 because it is more contemporary, but it utilizes the
21 same type of bay elements and brick that you might
22 find throughout Hoboken.

23 Roof coverage is primarily because of
24 the roof deck, and in this case, I think it is even
25 more warranted than typically because these are

1 larger units. They are a two-family home. It
2 provides outdoor living space, and by removing the
3 deck off the rear, which as you heard has been the
4 amendment to the plan, the only outdoor living space
5 for the upper level will be those roof decks, so I
6 think it helps promote the idea of having a more
7 family-friendly unit, which is one of the things
8 that is promoted within the master plan.

9 Generally in terms of the master plan,
10 this area, there was a master plan reexamination
11 report as well. This area has pretty much been
12 treated the same way as it had been under the
13 original master plan, the earlier comprehensive
14 master plan.

15 This project promotes compatibility in
16 scale and density because the density is permitted,
17 and therefore, I think that is one of the
18 suggestions, recommendations of the master plan.

19 It provides open space in the interior
20 of the block. It helps to create the Hoboken donut.

21 It provides rear street trees, all of
22 which are also recommended by the master plan.

23 Although it is only 20 feet wide, it
24 can only provide one tree, it does provide the
25 additional street tree, and I won't go through all

1 of the family-friendly aspects. But, again, we
2 heard that many times, and it certainly does it, and
3 there is also the green architectural aspects that
4 it promotes.

5 So I think that the height variance can
6 be granted because the building is in keeping with
7 the scale and the character of the block. The
8 property can sustain the additional story without
9 detriment to the character of the area, and in fact,
10 it promotes the character of the area.

11 I don't see any substantial detriment
12 to the zone plan. We actually conform with the
13 height in terms of the number of feet, and we are
14 actually lower than the building next door to the
15 north.

16 I discussed how the facade percentages,
17 although not technically meeting the exact
18 percentages, it does have the promotion of using the
19 more quality materials in the facade, which is in
20 keeping with the intent of the zone plan.

21 Lot coverage, we pointed out how we are
22 three percent over, but once the property is
23 acquired, it will be completely conforming, and even
24 prior to that, the effect is that we will have the
25 proper amount of lot coverage from a practical

1 perspective.

2 Also, roof coverage, I think that the
3 variances can be granted because of the promotion of
4 the master plan recommendations for the extra
5 outdoor living space for the family-friendly units.

6 So I think we have met the proofs for
7 the variances, both in terms of the D-6 and in terms
8 of the bulk variances, in terms of the benefits
9 outweighing the detriments.

10 I think we also promote certain
11 purposes of the Municipal Land Use Law by providing
12 family-friendly dwelling units, residential uses in
13 a residential district. I think that qualifies
14 under NJSA 45:40:55B2A, promoting the general
15 welfare.

16 The density is suitable to the location
17 because it is in keeping with the requirements of
18 the zone plan, which comes up under 40:55D-2E.

19 The project promotes a desirable visual
20 environment. I think it is a very attractive, well
21 designed architectural building, which is Paragraph
22 2(i). And in terms of 2(g), I think the site
23 provides a sufficient space in an appropriate
24 location for this type of use.

25 So, again, we have met the proofs for

1 the variances, both the D-6 and the C variances.

2 CHAIRMAN AIBEL: Board members,
3 questions for Mr. Kolling?

4 COMMISSIONER BRANCIFORTE: Could you
5 go -- I'm sorry -- but the first thing you mentioned
6 was about the street scape.

7 How does this promote the street scape
8 and promote the master plan with the idea of what
9 the street scape should be?

10 THE WITNESS: It creates a continuous
11 wall, a continuous street wall. It maintains the
12 same setback as just about every building on the
13 street, so it maintains that continuous street wall.

14 COMMISSIONER BRANCIFORTE: Do you have
15 a picture of the street wall?

16 THE WITNESS: Excuse me?

17 COMMISSIONER BRANCIFORTE: Do you have
18 a picture of the street wall anywhere?

19 THE WITNESS: The architect has
20 provided numerous pictures and also the elevations.

21 COMMISSIONER BRANCIFORTE: I asked the
22 architect before why there is no stoop, so, you
23 know, I understand that he wants to make it easier
24 for moms, the parents with strollers to get up and
25 down, but I am afraid of the stoop life on the block

1 disappearing, because basically these people are
2 going to get home from work, they're going to go
3 inside, and that's going to be it. There is no
4 encouragement for them to sit out front and speak
5 with their neighbors.

6 You know, is that a detriment that they
7 will not be able to sit out front?

8 THE WITNESS: I don't know if I would
9 call it a detriment.

10 I think on that block, there are
11 buildings with stoops, and I think there are a
12 significant number of buildings without stoops as
13 well. I don't know if it rises to a level of a
14 detriment, that somebody can't sit in front of their
15 building.

16 COMMISSIONER BRANCIFORTE: Well, the
17 master plan calls for preservation of stoop life,
18 doesn't it?

19 THE WITNESS: There's one of the
20 recommendations in there that talks about that, yes.

21 COMMISSIONER BRANCIFORTE: So if you
22 don't meet that recommendation, you know, does that
23 turn into a detriment because you are not promoting
24 the master plan?

25 THE WITNESS: Not every project

1 promotes every purpose of the master plan.

2 COMMISSIONER BRANCIFORTE: You know, I
3 just don't see this building -- it is a nice
4 building and everything, but how can we make it
5 more, you know, less of a private residence and more
6 of a community -- part of the entire block?

7 You don't think that putting the stoop
8 there would promote that?

9 THE WITNESS: I think you can do it
10 both ways, I agree. You could have a stoop that
11 could come up. The architect has come up with a
12 design that does not -- that the building meets the
13 street.

14 COMMISSIONER BRANCIFORTE: Okay. You
15 know, that is fine.

16 Thanks.

17 CHAIRMAN AIBEL: Ms. Fisher?

18 COMMISSIONER FISHER: No.

19 CHAIRMAN AIBEL: Anybody else, Board
20 members?

21 Professionals, any questions of Mr.
22 Kolling?

23 MS. BANYRA: I have a question for the
24 attorney.

25 So, you know, as proposed right now

1 since we are considering the back lot, Lot 39, you
2 don't own as of now, so we are dealing with this as
3 to what exists today.

4 So what is proposed is landscaping and
5 I guess there is still a rear wall off site. How do
6 we deal with that on this?

7 MR. MATULE: Well --

8 MR. GALVIN: Let me just say while
9 we're sitting, we are going to kick around with
10 this: The applicant is to consolidate Block blank,
11 Lot blank, with this property, and the applicant is
12 to provide an easement to the adjacent property
13 owners as described to the Board.

14 Proof of the easement is to be provided
15 to the zoning official prior to the issuance of the
16 certificate of occupancy, so it wouldn't hold up the
17 building permit.

18 MS. BANYRA: Okay.

19 MR. GALVIN: Do you have the block and
20 lot number?

21 MR. MARSDEN: Block 166, Lot 30.

22 MR. MATULE: If I might just, I am
23 asking Mr. Minervini, and he certainly can speak for
24 himself, but the question I asked is: Is the
25 landscaping that we are showing on Z-3 within the 95

1 feet, and he is telling us yes.

2 MR. MINERVINI: Yes.

3 MR. MATULE: So we are not proposing
4 anything on that property that we don't own yet.

5 MS. BANYRA: Okay. So I guess, Mr.
6 Minervini, so there is an existing wall on the
7 current survey, and that is off site, and so the
8 landscaping will be inside that, but that wall is
9 off site.

10 MR. MINERVINI: That wall is within the
11 that 10 feet.

12 MS. BANYRA: But you don't own that
13 yet.

14 MR. MINERVINI: Exactly.

15 MS. BANYRA: Right. So that is my
16 question to the attorneys that were, you know, it is
17 not here yet, so --

18 MR. GALVIN: They are telling me it is
19 going to, you know, it is going to happen. They are
20 expecting to it happen, so if it does, we are going
21 to consolidate this lot, which would then eliminate
22 that one variance, right?

23 MS. BANYRA: I don't know that it's a
24 variance. It's just a question I don't know. It's
25 off site --

1 MR. GALVIN: No, no. They need to have
2 a certain amount of square feet, which they don't
3 have, because they are five foot short, right?

4 MS. BANYRA: That's right. There is a
5 preexisting nonconforming condition, and they are
6 asking for coverage, and they got that.

7 MR. GALVIN: No. We are going to grant
8 them the variance tonight, whether or not they
9 acquire this property --

10 MS. BANYRA: Right.

11 MR. GALVIN: -- if they had acquired
12 this property before they came to the Board, then we
13 would be evaluating that piece as part of this, but
14 we don't have that --

15 MS. BANYRA: Right.

16 MR. GALVIN: -- but that would also
17 have eliminated the coverage variance.

18 MS. BANYRA: We don't -- possibly --

19 MR. GALVIN: No, no, absolutely. If
20 you are just a few feet short, and you acquire
21 another piece of property that contains the feet,
22 then that would solve at least that one problem.

23 MS. BANYRA: My question is there is
24 going to be improvements relative to this property.
25 There is a wall on the proposed lot --

1 MR. MATULE: It currently exists --

2 MS. BANYRA: -- that currently exists,
3 but it's going to be part of this, that we are
4 approving now, and we are going to leave that
5 because it is subject to. I just wanted to know how
6 you do that now when we don't own that property.

7 MR. MATULE: If I might --

8 MS. BANYRA: -- it seems technical --

9 MR. MATULE: -- I don't think that is
10 what Mr. Minervini's testimony was. At least as I
11 understand it, the landscaping that is being
12 proposed on the plan that is before you is within
13 the 95 foot lot depth.

14 That wall that is back there on that
15 property --

16 MS. BANYRA: It's off site.

17 MR. MATULE: -- that's owned by
18 whomever, I assume it will come down, but it is
19 really not ours to knock down at this point. It's
20 not on our property.

21 MR. GALVIN: But if you acquire the
22 property, you could take it down, correct?

23 MR. MATULE: Absolutely.

24 MS. BANYRA: Okay. So that is a legal
25 question. It's not --

1 MR. GALVIN: Do you want to take it
2 down?

3 MS. BANYRA: No -- it's just like how
4 do we deal with it, today's piece, and then when
5 they acquire it, it is something different.

6 MR. GALVIN: I know. I know.

7 MS. BANYRA: Okay.

8 MR. GALVIN: What I am saying is: If
9 you don't have a concern about it, then the mere
10 fact that they are going to acquire it is actually a
11 good thing because it eliminates a variance in the
12 future.

13 And if they didn't tell us about this
14 at all, and it was just sitting there like a
15 landlocked parcel, if they didn't introduce it --

16 MS. BANYRA: I would make them remove
17 that wall or ask if that wall is part of this
18 property, then they should remove something that is
19 not on their property is what I'm saying.

20 MR. GALVIN: If it were their wall, but
21 they don't know whose wall it is, then --

22 MS. BANYRA: It is with this property.
23 You can see that it extends off site.

24 MR. GALVIN: Okay. But if they
25 actually acquire -- so --

1 MS. BANYRA: This is just a technical
2 thing, Dennis.

3 MR. GALVIN: -- what Ann -- what Eileen
4 is saying, if it's a mislocated wall, and it is your
5 client's wall, we want it removed from this other
6 property. But we are anticipating you will acquire
7 this property.

8 MS. BANYRA: Yeah.

9 MR. GALVIN: So, again, the way I have
10 written this is: We are hoping that you will
11 complete this before you go for your CO.

12 MR. MATULE: Again, that is the
13 intention. But as I tried to be very candid and
14 clear with the Board, you know, it is not a done
15 deal at this point. There is a possibility for some
16 reason, it could not happen. It's not likely, but
17 it is out there.

18 Certainly we have no objection to put a
19 condition in there that if and when we acquire the
20 property, we will --

21 MR. GALVIN: What Eileen is actually
22 saying is if you don't acquire the property, we
23 still want you to remove the wall.

24 MS. BANYRA: You have to just remove
25 the wall then.

1 MR. MATULE: We can have that as a
2 condition that the wall will be removed.

3 MR. MARSDEN: Can I add just something
4 there, Dennis?

5 If you don't obtain the property,
6 there's two options. You can remove the wall or
7 obtain an easement for it.

8 MR. GALVIN: Well, no, they're just --

9 VICE CHAIR GREENE: Well, they can't
10 get an easement because there's nobody to talk to --

11 MR. MATULE: Again, we are obtaining an
12 easement from an entity that no longer exists, so --

13 MR. GALVIN: They would rather hit the
14 easy button.

15 MR. MATULE: -- then just take the wall
16 down, if that is okay. We have no objections to
17 that.

18 MR. GALVIN: Yes.

19 Is that okay?

20 MS. BANYRA: That's good.

21 The second thing, though, I would also
22 ask is that it's 400 square feet?

23 MR. MATULE: Well, I don't have the tax
24 map. You have it there, but it is approximately 10
25 by 40. There seems to be a little tail piece.

1 MR. MARSDEN: But it's five by five
2 technically.

3 MR. MATULE: Five by five. I figured
4 it was about 425 square feet.

5 MS. BANYRA: So would there be any
6 objection, if it's acquired, that that ends up being
7 that there is no construction or no concrete or no
8 other impervious area in there, that it's left as
9 open space?

10 Dennis?

11 CHAIRMAN AIBEL: Okay. We're okay?

12 MR. GALVIN: Well, I am satisfied. I
13 appreciate --

14 MR. MARSDEN: There is a building on
15 it, though.

16 MR. MATULE: Well, yes --

17 MR. MINERVINI: One of the portions is
18 built on by a building on Willow --

19 MR. MARSDEN: There is a building on
20 it.

21 MR. GALVIN: On what?

22 MR. MARSDEN: On Lot 39.

23 MS. BANYRA: Understood, understood.

24 But when and if you acquire that property, then it
25 should remain an open space --

1 MR. GALVIN: But they're going to give
2 them an easement -- we are asking them when they
3 acquire it, we are expecting them to acquire it, to
4 provide an easement.

5 If they never acquire it, we are
6 granting them the approval, and we don't care. The
7 only thing they are going to have to do no matter
8 what is take down the wall that's being mislocated.
9 You're not in a bad spot. It's okay.

10 MS. BANYRA: It's a good spot. We're
11 just cleaning it up -- we're just looking at it for
12 the first time.

13 MR. GALVIN: A better solution would
14 have been to resubdivide this lot with all of these
15 properties, and we take our part, and then give
16 these other properties their part.

17 MR. MARSDEN: That would be easier.

18 MR. MATULE: I am not ruling that out.

19 MR. GALVIN: Okay.

20 MR. MATULE: I certainly would
21 recommend that assuming my client is successful in
22 the tax lien foreclosure, that he investigate that
23 with the adjoining property owners to make a joint
24 application to the Planning Board for a minor
25 subdivision, and let the tax assessor straighten out

1 the tax map and do away with this lot.

2 MR. GALVIN: Let the good times roll.
3 okay.

4 MR. MARSDEN: One more issue is I think
5 they need a height variance for height, physical
6 height, because the plans show 45 feet above
7 finished floor, which is one foot above BFE, which
8 makes it 41 foot above BFE.

9 MR. GALVIN: What are we at now?

10 (Laughter)

11 No. What are they --

12 MR. MARSDEN: Right now they are
13 showing 41 feet above BFE. That is what they are
14 showing on their elevation views.

15 MR. GALVIN: So that would be a C-2
16 height variance --

17 MR. MARSDEN: Correct.

18 MS. BANYRA: Yes.

19 MR. GALVIN: -- which I think would
20 fall into the --

21 (Everyone talking at once.)

22 MR. MATULE: Any other variance --

23 MR. GALVIN: Right.

24 I wish we had --

25 MR. MATULE: Mr. Minervini is

1 concurring with Mr. Marsden.

2 MR. MARSDEN: Write that one down.

3 (Laughter)

4 MS. BANYRA: Just note for the record
5 it is an additional variance just for your
6 resolution.

7 CHAIRMAN AIBEL: Okay. We are opening
8 it up to the public.

9 Anybody have questions for Mr. Kolling,
10 the planner, if we remember Mr. Kolling.

11 MR. GALVIN: Then we are going to go
12 headlong into comments.

13 CHAIRMAN AIBEL: Okay.

14 COMMISSIONER COHEN: Motion to close
15 the public portion for this witness.

16 CHAIRMAN AIBEL: Thank you.

17 COMMISSIONER MC ANUFF: Second.

18 CHAIRMAN AIBEL: All in favor?

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

21 MR. GALVIN: Now we will open it up to
22 the public for comments.

23 CHAIRMAN AIBEL: Now it is time for
24 anybody who has a comment.

25 MR. GALVIN: Now is the time for

1 comments.

2 CHAIRMAN AIBEL: Please come forward.

3 MR. GALVIN: And I got to look at what
4 your proposal -- why don't you let Mr. Matule look
5 at what you are proposing to hand to the Board.

6 Don't do anything yet. It is just a
7 legal proceeding. We need to see if he has an
8 objection before everybody starts looking at it

9 THE REPORTER: Can you just spell your
10 name again for me?

11 MS. UGAZTHEANDR: It's Julieta,
12 J-u-l-i-e-t-a, and my last name is Ugaztheandr.
13 U-g-a-z-t-h-e-a-n-d-r.

14 MR. MATULE: For whatever they are
15 worth, I think there is some discussions here.

16 I get the sense that perhaps some of
17 the comments contained in here, and I am just
18 looking at it very quickly, because it has just been
19 handed to me --

20 MR. GALVIN: I see the photos, and I
21 don't think you would have an objection to the
22 photos.

23 MR. MATULE: No. But I mean there are
24 editorial comments, and some of it talks about it
25 with the rear deck, which is no longer there.

1 MS. UGAZTHEANDR: Well, we changed the
2 plans today. I didn't have to chance to look at it.

3 MR. MATULE: No, I understand. I am
4 just trying to make the record clear.

5 MS. UGAZTHEANDR: It's correct. We
6 made the plans.

7 MR. GALVIN: Just one second. I got
8 you.

9 MR. MATULE: So I mean, the photographs
10 speak for themselves. I have no objections to the
11 photographs. But as far as the editorial comment, I
12 don't know how much of it is relevant.

13 MR. GALVIN: I think the Board can now
14 manage it. I don't think there will be a problem.

15 So we're going to have to mark that.
16 Let's mark that as N-1 for Neighbor 1.

17 (Photos marked Exhibit N-1)

18 MR. GALVIN: Now you can pass those out
19 to the Board.

20 CHAIRMAN AIBEL: I think you need to
21 swear her in.

22 MR. GALVIN: Yes, I will.

23 Raise your right hand.

24 Do you swear to tell the truth, the
25 whole truth, and nothing but the truth, so help you

1 God?

2 MS. UGAZTHEANDR: Yes, I do.

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

5 MS. UGAZTHEANDR: I got to spell my
6 name again?

7 VICE CHAIR GREENE: Just say it.

8 MR. GALVIN: Just say it. Just say it.

9 MS. UGAZTHEANDR: Julieta Ugaztheandr.

10 MR. GALVIN: Okay. I'm sorry. I'm
11 like programmed to ask that question after I swear
12 you in because I do it every night.

13 CHAIRMAN AIBEL: Before we go forward,
14 are you going to both speak?

15 MS. UGAZTHEANDR: Yes.

16 CHAIRMAN AIBEL: So why don't we swear
17 this gentleman in?

18 MR. GALVIN: Raise your right hand.

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

22 MR. THEANDER: Yes.

23 MR. GALVIN: State your full name for
24 the record.

25 MR. THEANDER: Daniel, last name

1 Theander, T-h-e-a-n-d-e-r, and I am the owner of 314
2 Park Avenue.

3 MR. GALVIN: Awesome. All right, guys.
4 Go ahead. It's your turn.

5 MR. THEANDER: So, as you pointed out,
6 we were not aware of the changes until today, so
7 there are some comments in here that are no longer
8 relevant.

9 MR. GALVIN: We are okay. We can
10 figure that part out.

11 Tell us what you like and what you
12 don't like.

13 MS. UGAZTHEANDR: So pretty much we
14 live at 314. A couple of years ago, they build 310,
15 so you can look at Page 9, for example, and so on --
16 is it the north side or --

17 MR. THEANDER: South.

18 MS. UGAZTHEANDR: -- on the south side,
19 so now they received a 10 percent variance, so they
20 went to 70 percent.

21 So if you look at the wall on Page 8
22 actually, that wall is equivalent to 60 percent on a
23 hundred foot lot, the coverage that they had.

24 But if you think about it, we -- if
25 they wouldn't have done the variance, we would have

1 had open space with the decks, and then the building
2 in the back, so we all would have had a deck, which
3 would have had open space.

4 Now they are suggesting to do the same
5 thing on the other side. So if you look at Page 9,
6 it is a good example of first just the size of the
7 structure that they built on 310, and now we would
8 have maybe not such a gigantic one, but definitely
9 in terms of depth, it is exactly the same as they
10 are looking for.

11 So literally I think we are just going
12 to be boxed in.

13 Mind you, the neighbor I guess behind
14 us, it's also a hundred feet fully built, so we
15 would have this enormous thing on the left side,
16 which you are seeing on Page 9, this new structure
17 again, you know, which would go again beyond our
18 deck, which by the way, the tip of our deck is 57
19 feet, which is 60 percent lot coverage on a 95 feet
20 lot, right, so it would be built beyond the 60
21 percent lot coverage.

22 Picture 10 shows some of the pictures
23 that we had before 310 was built.

24 Starting on Page -- on Page -- hum --
25 Page 13, and so you can see just like this whole

1 wall now.

2 And, again, I am all for building new
3 property, having families stay. We chose Hoboken to
4 stay. We built, you know, we loved it here, so now
5 it's like, we are the only ones that are stuck in
6 between these two constructions on top of somebody's
7 building on the back. So every feet really counts,
8 right, in terms of -- again, for everybody to have a
9 deck and to have, you know, open space.

10 The other concern that I have is that
11 there is a pretty big structure on the back of the
12 property. You can see it on Slide 3, and from my
13 understanding of the drawings -- so that one is
14 like -- I am not sure of my pages -- it is like 18
15 feet in depth, and I don't know the width of the
16 lot. Maybe it's like 20 feet.

17 And from what I saw in the drawings is
18 that all of that is just going to stay kind of like
19 slant. I believe they are going to take the highest
20 part of the wall and build it out, right?

21 So if you look at my fence on Page 7,
22 that is just six feet. It is a regular fence. Then
23 their wall still goes up, and then there is a higher
24 wall, and at least what they did in 310 was they
25 left the old wall, which was much higher than six

1 feet, and then build it out even more.

2 So, again, I think, you know, what I
3 love about Hoboken is that we sit in the backyard.
4 You know, we have a two-year-old girl and a
5 five-year-old boy, and we just run around. We just
6 look into things, and now it is like, we are going
7 to be surrounded by walls.

8 And, you know, I said, I am all for
9 having a new property next door, but I would like to
10 have it in a way that we all can have a deck in
11 which we are not boxed in together. Just the
12 overside of the property is just too much I think.

13 My concern is like, I know the
14 gentleman was talking about lot coverage, what is
15 going to stop somebody from putting a roof on that,
16 and then, all of a sudden, it's like cement right on
17 the property that I have on that property because
18 they are keeping it, so I just don't know what is
19 going to stop somebody, so I would have a wall.

20 Okay. Now, as I said, I didn't know
21 that they were removing the decks. Even though I
22 don't believe they were proposing any decks at our
23 height, and now it would be on a 90 feet lot. The
24 back structure is 18 less what, 63 or 60 feet? It
25 is a very small open space.

1 I know the gentleman talk about, you
2 know, talking about the donut of Hoboken. I don't
3 think this project promotes that. I really don't
4 think so. Especially if -- I don't have any aerial
5 pictures of that block. But if you look at it, a
6 lot of them are like a hundred feet build-out, so at
7 least now even our new neighbors on 310 is like, oh,
8 my God, you guys having trees, and we can see green,
9 and they don't want us to cut them because -- so
10 there are people there. You know, they went there
11 and they bought all of the property after, but there
12 are people there that do have a shade of green and
13 the open space, and I think it is something that's
14 so important, that we need to preserve.

15 MR. THEANDER: So I just have a few
16 comments.

17 I think this Board has tremendous power
18 in Hoboken. You make decisions that empowers the
19 community, makes this a phenomenal town to live in,
20 and you made an assessment a while back with 310, I
21 think -- I don't need to go into more depth. I
22 think hopefully the pictures speak for themselves.

23 I think the lady here on the right had
24 a very good comment in asking, "Will be you boxed in
25 on both sides," but also recognizing that there are

1 rules, which would never argue with what is written
2 around 60 percent, and so forth, so it really comes
3 down to variances.

4 And we built according to what was
5 allowed for the building code, so I think I have
6 some specific questions.

7 And, again, you mentioned I wasn't
8 sure, was I going to ask them before or if I'm doing
9 them now?

10 MR. GALVIN: You can ask a question.

11 MR. THEANDER: Okay.

12 So there was one comment that the
13 architect made before, that you were saying that the
14 wall were to go about the same as our wall.

15 I just wanted to point out that this
16 one here, this drawing here, this -- your wall would
17 go about three feet beyond the point of our deck.

18 MS. UGAZTHEANDR: We are at 57 feet.

19 MR. THEANDR: We are at 57, so --

20 MR. MATULE: Okay. If I might --

21 MR. GALVIN: Yes.

22 MR. MATULE: We have a survey that has
23 been put into the record that shows their building
24 as 52.65 with a 7.5 foot deck, which to me adds up
25 to 60.15 feet, so they are saying they are at 57

1 feet, so I am not understanding the basis for that
2 comment.

3 MR. GALVIN: So let's stop there and
4 let's --

5 MR. THEANDER: Okay.

6 So let me just -- if you are seeing,
7 and I am not a surveyor. I am just taking pictures
8 and eye measurements.

9 So if you are looking at the tip of our
10 northwest corner of our balcony, where it is today,
11 and if you are looking at 310 Park, is it correct
12 that the depth of the building at 316 will be the
13 same depth as building 310?

14 MR. MINERVINI: 310 you described
15 before as being 70 feet. It is actually --

16 MR. THEANDER: It is 60 -- plus the
17 balcony --

18 MR. MINERVINI: -- plus the 10 feet
19 depth.

20 The deck will be the same as the
21 structure, assuming that 310 went back 60 feet, and
22 I recall that it did --

23 MR. THEANDER: Right. You are
24 absolutely right.

25 I am asking about the envelope of the

1 building at 310 will be the same depth as the
2 building at 316 --

3 MR. MINERVINI: As I recall, 310 is 60
4 feet, which is what we are proposing here --

5 MR. THEANDER: Exactly, exactly.

6 So if that is the case, if I am
7 standing in the northwest corner of my balcony, 310
8 goes out about three feet beyond that tip.

9 MR. MINERVINI: But your deck is
10 angled --

11 MR. THEANDER: Right.

12 MR. MINERVINI: -- so therefore, that
13 three -- that dimension is because it is angled.

14 What I am referring to is their deck is
15 angled this way, so it is more narrow the further
16 south you go. At its furthest point is where it
17 meets our building, which is at that 60 foot point.

18 So what they are saying is correct,
19 that 310 goes further past, but that's only because
20 their deck comes in.

21 MR. MATULE: But he testified the
22 northwest corner -- I'm sorry --

23 COMMISSIONER GRANA: Let me ask a
24 question.

25 MR. THEANDER: Yes.

1 COMMISSIONER GRANA: Let me clarify
2 that 310 is the building immediately to the south --

3 MR. MINERVINI: Of their building.

4 COMMISSIONER GRANA: -- of their
5 building.

6 MR. MINERVINI: Yes.

7 COMMISSIONER GRANA: Thank you.

8 MR. THEANDER: Do you have a drawing
9 where you have 310 laid out?

10 MS. UGAZTHEANDR: But maybe, if you see
11 that they are different, hum, you are going to go 60
12 feet, okay, because I am pretty sure the deck is 57
13 at the highest or the deepest part.

14 MR. MINERVINI: We are working off the
15 survey, which I am very sure is accurate.

16 After what we learned at the last
17 meeting, we had the surveyor go back and give us all
18 of the dimensions, and what we see is from a
19 certified surveyor.

20 MS. UGAZTHEANDR: Well, I mean, I guess
21 the point is that we would be literally between two
22 walls. That walls -- that is the point we are
23 trying to make.

24 MR. GALVIN: No, no. Okay. It is for
25 the Board to weigh that, you know.

1 MR. THEANDER: Okay. So that other
2 question is -- just a moment -- is from the roof
3 deck.

4 So we have three young children. One
5 of them is sleeping on the top floor today. At some
6 point the second child, she is two and a half, in a
7 few years she will probably move up there as well.

8 This is just an observation. I am not
9 inherently against roof decks. Somebody pointed out
10 that I might want to have a roof deck one day. It
11 is more on the sound.

12 So we were over a friend's house the
13 other day having dinner on their roof deck, three
14 blocks away. They had a very large roof deck, and
15 sound travels tremendously well.

16 And the north wall that is a little bit
17 higher than the building 316 will be can basically
18 echo. So it is really two things: One is I saw
19 that the front was going to be a setback of 11.2,
20 but in the rear only 8.6.

21 So why not more of a setback in the
22 rear, and then also what can be done in terms of
23 soundproofing?

24 MR. GALVIN: All right. What is your
25 answer?

1 MR. MINERVINI: May I?

2 MR. GALVIN: Yes, if Mr. Matule says
3 so.

4 MR. MINERVINI: He is contemplating.

5 I already described that we're going
6 to -- different from the drawings, we are going to
7 propose a six foot high fence on your side, a six
8 foot high privacy screen, so where we did have only
9 42 inches, because that is the rail height that's
10 required on our front deck, we are proposing it now
11 to be six feet in height, which would be on the
12 south side of our deck, which is the shared property
13 line with you.

14 MS. UGAZTHEANDR: Is that going to
15 provide soundproofing?

16 MR. MINERVINI: Understanding the
17 question, happily we will landscape that fence, so
18 it will be a soft fence, so it would have a wooden
19 fence of some sort and then greenery along that,
20 which would then help soften the sound transmission.

21 We would be happy do that, and it is a
22 detail I can give this Board, which we have in other
23 projects.

24 CHAIRMAN AIBEL: Is there any reason
25 you can't shorten or extend the setback in the rear

1 of the building?

2 MR. MINERVINI: I mean, of course, I
3 would have to discuss it with the applicant, if that
4 could be reduced three or four feet or so to help
5 again with that small --

6 MR. MATULE: Eight and a half feet and
7 11 --

8 MR. MINERVINI: -- well, as you are
9 suggesting, maybe just shift it to the front more so
10 there is more of a setback at the rear.

11 Your concern, of course, is not that
12 sound is going to go towards the street, but towards
13 the rear, so we could happily move that deck towards
14 the front more or something --

15 CHAIRMAN AIBEL: I was suggesting you
16 should shorten the end in the rear.

17 MR. MINERVINI: Shorten the end of the
18 deck?

19 CHAIRMAN AIBEL: Keeping the setback in
20 the front and adding to the setback in the rear to
21 keep the activity in the middle and try to create
22 some soundproof --

23 MR. MINERVINI: The answer is yes, we
24 can do that.

25 MR. GALVIN: How much? What are we

1 talking about?

2 MR. MINERVINI: It's got 11 feet in the
3 front. We'll mimic 11 feet in the rear.

4 But also, as I am looking at the
5 applicant, we can provide shrubbery, tall shrubbery,
6 along that same west facing exposure, which will
7 then keep sounds theoretically on our property.

8 MR. THEANDER: So, again, no problem
9 with the deck in concept. It is really around
10 sound, and what it is built upon, and if it echoes,
11 and granted there are two separate standing
12 buildings, 314 and 316, of course.

13 But it's just I don't know what we can
14 do, if anything, about even the structure itself.

15 MR. MINERVINI: I think what we are
16 proposing is about as good as we can get in terms of
17 construction and also considering this is a floor
18 higher than yours, it is a very good solution.

19 I think we are accommodating what the
20 property owners next door want without being
21 unreasonable and not having a wooden deck.

22 MR. MATULE: May I ask Mr. Minervini
23 another question while he is up there?

24 MR. GALVIN: Yes. I'm trying to get it
25 resolved.

1 MR. MATULE: In this package that was
2 prepared by the next door neighbor, they are showing
3 this concrete cubicle, if you will.

4 MR. MINERVINI: That exists.

5 MR. MATULE: That exists.

6 The intention is to take that down,
7 correct?

8 MR. MINERVINI: That's being removed.

9 MR. MATULE: And in the landscaping
10 plan, the conceptual landscaping plan, which was
11 attached to the plans --

12 MR. MINERVINI: Yes.

13 MR. MATULE: -- they are showing some
14 walls --

15 MR. MINERVINI: Just architectural
16 screening. Certainly no structure will be built on
17 it or could be built on it. The zoning officer
18 would control that, of course.

19 MR. MATULE: And the maximum height of
20 those walls permitted without a variance is six
21 feet?

22 MR. MINERVINI: And that is what we are
23 proposing. We'll change it to six feet.
24 Graphically it looks bigger --

25 MS. UGAZTHEANDR: The --

1 MR. MINERVINI: -- you're absolutely
2 right, and that will be six feet.

3 But to their point before, the fence at
4 310-312 is taller. It is because your yard is lower
5 than their yard. Their yard is at grade level
6 approximately, and as I recall, your yard starts --

7 MS. UGAZTHEANDR: No, no.

8 Well, they are post Sandy, which was
9 also the other big surprise that we had, right?

10 So, all of a sudden, we were not
11 supposed to have a deck, and now we have a deck at
12 our head, right?

13 It was just supposed to be walking out,
14 and now we ended up with a deck on our head, which
15 was one of the things that you guys had waived.

16 But now, what I am saying is, so the
17 actual yard -- so, again, we were lower because of
18 Sandy, but now our yard meets at the same level --

19 MR. MINERVINI: Exactly. We cannot, of
20 course, control where the base flood elevation is.
21 Our first floor has to be where it has to be.

22 MR. THEANDR: I have a question on the
23 deck because this came up after Sandy. That
24 basically you have to raise the backyard and the six
25 foot wall, I learned, that is from basically the

1 ground of the property. So our wall to the south is
2 not six feet. I brought up that point, but I was
3 informed at the time that the six feet goes from the
4 property's soil -- do I make myself -- so I thought
5 it was a rule that you could have a fence that is
6 six feet.

7 So on my side of the wall, it is seven
8 feet up, but if you're standing on this side on 310,
9 I am assuming it is six feet.

10 COMMISSIONER FISHER: Because your
11 ground is --

12 MR. THEANDER: Exactly.

13 So this is actually an important point
14 that looking at this, I mean, what is the level of
15 the soil that they are making, but that is exactly
16 right.

17 So let's say conceptually they bring up
18 the soil three feet --

19 MR. GALVIN: Wait. Time out for a
20 second.

21 MR. MATULE: I think we are traveling
22 on a false premise here. That's why I wanted to get
23 the architect involved.

24 MR. GALVIN: Okay. But I'm saying,
25 here is my goal: I thought this case was going to

1 be a little simpler than it is --

2 MR. MATULE: So did I.

3 MR. GALVIN: -- and I want to make sure
4 that we get the public heard. I am not so sure we
5 are going to be able to decide this tonight, and,
6 you know, so let's do what we can.

7 MR. MATULE: I do have a couple of
8 questions because I think it is relevant.

9 As I understand Mr. Theander's
10 testimony, it is that it is his understanding that
11 the rear yard of this property has to be raised up
12 to the base flood elevation, and that is why our
13 wall is going to be higher than his wall.

14 MS. UGAZTHEANDR: No. We just looked
15 at the picture.

16 MR. MATULE: No, no. I understand.
17 But the architect has already testified this is a
18 conceptual drawing. The zoning ordinance says you
19 can't have any wall more than six feet high and no
20 wall is to be more than six feet high.

21 MR. THEANDER: But at 310, the ground
22 elevation went up by one foot.

23 MR. MINERVINI: Our drawings show, and
24 I am telling this Board and you as well, the grade
25 will stay approximately where it is. We have to

1 change the pitch of it, so that it drains properly,
2 but the grade will stay approximately where it is.

3 MR. GALVIN: In their packet, just to
4 be fair, in there packet, there's one picture of a
5 fence with a wall that's towering over the fence.

6 MR. MINERVINI: Right. And that's what
7 we're referring to. It's from a landscape
8 architect, yes.

9 MR. GALVIN: Are you going to fix that
10 or is that --

11 MR. MINERVINI: Yes. Six feet in
12 height is all we will propose.

13 MR. GALVIN: Yeah, that's doesn't
14 get -- that's a --

15 MR. MATULE: It is a conceptual
16 drawing.

17 MR. GALVIN: -- no, on their photos,
18 Mr. Matule.

19 MS. UGAZTHEANDR: Going down --

20 MR. MATULE: Well, that's the other
21 question I wanted to ask, which is:

22 On Page 4 of your application package,
23 this shows -- this is the parking lot in the rear
24 of --

25 MR. GALVIN: Page 7.

1 MR. MATULE: -- Page 4.

2 MR. GALVIN: No. But I'm saying -- I
3 am talking about Page 7.

4 MR. MATULE: Okay. But I am asking --

5 MS. UGAZTHEANDR: Which one?

6 MR. GALVIN: I am trying to help you
7 actually I think.

8 MR. MATULE: On Page 7 you have a wall
9 that --

10 MR. GALVIN: That is what I am hearing.

11 MS. UGAZTHEANDR: Right. So this
12 property --

13 MR. MATULE: Where is this wall?

14 MR. THEANDER: 316.

15 MS. UGAZTHEANDR: 316, so this is like
16 let's say here --

17 MR. MATULE: No, no, no. Let's look at
18 the survey.

19 MR. MINERVINI: It is this property,
20 this section.

21 MR. MATULE: That's this wall --

22 MR. MINERVINI: Which will be removed.

23 MR. MATULE: Which is being removed.

24 MR. MINERVINI: It will be completely
25 removed.

1 MS. UGAZTHEANDR: And the one thing,
2 that is what I'm saying --

3 MR. MATULE: So the height of any wall
4 would match the height of your fence --

5 MS. UGAZTHEANDR: -- would be six feet
6 including the --

7 MR. MATULE: -- would be six feet high.

8 MS. UGAZTHEANDR: -- including the
9 front of this thing, so --

10 MR. MINERVINI: Everything, correct,
11 anything that is --

12 MS. UGAZTHEANDR: I just want green,
13 because that's --

14 MR. MINERVINI: Yes.

15 VICE CHAIR GREENE: One person at a
16 time speaks, so the reporter can report.

17 MR. THEANDER: Sorry.

18 That is great, if we get that on the
19 record because that is not what happened on 310.

20 The soil level went up one foot, so now
21 we have a seven-foot wall, not a six-foot wall.

22 But if you are willing on the record to
23 say it will stay six feet, there is not an issue.

24 MR. MINERVINI: Yes. It will stay at
25 six feet as shown on the landscape -- not the

1 landscape -- on the topography plan.

2 MR. GALVIN: How about your fence is
3 not going to be higher than their fence?

4 MR. MINERVINI: Yes.

5 COMMISSIONER BRANCIFORTE: I don't want
6 to interrupt, if you're still --

7 CHAIRMAN AIBEL: Don't interrupt.

8 COMMISSIONER BRANCIFORTE: Okay.

9 CHAIRMAN AIBEL: Let's see if we can
10 get this closed.

11 COMMISSIONER BRANCIFORTE: Go ahead.

12 Sorry.

13 MR. MATULE: Can I ask my other
14 questions? I want to wait for Dennis.

15 MR. GALVIN: Go ahead. I'm okay.

16 MR. MATULE: On your package, it's
17 sheet -- Page 4, I assume this is an overhead photo
18 taken from the rear of your property looking down
19 into the rear of the subject property?

20 MS. UGAZTHEANDR: Yes.

21 MR. THEANDER: Correct.

22 MR. MATULE: And to the north of the
23 subject property, that also shows that the rear yard
24 of the building next door is a parking lot in the
25 back. It's a hundred percent impervious coverage,

1 it's asphalt?

2 MS. UGAZTHEANDR: I am not familiar
3 with that, but it is 318.

4 MR. MATULE: Does the picture on Page 4
5 accurately reflect the site conditions that are
6 there now?

7 MR. THEANDER: Yes, it does.

8 MR. MATULE: Thank you.

9 And this, just so you understand the
10 architect's testimony, this is all coming down.

11 MS. UGAZTHEANDR: The whole structure
12 in the back.

13 MR. MATULE: The whole structure in the
14 back is coming down, and anything that is replaced
15 will not be higher than your fence.

16 MR. THEANDER: Okay. Wonderful,
17 wonderful.

18 Okay. So we got the deck was going to
19 be -- just to repeat: The deck is going to be 11.2
20 feet from both --

21 MR. GALVIN: Let me do it.

22 MR. THEANDER: Okay.

23 MR. GALVIN: The plan is to be revised
24 to shorten the deck to 11 feet in the rear and to
25 show plantings around the deck.

1 The next condition I have added: The
2 applicant's fence is not to be higher than the fence
3 on 314 Park Avenue.

4 MS. UGAZTHEANDR: On all of its
5 structure, right? Because they have a front thing,
6 and then in the drawing it shows much higher. I
7 just wanted to make sure because they have this
8 thing, and I don't want to see a cement wall from --
9 do you see how it is much higher than our fence?

10 MR. THEANDER: He said, yes, they
11 will--

12 MS. UGAZTHEANDR: -- it's not a fence,
13 it is front of the patio --

14 MR. GALVIN: That is what I intend by
15 those words. I hope it is enough.

16 MR. THEANDER: Yes.

17 (Board members confer.)

18 MR. GALVIN: What?

19 (Board members confer)

20 MR. GALVIN: We're just trying to make
21 it reasonable for them.

22 CHAIRMAN AIBEL: Okay. You are
23 finished?

24 MR. THEANDER: Yes, that is it.

25 CHAIRMAN AIBEL: This is all going to

1 get embodied, if it gets approved, in a
2 resolution --

3 MR. THEANDER: Wonderful.

4 CHAIRMAN AIBEL: -- there will be
5 conditions.

6 MR. GALVIN: One question.

7 If they are to make those changes, are
8 you objectionable to this plan, if these changes are
9 made?

10 Does it matter to you?

11 Are you going to be objectionable
12 regardless of whether these changes are made or not?

13 MR. THEANDER: No. If these changes
14 are there, we support the project.

15 MR. GALVIN: Okay.

16 MR. THEANDER: The only point I just
17 wanted to start with is just that this Board has
18 tremendous power, and I just think independent of
19 this project --

20 MR. GALVIN: We are doing our best, and
21 we want to try to get to the other two cases we have
22 tonight.

23 Thank you. You guys were good. Thank
24 you. You did a good job.

25 CHAIRMAN AIBEL: Does anyone else have

1 comments?

2 Public, no more comments?

3 Please come forward.

4 VICE CHAIR GREENE: There is.

5 CHAIRMAN AIBEL: Please come forward.

6 MS. HOPPMANN: My name is Catherine,
7 Hoppmann, H-o-p-p-m-a-n-n.

8 MR. GALVIN: Raise your right hand.

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

12 MS. HOPPMANN: I do.

13 MR. GALVIN: And your street address?

14 MS. HOPPMANN: 318 Park Avenue.

15 MR. GALVIN: You may proceed.

16 MS. HOPPMANN: Very minor, but based on
17 what he just said, if they would keep in mind when
18 they are taking care of the sounding or whatever
19 they are doing on the roof, if they keep it in mind
20 for the whole back, so we are at 318 Park.

21 That's all.

22 Thank you.

23 MR. GALVIN: Okay.

24 Anybody else?

25 CHAIRMAN AIBEL: Okay. Motion to close

1 the public portion.

2 VICE CHAIR GREENE: Seeing no one else,
3 I move to close the public portion.

4 COMMISSIONER COHEN: Second.

5 CHAIRMAN AIBEL: All in favor?

6 (All Board members answered in the
7 affirmative)

8 MR. GALVIN: Do you want to wait two
9 weeks to look at the revised plans?

10 VICE CHAIR GREENE: I do have a
11 question of Frank, and John has a question.

12 COMMISSIONER BRANCIFORTE: About this
13 noise thing on the roof deck, there's two ways to --
14 well, there is three ways I guess.

15 One is: We don't give you the roof
16 deck at all, or we keep it within the variance of 10
17 percent.

18 But this other idea of putting bushes
19 in, everyone that has come up in front of this Board
20 and said we will put in bushes, we always heard
21 bushes do nothing to work as a sound barrier, that
22 landscaping doesn't work as a sound barrier, and I
23 have heard, I am sure I must have heard it from
24 Frank in the past that --

25 MR. MINERVINI: Never.

1 COMMISSIONER BRANCIFORTE: -- that
2 plantings do not work as a sound barrier.

3 MR. MINERVINI: Absolutely not true.
4 Absolutely not true --

5 COMMISSIONER BRANCIFORTE: Eileen?

6 MR. MINERVINI: -- I would never say
7 that because it is just not true. Plantings do
8 work. Now, plantings with a fence are much more
9 effective than a fence without, and that is what I
10 was describing.

11 COMMISSIONER BRANCIFORTE: Well, with a
12 fence, yeah, but alone, bushes alone standing will
13 not keep sound from going through it, but with a
14 fence --

15 MR. MINERVINI: It will mitigate the
16 sound. It will attenuate the sound. It won't
17 certainly stop. With the fence and the bushes, it
18 obviously is much better. That is what we are
19 proposing.

20 COMMISSIONER BRANCIFORTE: But a
21 smaller roof deck would have a smaller capacity of
22 people on that roof at any one time. Less people
23 talking would be less sound, less noise, right?

24 MR. MINERVINI: Of course, and we
25 reduced the size of the deck.

1 COMMISSIONER BRANCIFORTE: By how much
2 now? What are we talking about?

3 MR. MINERVINI: We propose to match the
4 setback at the front, which is 11 feet and change at
5 the rear, so instead of eight feet, we cut off
6 approximately three feet of the rear deck.

7 COMMISSIONER BRANCIFORTE: So instead
8 of 60 percent roof coverage, you are now down to
9 what?

10 MR. MINERVINI: I can give you an
11 estimate.

12 Probably if we lose three feet by the
13 width, which is --

14 A VOICE: Eight feet --

15 MR. MINERVINI: -- no. The deck will
16 be exactly 20 feet -- the deck is about 14 feet, so
17 we are down to about 440 square feet approximately.

18 COMMISSIONER BRANCIFORTE: So about 20
19 by 22 or less?

20 MR. MINERVINI: Yes, again, it is
21 irregular. It's working around mechanical systems.

22 COMMISSIONER BRANCIFORTE: You know,
23 this is more of a comment, so I don't know --

24 CHAIRMAN AIBEL: No. Let's wait until
25 comments then, okay?

1 COMMISSIONER BRANCIFORTE: Okay.

2 VICE CHAIR GREENE: I have a question
3 for the architect as long as you're up.

4 Where -- I didn't see any notes on your
5 plans for refuse.

6 MR. MINERVINI: Refuse in this case,
7 because it is only two units, would be kept within
8 the apartment. We have got 2000 square feet to
9 provide a closet, so it will be kept within the
10 apartment.

11 VICE CHAIR GREENE: Where would -- so
12 the street containers would be kept in each
13 apartment, the trash cans?

14 MR. MINERVINI: They could do it that
15 way, yeah. They could do it that way or we could do
16 it without street containers. Very often, most of
17 the places in Hoboken don't use street containers
18 unfortunately.

19 VICE CHAIR GREENE: Okay.

20 MR. MINERVINI: If it's something that
21 the Board wants, we can carve out a little space for
22 a couple of street containers.

23 We do have a front gated -- that was a
24 gated area, so the street containers could go there,
25 although if they are not unsightly, if you are

1 suggesting that we extend the mechanical process, we
2 can do that, put them in there --

3 VICE CHAIR GREENE: That sounds like an
4 idea.

5 MR. MINERVINI: -- but that is what we
6 are proposing.

7 COMMISSIONER FISHER: I have a
8 question, and I promise a quick one.

9 Just going back to the streets for a
10 second, when we looked on Google, it looks like with
11 one exception, every single -- on this side of Park
12 Avenue all the way across -- every single building
13 has a stoop.

14 MR. MINERVINI: I don't think the
15 adjacent building that the owner --

16 COMMISSIONER FISHER: It does --

17 MR. MINERVINI: -- has a stoop --

18 COMMISSIONER FISHER: -- the one right
19 next door has a stoop --

20 COMMISSIONER BRANCIFORTE: That's a new
21 building.

22 A VOICE: The whole block to the
23 left --

24 MR. MINERVINI: Yeah --

25 COMMISSIONER FISHER: -- and the new --

1 MR. MINERVINI: -- if I may, and
2 310-312 doesn't have a stoop. The building next to
3 that is the restaurant --

4 COMMISSIOENR FISHER: Right. Close to
5 the corners, the two at the corners don't, but every
6 other building in the middle has a stoop.

7 COMMISSIONER BRANCIFORTE: Frank, the
8 board, A-2, if we look at A-2 and count the number
9 of stoops, I counted 13 stoops out of 18 buildings,
10 and that was on your side.

11 COMMISSIONER FISHER: Yeah.

12 The other side of the street is flat.
13 This side of the street has stoops, and just the
14 question is: If it were to be required, is it
15 feasible within the building to build a stoop?

16 MR. MINERVINI: I'm sorry, I missed the
17 last part.

18 COMMISSIOENR FISHER: All right.

19 If it were to be required, if the only
20 issue is literally strollers going up and down, is
21 it feasible within this structure to just lift that
22 whole floor up and have the steps up front as
23 opposed to steps going into the unit?

24 MR. MINERVINI: I suppose it's possible
25 to -- the answer is yes --

1 COMMISSIONER FISHER: Okay.

2 MR. MINERVINI: -- I think we can
3 accomplish both. We could have a stoop that would
4 be -- although who would use the stoop, because, if
5 I may, you would still want the lower hallway to
6 have access to the elevator, so that you don't have
7 to go upstairs to use the elevator. That sort of
8 defeats the purpose of an elevator.

9 We could have a stoop that takes you to
10 that first floor level as well as the elevator, but
11 they won't use it because they are using the
12 elevator.

13 COMMISSIONER BRANCIFORTE: But having
14 the stoop there in case of a flood, so we basically
15 raise the elevator then, and put the stoop in, and
16 we raise the elevator a few feet. It's no longer --

17 MR. MINERVINI: I understand.

18 To me, as an architect, that defeats
19 the purpose of an elevator. I'm sorry.

20 MR. MATULE: Okay.

21 COMMISSIONER MARSH: May I?

22 People -- if you look down the 1300
23 block of Garden, there are a ton of houses --
24 there's not a ton of houses on the block -- but a
25 lot of them have a stoop and then an entry on the

1 ground floor and people use the stoops all of the
2 time.

3 MR. MINERVINI: But there is no
4 elevator on those buildings.

5 COMMISSIONER MARSH: You don't need
6 it -- oh, come on. They don't -- they don't walk up
7 and down the stoop to get into their houses. They
8 use the stoop for sitting and hanging out, which is
9 what it is for --

10 MR. MINERVINI: Understood.

11 COMMISSIONER MARSH: -- wait. Two
12 things.

13 The other thing is: I don't know
14 anybody that keeps their trash inside of their house
15 unless it is a big building, and they have like a
16 trash room --

17 VICE CHAIR GREENE: He has already
18 moved it.

19 COMMISSIONER MARSH: -- but a stoop
20 gives you a place to put it. If you have a stoop,
21 put it in there.

22 MR. MINERVINI: Understood. And I'm
23 looking at the applicant, we have no problem in
24 essence moving the stair we got in the building out
25 and leaving how they use the stoop to the people who

1 live in the building.

2 COMMISSIOENER MARSH: I don't even --
3 it is not my issue. John brought it up. I was just
4 saying --

5 MR. MINERVINI: We are happy to --
6 we're happy to revise the drawings to put that in
7 line --

8 COMMISSIONER BRANCIFORTE: Thank you.
9 You know, it's only what, four feet
10 that we are going to be walking up these steps?

11 MR. MINERVINI: It's six feet.

12 COMMISSIONER BRANCIFORTE: Six feet
13 compared to what I have seen in other parts of the,
14 you know, city, I don't think six --

15 MR. MINERVINI: It's not a conversation
16 for tonight, but --

17 COMMISSIONER BRANCIFORTE: -- feet is a
18 lot --

19 MR. MINERVINI: -- our base elevation
20 issue is the one that's going to be --

21 CHAIRMAN AIBEL: Okay.

22 Board members, just --

23 COMMISSIONER BRANCIFORTE: I --

24 CHAIRMAN AIBEL: -- no. We are going
25 to try to have a process to get to the end of this

1 because I don't see an end to this.

2 COMMISSIONER BRANCIFORTE: All right.

3 CHAIRMAN AIBEL: How do we want to
4 proceed here?

5 Do you want to have Mr. Matule do a
6 closing and then deliberate, or do we want to carry
7 it for two weeks, so our professionals can see or
8 have a better opportunity to review the plans that
9 were discussed tonight?

10 MR. GALVIN: I am just going to state
11 for the record that our professionals are concerned
12 that the changes that were made, although they are a
13 simplification of what was presented previously,
14 they create issues for us, and we want to make sure
15 that we are not making a mistake. We want to go
16 through it and we want to look at it.

17 I think that we asked for certain
18 revisions. In two weeks you can make the revisions
19 that we're asking, so that we can see how --

20 MR. MATULE: Let me just make sure Mr.
21 Minervini can accommodate that schedule.

22 MR. GALVIN: Sure.

23 MR. MATULE: So are you talking about
24 carrying this to the 28th?

25 MR. GALVIN: Well, I mean, I'm sorry.

1 I am getting that from --

2 CHAIRMAN AIBEL: Whenever we next --

3 MS. BANYRA: Whenever we next meet.

4 MS. CARCONE: Okay.

5 MS. BANYRA: -- I think. You know, we
6 haven't looked at the --

7 MR. GALVIN: When is the next time we
8 can meet, Boss?

9 MS. CARCONE: Well, we have a meeting
10 on the 21st and then November 18th.

11 MS. BANYRA: I thought we had a third
12 meeting.

13 MS. CARCONE: It was Stevens.

14 MR. GALVIN: But Stevens isn't going to
15 be heard.

16 MS. CARCONE: That was my point.

17 MS. BANYRA: Okay.

18 MR. GALVIN: So you want to cancel
19 that.

20 MS. CARCONE: The 28th, I am just
21 saying we don't have anything else on. You don't
22 have anything else scheduled for the 28th.

23 MR. GALVIN: But we have other stuff on
24 the 18th. We might be able to -- there might be
25 other things that we collect tonight --

1 MS. CARCONE: You can do it on the
2 18th.

3 MR. GALVIN: No, sorry. Now we are
4 doing scheduling.

5 You guys tell me first. We were
6 supposed to have a meeting on October 28th that got
7 cancelled today. So now we have two meetings in
8 October, and that would have been our third meeting.
9 So we can still use that night maybe theoretically
10 or November 18th. But November 18th, I know we
11 already carried something for that night.

12 MS. CARCONE: 913 Monroe.

13 MR. GALVIN: It is a big case, right?

14 MS. CARCONE: Yes.

15 MR. MATULE: Mr. Minervini is telling
16 me he can have the changes to the Board
17 professionals by Friday, so I don't know if you want
18 us to come back on the 21st.

19 MR. GALVIN: Want them to come back on
20 the 21st?

21 MS. BANYRA: Yeah, I guess so. We
22 could try. I mean it's better -- I can't do it on
23 the fly here. I can't read the plans --

24 MR. MATULE: No. He could email them
25 to the Board's professionals.

1 MS. BANYRA: -- so I think that would
2 at least give us a couple of days or over a weekend,
3 and we can look at it and say yea or nay.

4 MR. GALVIN: All right.

5 They are okay to receive them on
6 Friday. If you can get them to them on Friday,
7 which I believe you can --

8 MR. MINERVINI: Eileen, is an email
9 okay, or do you prefer it overnight?

10 MS. BANYRA: Overnight, yeah. It's
11 just hard to read, Frank. If you email it, I will
12 look at it, but it is hard to review.

13 MR. MINERVINI: Okay.

14 MR. GALVIN: The reason for carrying
15 this is to be safe, so that we are not overlooking
16 something.

17 MR. MATULE: So we are going to carry
18 it to October 21st?

19 MR. GALVIN: Yes, ma'am?

20 MS. UGAZTHEANDR: Will the plans also
21 be available for us to look and see, because we
22 never saw them either?

23 MR. MINERVINI: I'll give them the
24 plans.

25 MR. GALVIN: What's that?

1 MR. MINERVINI: I will give them the
2 plans.

3 MR. GALVIN: These guys are done
4 tonight. This was their only case tonight, so when
5 you guys step out in the hall, they will get it to
6 you, okay?

7 Plus, the plan should be given to Pat
8 and be in the office on Friday at the same time that
9 you are sending them to our staff.

10 MR. MINERVINI: Understood.

11 MS. BANYRA: Frank, can I just ask you:
12 So the building, the structural square thing without
13 the roof on it, that whole thing is coming down?

14 MR. MINERVINI: Correct.

15 MS. BANYRA: All walls an all sides
16 will come down?

17 MR. MINERVINI: Yes.

18 MS. BANYRA: Okay. Because your plan
19 doesn't say that, so I just -- it says one wall is
20 staying up. And there is not a fence any more, so
21 that should be added to your list then.

22 MR. MINERVINI: Got it.

23 COMMISSIOENR FISHER: Who owns the
24 walls right now?

25 MR. MINERVINI: I'm sorry?

1 COMMISSIONER FISHER: Who owns those
2 walls right now that has the ability to take them
3 down?

4 MR. GALVIN: Oh, no one.

5 COMMISSIONER FISHER: No one --

6 MR. GALVIN: They were owned by a --

7 COMMISSIONER FISHER: -- so they are
8 only coming down if the --

9 MR. MATULE: I would presume the former
10 owner of the property built all of those walls --

11 COMMISSIONER FISHER: Yes.

12 MR. MATULE: -- so the north and south
13 walls are primarily on our side --

14 MR. GALVIN: That wall is coming down
15 no matter what, because we are either going to make
16 them take it down as mislocated on somebody else's
17 property, or they are going to take them down when
18 they become the owner of the property.

19 Yes?

20 We really want to get done with this.

21 MR. THEANDER: This is maybe not a
22 zoning question, but there are three -- I guess
23 there are three bricks that connect the two
24 buildings. How -- maybe that is not for this Board,
25 but who owns that shared wall, I mean, when it comes

1 down, between 310 and -- 315 and 316?

2 MR. GALVIN: Can I ask you for a favor?

3 Can you discuss that with Mr. Minervini
4 out in the hallway and let him explain it to you?

5 Because every property in Hoboken, when
6 the two properties are adjacent, it always works
7 out, okay?

8 CHAIRMAN AIBEL: Okay. Let's get a
9 motion to carry without notice to the 21st.

10 COMMISSIONER BRANCIFORTE: To what
11 date?

12 COMMISSIONER GRANA: Motion to carry to
13 the 21st without notice.

14 MS. CARCONE: That's next Tuesday.

15 COMMISSIONER MC ANUFF: Second.

16 CHAIRMAN AIBEL: Pat?

17 MR. GALVIN: Wait. Hold on a second.

18 One, two, three, four, five --

19 MS. CARCONE: Owen is not voting.

20 MR. GALVIN: Okay. So somebody else
21 has to second the motion.

22 COMMISSIONER BRANCIFORTE: Second.

23 MS. CARCONE: Who made the first?

24 MR. GALVIN: Mr. Grana made the motion.

25 Do we have a second?

1 COMMISSIONER COHEN: Second.

2 COMMISSIONER BRANCIFORTE: Second.

3 MR. GALVIN: Second by Mr. Cohen.

4 COMMISSIONER MC ANUFF: I'm just trying
5 to speed things along.

6 CHAIRMAN AIBEL: Pat?

7 VICE CHAIR GREENE: Next week.

8 MS. CARCONE: Do you want to vote on
9 this?

10 CHAIRMAN AIBEL: Take a vote.

11 MS. CARCONE: Commissioner Greene?

12 VICE CHAIR GREENE: Yes.

13 MS. CARCONE: Commissioner Cohen?

14 COMMISSIONER COHEN: Yes.

15 MS. CARCONE: Commissioner Grana?

16 COMMISSIONER GRANA: Yes.

17 MS. CARCONE: Commissioner Marsh?

18 COMMISSIONER MARSH: Yes.

19 MS. CARCONE: Commissioner Branciforte?

20 COMMISSIONER BRANCIFORTE: Yes.

21 MS. CARCONE: Commissioner Fisher?

22 COMMISSIONER FISHER: Yes.

23 MS. CARCONE: Commissioner Aibel?

24 CHAIRMAN AIBEL: Yes.

25 MR. MATULE: Thank you.

1 CHAIRMAN AIBEL: That was the short
2 application.

3 (Laughter)

4 MR. GALVIN: Can you talk to these guys
5 in the hallway about the three brick thing?

6 MR. MINERVINI: Yes.

7 CHAIRMAN AIBEL: Okay. We are going
8 take a seven-minute break. We will be back at 9:10,
9 and we are going to get through these next two
10 applications quickly.

11 (Recess taken.)

12 (The matter concluded at nine 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: 10/15/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
221 Bloomfield Street : SPECIAL MEETING
Applicant: Scott Katz : October 14, 2014
C Variances : 9:15 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commisioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff

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

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

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WITNESS

PAGE

JOHN NASTASI

143 & 164

PAUL GRYGIEL

158

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

3 We have 221 Bloomfield, Mr. Tuvel.

4 MR. TUVEL: Yes.

5 Good evening, Mr. Chairman, and Members
6 of the Board.

7 Jason Tuvel from the Law Firm of
8 Gibbons, PC, attorney for the applicant for the
9 property located at Block 201, Lot 11, 221
10 Bloomfield Street.

11 I actually never appeared before this
12 Board. I did a lot of other Boards in Hudson
13 County, so I welcome the opportunity to present
14 before you.

15 This is a C variance application for
16 the expansion of a nonconforming lot, as well as for
17 roof coverage exceeding the amount up on the roof
18 for the condenser.

19 The property is located in the R-1
20 zone, a single-family zone. This is a modest
21 expansion of a single-family home. There is no
22 intention to make it more with increased density.
23 The reason for the application is to actually make
24 it a more conducive four-family. The addition is
25 two stories above grade.

1 The first floor is going to be expanded
2 by approximately 126 square feet. That is 5.5 feet
3 in actual depth, and that is to facilitate
4 maneuverability and ventilation within the kitchen
5 area.

6 There is also a bathroom on that first
7 floor, which is very, very tight, and I know that
8 because I was in it today, and they will expand that
9 bathroom a little bit as well.

10 With respect to the second floor, very
11 simple. There is a bedroom on that floor where the
12 addition is proposed, and that bedroom is very, very
13 tight and will be made modestly larger than it is
14 today.

15 What is important to know about this
16 addition is that all of it is within the rear yard
17 of the proposed lot, which is undersized.

18 It will not be visible from the street,
19 and in connection with the surrounding properties,
20 the addition has been proposed in a manner that will
21 have no impact on the surrounding properties, and
22 Mr. Nastasi will get into that in a minute.

23 Like I said before, the lot is
24 undersized compared to all of the lots in the
25 surrounding area. There are very few that are equal

1 or smaller.

2 In addition, the building, the
3 single-family home that's located on the lot, is a
4 lot smaller than the surrounding buildings
5 specifically directly to the north and directly to
6 the south.

7 With respect to site improvements, in
8 addition to the proposed two-story addition to the
9 property, the applicant does have a concrete
10 pavement patio in the backyard. It is in decent
11 shape. However, as part of the application, there
12 will be a paver patio installed as to where that is
13 today.

14 With respect to the condensers, they
15 are going to be relocated. They are currently on
16 the patio at grade. They are going to be put on the
17 roof, and therefore, the roof coverage variance is
18 required.

19 You will see in connection with Mr.
20 Nastasi's testimony, we have taken the
21 recommendations of your staff to appropriately
22 screen the condensers that are on the roof.

23 Just some additional housekeeping items
24 that came up in the Board's professionals' reports,
25 they asked that we submit additional copies of a

1 signed and sealed survey, so I did that before the
2 meeting, so you have those additional copies.

3 They also mentioned some easements that
4 are located on the property that were noted on the
5 survey, and I will just explain those easements and
6 encroachments very quickly. There are three of
7 them.

8 The first is an access easement with
9 the property directly to the south for walkability
10 in and out of the alleyway. That is not going to be
11 touched as part of the application. There is no
12 improvements located there. Nothing will change
13 with respect to that access easement.

14 There is an open area easement located
15 in the rear of the property for the benefit of our
16 lot, but that is on the lot directly to the east.

17 So in reality, our backyard is 488
18 square feet larger because we have a right to use
19 that open space in perpetuity. However, we did not
20 account for that with respect to our lot area,
21 setbacks, coverages, that won't be taken into
22 account.

23 Lastly, the property to the north,
24 there is an encroachment from the building. That
25 encroachment is not going to be affected again in

1 any way, shape or form as part of this modest
2 expansion.

3 We have two witnesses that we're going
4 to present, John Nastasi, who is our project
5 architect, and Paul Grygiel, who is our professional
6 planner.

7 So what I will leave you with is that
8 although we do need two C variances in connection
9 with this application, all of the proposed
10 improvements are in the rear. We do comply with the
11 rear yard setback. We do comply with the density,
12 and we do comply with the coverage, so I think that
13 that alone demonstrates that there is no
14 over-development. This is a modest expansion of the
15 existing site.

16 So with that said, if there are no
17 other questions for me, I would call my first
18 witness.

19 CHAIRMAN AIBEL: Thank you very much.

20 MR. TUVEL: Okay. Thank you very much.

21 So the first witness I will call is
22 John Nastasi, who is our project architect.

23 MR. GALVIN: Raise your right hand.

24 Do you swear to tell the truth, the
25 whole truth, and nothing but the truth, so help you

1 God?

2 MR. NASTASI: I do.

3 J O H N N A S T A S I, having been duly sworn,
4 testified as follows:

5 MR. GALVIN: State your full name for
6 the record and spell your last name.

7 THE WITNESS: John Nastasi,
8 N-a-s-t-a-s-i.

9 CHAIRMAN AIBEL: Mr. Chairman, do we
10 accept Mr. Nastasi's credentials?

11 CHAIRMAN AIBEL: We do.

12 MR. GALVIN: You may proceed.

13 MR. TUVEL: Thank you very much.

14 Mr. Nastasi, let's start by getting the
15 Board oriented to the existing conditions and what
16 is currently at the property today.

17 THE WITNESS: Okay.

18 I will start with this board, which is
19 labeled Exhibit A-1.

20 What this is, it's a series of
21 photographs that I have taken of the backyard. It
22 is a very unique backyard, and it is easier
23 describing photographs than drawings.

24 This is my client's, Scott Katz' home.

25 It is a three-story home that is somewhat dwarfed by

1 both its north and south neighbors.

2 So the north neighbor is this massive
3 brick wall, which is a beautiful brick wall, but it
4 is a massive brick wall, and it towers 70 feet over
5 Bloomfield Street, and it runs uninterrupted, and it
6 creates a beautiful courtyard. I actually think big
7 blank walls make beautiful courtyards.

8 And then to the south of my client's
9 house is this building, which is yet another big
10 blank wall, and this building is about 50 feet over
11 Bloomfield Street, and my client sits in a little
12 three-story house on Bloomfield Street on a lot that
13 is only 25 by 46 and a half feet. So he lives in
14 this little lot and is dwarfed around these massive
15 brick buildings.

16 The property is 25 feet wide
17 predominantly because there is a five-foot alleyway
18 to the south.

19 So you can see over here, this access
20 point, this is my client's property. His property
21 goes all the way to here, but his house is five feet
22 off the site.

23 If we begin to look from Bloomfield
24 Street, the next sheet, which is labeled Exhibit
25 A-2, you can see the house from the street. It is a

1 three-story gabled roof house. That is the building
2 to the north, and our addition is on the back, and
3 it cannot be seen from the street.

4 As a matter of fact, we removed the
5 electrical wires, and we are showing some of the
6 screening here that was abreast of us to show that
7 there really is no impact on the street from what we
8 are proposing.

9 MR. TUVEL: Mr. Nastasi, just for the
10 record, all of these exhibits were prepared by you
11 or by your office, correct?

12 THE WITNESS: Yes, they have been.

13 One more diagram, and then you can dive
14 into the project.

15 This is looking from up above, so this
16 is my client's sloped roof. This is his three-story
17 building. This is the courtyard.

18 His property line ends here, and this
19 is that area easement that you are talking about --

20 MR. TUVEL: Correct.

21 THE WITNESS: -- this is the building
22 that is on Washington Street that backs on to this
23 courtyard.

24 There is a rear terrace here.

25 A large blank brick wall to the north

1 and a blank brick wall to the south.

2 MR. TUVEL: So I think in one of the
3 comment letters, it came up that there is no
4 separation between the rear yards, and that is
5 because of the open space easement that he has to
6 utilize essentially the whole courtyard as his
7 backyard.

8 THE WITNESS: So to move as quickly as
9 possible into the project, this is a very modest
10 project. We are actually here to discuss a 5.5 feet
11 by the width of the property, the width of the
12 existing house rear addition, and the purpose of
13 that addition is to expand the kitchen to make it a
14 more family centric kitchen, and to slightly expand
15 the powder room.

16 On the second floor, we will expand the
17 very small bedroom to a more normal-sized bedroom,
18 and then there is a walkout terrace.

19 Then on the third floor, on the roof,
20 there is an existing bulkhead, which this bulkhead
21 already exists with the spiral stair, sliding glass
22 doors and a hose bib.

23 I have seen in both the zoning office
24 and the building departments approvals for this
25 work. For some reason, the decking, the actual wood

1 decking, doesn't exist, but the entire configuration
2 already exists and has been preapproved. As part of
3 this application, we are looking to actually put
4 wood decking and some plant screening up on that
5 deck.

6 MR. TUVEL: Will there be any railing
7 up there as well?

8 THE WITNESS: Yes. There will be a
9 railing that meets all of the applicable codes.

10 So at the end of the day, what you are
11 taking away from all of this is that --

12 MR. TUVEL: Now you are referring to
13 A-4, right, John?

14 THE WITNESS: Yes. We have board A-4.

15 What you are looking at, this exists
16 currently, and what we are doing is cleaning up the
17 rear facade, making a very elegant understated rear
18 addition to house, the extra large bedroom and
19 enlarged kitchen.

20 This is a private terrace, and that is
21 the existing terrace on the roof, and that is the
22 existing bulkhead.

23 So this becomes this, and that is the
24 extent of the application.

25 This entire addition meets the zoning

1 ordinance, but the property is an undersized lot, a
2 nonconforming lot, which brings us here.

3 And also, Ms. Banyra has asked us to
4 consider taking the condensers to get them off the
5 ground and put them on the roof on top here, and
6 then screen them with a parapet, and that is --
7 we're adding that as a roof -- a coverage variance,
8 although in my 25 years in Hoboken, putting a
9 condenser on a roof doesn't require a roof variance,
10 but we are adding it just to be conservative in our
11 request.

12 MR. TUVEL: So, John, from an
13 architectural standpoint, do you think that this is
14 going to have an esthetic enhancement to the
15 surrounding area?

16 MR. GALVIN: Let's do this. If you are
17 going to put Mr. Grygiel on, why have double --

18 MR. TUVEL: Double purpose of MLUL
19 testimony?

20 MR. GALVIN: Yes.

21 You don't need to get it from John.
22 Get it from Paul.

23 MR. TUVEL: That's fine. That's fine.
24 That's fine.

25 MR. GALVIN: Does the Board have any

1 questions of this witness?

2 It is about as straightforward as we
3 are ever going to see in Hoboken.

4 COMMISSIONER MARSH: I just have a
5 question, and it's just to get oriented.

6 Those little windows that currently
7 exist, see on the top floor of the building, the
8 lower right-hand corner --

9 THE WITNESS: This?

10 COMMISSIONER MARSH: -- yup --on the
11 third floor, or the second floor, the top floor, are
12 those little windows down there on the ground floor?

13 MR. TUVEL: You're about here?

14 COMMISSIONER GRANA: Here?

15 COMMISSIONER MARSH: No. I mean on the
16 building itself.

17 THE WITNESS: Right here, am I pointing
18 to the right spot?

19 COMMISSIONER MARSH: No. Take your
20 finger and move it up, move it up, move it up, up,
21 up, up -- yeah.

22 MR. TUVEL: On the floor of the
23 bedroom?

24 COMMISSIONER MARSH: Yeah.

25 is that -- if you are inside of the

1 building, is that a floor height window?

2 THE WITNESS: They are not windows.
3 They look like a bad architectural design, and we
4 are going to completely cover them up. They are
5 going away.

6 (Laughter)

7 COMMISSIONER MARSH: Okay. So I am
8 thinking of the wrong house.

9 THE WITNESS: They are going away.

10 COMMISSIONER MARSH: That's fine.

11 I'm trying to remember if I was
12 actually in this house once.

13 THE WITNESS: I think they are old
14 air-conditioner sleeves that --

15 COMMISSIONER MARSH: Okay.

16 THE WITNESS: -- we will certainly
17 remove.

18 COMMISSIONER BRANCIFORTE: You know,
19 John, some day somebody might be in front of this
20 Board on one of your buildings and say the same
21 thing, so be careful.

22 THE WITNESS: Don't you say my stuff is
23 bad all of the time anyway?

24 (Laughter)

25 COMMISSIONER BRANCIFORTE: I don't say

1 that, not in front of -- not on the record.

2 (Laughter)

3 CHAIRMAN AIBEL: Board members, any
4 questions?

5 What is the window to the right of
6 your --

7 THE WITNESS: These?

8 CHAIRMAN AIBEL: Yes.

9 THE WITNESS: These are lot line,
10 which are not allowable. These are lot windows for
11 a commercial space on Washington Street.

12 I am going to ask my client a question.

13 What is that commercial space on
14 Washington?

15 A VOICE: Century 21.

16 THE WITNESS: Century 21.

17 A VOICE: Yes.

18 THE WITNESS: And we have somebody from
19 there.

20 CHAIRMAN AIBEL: Board members?

21 I was going to ask about sound
22 attenuation. This is a very loud family, I am sure.

23 (Laughter)

24 Any professionals, anything?

25 MS. BANYRA: Can you just talk about

1 what you are doing in the front in terms of if
2 somebody is standing on the deck in the front, can
3 you just show that to -- would we be able to see
4 that person?

5 Will they be behind the screen, or how
6 does that work?

7 THE WITNESS: Well, the terrace on the
8 roof is actually on the rear, because the front roof
9 is a gable roof to the ridge, and that terrace is
10 carved into the rear, so I have a model, which would
11 help.

12 MS. BANYRA: Great.

13 THE WITNESS: So what you have here is
14 you have a gable roof, and the actual existing
15 terrace is tucked behind the gable, and we are
16 adding a planter, so that if you are standing up
17 there, nobody can see you.

18 MS. BANYRA: Okay. So if somebody is
19 standing -- they can't stand next to those bushes,
20 so to speak, because they are really behind it and
21 lower as opposed to --

22 THE WITNESS: Exactly, yes, correct.

23 MS. BANYRA: Okay. Thank you.

24 COMMISSIONER FISHER: I have a quick
25 question.

1 CHAIRMAN AIBEL: Go ahead.

2 COMMISSIOENR FISHER: I know you are
3 putting a deck on and the planters. Is it currently
4 used as like outdoor space on the deck? It's
5 just -- because of --

6 THE WITNESS: Yes. It has been used,
7 yes.

8 COMMISSIONER FISHER: Okay. So it is
9 already -- it's already to the point of sound
10 attenuation or whatever.

11 Like, it is already being used in that
12 capacity, and you are just trying to put a nicer
13 structure around it?

14 THE WITNESS: Yes.

15 COMMISSIONER BRANCIFORTE: There is
16 irrigation into that landscaping on the deck, right?

17 I mean, you have a hose running through
18 to irrigate?

19 THE WITNESS: There is an existing hose
20 bib up on the deck already, and we will be adding
21 planters and irrigation.

22 CHAIRMAN AIBEL: Good.

23 Let me open it up to the public.

24 Does the public have any questions for
25 Mr. Nastasi?

1 Seeing none --

2 MR. WRIGHT: Actually, I do have a
3 question.

4 CHAIRMAN AIBEL: Please come forward.

5 MR. WRIGHT: All right.

6 I am James Wright, owner at 219
7 Bloomfield Street.

8 MR. GALVIN: Could you spell your last
9 name?

10 MR. WRIGHT: W-r-i-g-h-t.

11 MR. GALVIN: Thank you.

12 You may proceed, Mr. Wright.

13 MR. WRIGHT: And also, I am the
14 treasurer for 219, so I do have a couple of
15 questions regarding the easement.

16 If I can point to this picture, one of
17 our tenants lives in this building here, so she
18 walks back along this alleyway.

19 THE WITNESS: Right here.

20 MR. WRIGHT: Right. This alleyway,
21 right.

22 So I guess, this easement, I can't
23 remember, I have been in the town for 20 years, is
24 this your property?

25 A VOICE: Yes.

1 MR. WRIGHT: Okay. I never knew.

2 Okay. So in your picture here, and if
3 you don't mind --

4 THE WITNESS: Sure.

5 MR. WRIGHT: -- you show some planters.

6 Is that going to be in the path of the
7 easement, because I can guarantee you that the lady
8 behind us will have some issues with that easement
9 not being able to walk because there are always
10 drainage issues, snow issues, and things like that,
11 so that is my question.

12 THE WITNESS: I think you bring up a
13 good point.

14 The one thing as part of this
15 subsequent construction application is we will be
16 adding drainage that doesn't already exist back
17 there --

18 MR. WRIGHT: Okay. So that's --

19 THE WITNESS: -- so my client will be
20 increasing the drainage.

21 MR. WRIGHT: -- okay, great.

22 THE WITNESS: And I do agree with you,
23 if those are in the path, we would not do that
24 because it is in the five foot easement. We
25 wouldn't do that.

1 My client does maintain that, shovels
2 it, throws your neighbor's garbage out for her. He
3 maintains that backyard. He is like the super of
4 that back courtyard.

5 MR. TUVEL: You would orient the
6 plans --

7 THE WITNESS: Yes, of course --

8 MR. GALVIN: I will add a condition
9 that says: There is to be nothing placed in the
10 easement, because there shouldn't be.

11 MR. TUVEL: You're absolutely right.

12 MR. GALVIN: Okay.

13 MR. WRIGHT: Okay, great. Because
14 actually we -- I know that between 219 and 221,
15 there is a lot of shoveling, and the last couple
16 years were pretty bad, so we were paying one of our
17 shovelers like three times or four times per storm,
18 so better drainage is great.

19 So I guess the only other thing I just
20 wanted to make as a public record is that during the
21 course of the construction, I know maybe I am
22 getting ahead of myself, but in terms of management
23 of the building, we are going to want to make sure
24 that that easement is not blocked, and that if there
25 are any noise issues or time constraints, that there

1 is some sort of a property management who we can
2 interface with, you know, to resolve normal
3 construction stuff.

4 THE WITNESS: That is a fair request.

5 MR. WRIGHT: Okay.

6 MR. GALVIN: And maybe you guys can
7 talk before you leave outside.

8 MR. WRIGHT: Okay, great.

9 Thank you.

10 CHAIRMAN AIBEL: Thank you.

11 Anybody else have questions for Mr.
12 Nastasi?

13 Seeing none --

14 VICE CHAIR GREENE: I move that we
15 close the public portion.

16 COMMISSIONER GRANA: Second.

17 CHAIRMAN AIBEL: All in favor?

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

20 MR. TUVEL: Thank you very much.

21 So my next witness is our professional
22 planner, Paul Grygiel

23 MR. GALVIN: Mr. Grygiel, raise your
24 right hand.

25 Do you swear to tell the truth, the

1 whole truth, and nothing but the truth, so help you
2 God?

3 MR. GRYGIEL: I do.

4 P A U L G R Y G I E L, having been duly sworn,
5 testified as follows:

6 MR. GALVIN: State your full name for
7 the record and spell your last name.

8 THE WITNESS: My name is Paul, last
9 name Grygiel, G-r-y-g-i-e-l.

10 MR. GALVIN: Mr. Chairman, do we accept
11 Mr. Grygiel as a licensed planner?

12 CHAIRMAN AIBEL: Yes, we do.

13 THE WITNESS: Thank you.

14 MR. TUVEL: Mr. Grygiel, can you go
15 over the scope of work that you prepared for this
16 project?

17 THE WITNESS: Yes.

18 Very briefly, I reviewed the
19 application materials and visited the subject
20 property and the surrounding area application. I am
21 very familiar with it having an office nearby, and
22 my sister actually lived at 222 Bloomfield for a
23 number of years, so I know the area well.

24 I reviewed the review letters of the
25 Board's professionals and --

1 MR. TUVEL: The zoning ordinance --

2 THE WITNESS: -- the zoning regs and
3 the master plan, and I am very familiar with the
4 master plan and the reexamination of the city.

5 MR. TUVEL: Great.

6 Could you go over the existing land
7 uses? Don't repeat what Mr. Nastasi said. Just
8 from a planning standpoint.

9 THE WITNESS: Great.

10 Very briefly, the property is in the
11 R-1 zone. It is single-family home. The proposal
12 is to remain a single-family home.

13 The surrounding area, you already
14 heard, is developed with generally taller buildings
15 especially to the north and the south, and about
16 similar sized buildings to the west, so the proposal
17 is very modest in scale and fits in with the
18 character of the area.

19 MR. TUVEL: Okay.

20 You need two variances in connection
21 with this project, correct?

22 THE WITNESS: Yes, that's correct.

23 MR. TUVEL: Okay.

24 Let's talk about the undersized lot
25 variance first and go through both the positive and

1 the negative criteria under the C variance.

2 THE WITNESS: Sure.

3 MR. GALVIN: Yes, guys, the other
4 thing, too, is these are simple variances, so we
5 don't need every single corner touched, okay?

6 THE WITNESS: You got it.

7 MR. GALVIN: Yes.

8 THE WITNESS: Very briefly, just the
9 facts then.

10 MR. GALVIN: Yes.

11 THE WITNESS: The property, again, it's
12 undersized already. It is basically the smallest
13 within the block.

14 Currently any type of development would
15 require a variance, so I think it is clearly a
16 hardship that if the applicant wants to have a
17 modest expansion of this dwelling, it requires this
18 variance.

19 The location of the expansion is to the
20 rear of the property, so it is about the best
21 possible place where you could locate it, certainly
22 no impact on the street scape or the surrounding
23 neighbors to the property.

24 So with regard to that variance, I
25 think it is extremely straightforward --

1 MR. TUVEL: No negative impacts on the
2 surrounding area?

3 THE WITNESS: Certainly no negative
4 impacts.

5 We have, again, dealt with the issues
6 of easements and the properties to the rear, but the
7 properties to the rear, again, are either commercial
8 facing Washington Street or blank walls to the north
9 and south, so really there are no potential impacts
10 from the modest expansion of this structure.

11 MR. TUVEL: No substantial impairment
12 to the zone plan or --

13 THE WITNESS: Certainly not.

14 MR. TUVEL: And you purposely reviewed
15 the Municipal Land Use Law and the health and
16 general welfare?

17 THE WITNESS: Yes.

18 It's encouraging a permitted use, a
19 continued expansion. In fact, the modernization of
20 an existing single-family dwelling, also Purpose
21 (I), a desirable visual environment by improving the
22 esthetics of this property, both for the building
23 itself, as well as the rear, which is seen by
24 neighboring property owners.

25 MR. TUVEL: Let's move to the roof

1 coverage variance.

2 THE WITNESS: Yes. Again, we
3 conservatively requested this variance which relates
4 to the condensers.

5 Again, it is not a typical building
6 roof here. It is smaller than the neighboring
7 properties. Also, it is not a typical Hoboken
8 building. It is rather small in size.

9 The roof actually to the front is
10 sloped. The rear roof is much smaller, and we have
11 been, in fact, just dealing with the top of the
12 bulkhead.

13 The ordinance in Hoboken allows for
14 exceptions from the height requirement. The
15 bulkhead exists. It complies with the 15-foot
16 limitation. We are simply proposing to move the
17 condensers on top of that existing bulkhead, so we
18 are exceeding the ten percent roof coverage.

19 The deck itself, interestingly, does
20 not create the variance. That is not what it is
21 for, so I think in this instance, it is a clear C-2
22 variance. The benefits of allowing the modest
23 expansion of the dwelling, again, formalizing the
24 roof deck that exists already, adding required
25 railings and safety features all point to the

1 positives that outweigh any substantial negative
2 impacts.

3 MR. TUVEL: So that would meet Purpose
4 (A)?

5 THE WITNESS: Yes.

6 MR. TUVEL: And in terms of any
7 detriments to the surrounding area, did you see any?

8 THE WITNESS: Again, no, I did not.

9 There is certainly no impact on the
10 master plan or zoning ordinance of the city, given
11 the size of the expansion, the fact that it is
12 consistent with the R-1 zoning, in that the
13 expansion to the development will not have any
14 variances required for setbacks, coverage, or any
15 other major standard.

16 MR. TUVEL: So as to the bulk
17 variances, the benefits of granting these variances
18 would substantially outweigh any detriments, in your
19 opinion?

20 THE WITNESS: Yes. Yes, they would.

21 CHAIRMAN AIBEL: Thank you.

22 MR. TUVEL: We've got to get it all the
23 on the record.

24 CHAIRMAN AIBEL: You did a great job,
25 and very efficient, too.

1 Questions from the Board members?

2 MR. GALVIN: Any questions from the
3 audience?

4 CHAIRMAN AIBEL: Seeing none, motion to
5 close the public portion?

6 COMMISSIONER BRANCIFORTE: Motion to
7 close the public portion.

8 COMMISSIONER COHEN: Second.

9 CHAIRMAN AIBEL: All in favor?

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

12 MS. BANYRA: Mr. Chairman, can I just
13 have the architect confirm a couple of things from
14 my review letter?

15 CHAIRMAN AIBEL: Sure.

16 J O H N N A S T A S I, having been previously
17 sworn, testified further as follows:

18 MS. BANYRA: Mr. Nastasi, could you
19 just indicate that the top floor, it seems to look
20 like there is a half story for the top floor, but is
21 it a full story on the top floor of the building?

22 It looks like it's almost like eyebrow
23 windows in the front.

24 THE WITNESS: It is a full story.

25 MS. BANYRA: It's a full story.

1 And there are no changes going on
2 internal to that?

3 THE WITNESS: No.

4 MS. BANYRA: Okay.

5 Then the screening -- hum -- I think
6 there is a metal screening that is proposed.

7 Do you have a representation of the
8 metal screening that is going to be proposed?

9 Is it clear metal, or is it something
10 else?

11 I thought there was like a perforated
12 metal screening.

13 THE WITNESS: No. That has been
14 removed.

15 MS. BANYRA: Okay.

16 The rear yard, you indicated there is
17 going to be drainage in the rear yard, so the pavers
18 are going to be permeable pavers?

19 Are they going to be on a sand base?

20 Is that what's happening in the rear
21 yard?

22 THE WITNESS: They will be in a sand
23 base and will have a dry well and drainage.

24 MS. BANYRA: And is it appropriate to
25 put a tree in the back or the front yard?

1 It is just a question.

2 THE WITNESS: I think it is a pretty
3 urban back courtyard. You know, in this situation,
4 I don't think it is appropriate.

5 MS. BANYRA: And the last question is:
6 On the top deck, are lights proposed or no?

7 THE WITNESS: I think we -- no, no
8 lights proposed.

9 MS. BANYRA: Great. That is it.

10 Thank you.

11 CHAIRMAN AIBEL: Great.

12 Let me open it up for public comment.

13 Seeing none, let me get a motion to
14 close.

15 VICE CHAIR GREENE: Motion to close --

16 MR. WRIGHT: I just have one quick
17 question.

18 You said for drainage --

19 CHAIRMAN AIBEL: Why don't you come
20 forward and give us your name, sir.

21 MR. WRIGHT: Oh, I'm sorry.

22 CHAIRMAN AIBEL: That's all right.

23 MR. WRIGHT: James Wright again, 219
24 Bloomfield Street.

25 Just the question is about the

1 drainage. Did you say dry well?

2 THE WITNESS: We are adding drainage
3 that doesn't presently exist there, so it will make
4 it better.

5 MR. WRIGHT: Will it go into the public
6 drain or -- you said dry well.

7 What is a dry well?

8 I don't understand.

9 THE WITNESS: A dry well is a natural
10 way of collecting into a big basin in the ground,
11 and it leaches into the soil.

12 MR. WRIGHT: Oh, well, I mean, how much
13 is that going to -- you can't tap into the city
14 line?

15 THE WITNESS: It will be better than
16 what you have right now.

17 MR. WRIGHT: Okay.

18 CHAIRMAN AIBEL: Thank you.

19 COMMISSIONER BRANCIFORTE: But you are
20 going to have to have some lights at the exit of the
21 back door, and the door on the deck is to going to
22 have to have some light above the door, right?

23 So you will have some lights on the
24 deck and on the rear of the building.

25 THE WITNESS: On the third floor, we

1 have a bulkhead with the stair, and there will be
2 lights inside, so we are not introducing lights
3 outside.

4 Down on the ground floor, we will have
5 a light outside of the door, but it will be a
6 normal, I guess, courtesy light.

7 COMMISSIONER BRANCIFORTE: And the
8 light won't shine -- the light will hopefully be
9 directed more towards the ground rather than the
10 neighbors and the rear bedrooms?

11 THE WITNESS: Yes.

12 MR. TUVEL: Yes. We can ensure that
13 the fixture doesn't spill the lights to the
14 neighboring properties.

15 COMMISSIONER BRANCIFORTE: Okay.

16 MR. GALVIN: So do we want that as a
17 condition, John?

18 COMMISSIONER BRANCIFORTE: Yes, please.

19 MR. GALVIN: There is to be no light
20 spillage --

21 COMMISSIONER BRANCIFORTE: Spillage is
22 a legal term.

23 CHAIRMAN AIBEL: Okay. I need a motion
24 to close public comment portion.

25 COMMISSIONER BRANCIFORTE: Motion to

1 close the public portion.

2 COMMISSIONER GRANA: Second.

3 CHAIRMAN AIBEL: All in favor?

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

6 CHAIRMAN AIBEL: Okay.

7 MR. GALVIN: I think it is a bad idea,
8 okay?

9 (Laughter)

10 COMMISSIONER BRANCIFORTE: Yeah.

11 Sometimes silence is the best thing.

12 MR. TUVEL: I will be very brief.

13 Like I stated before, and you heard
14 through the testimony, the expansion is very modest.
15 It took into consideration the neighboring
16 properties. I think we meet the C-2 criteria and
17 the C-1 criteria for the proposed variances, and I
18 ask that the Board grant the application.

19 CHAIRMAN AIBEL: Thank you, Mr. Tuvel.

20 Okay. Board members, let's open it up.
21 Does anybody wish to kick off.

22 Mr. Grana?

23 COMMISSIONER GRANA: Very simply, I
24 think that the variances are well presented, and I
25 think they should be approved.

1 CHAIRMAN AIBEL: Anybody else have
2 comments?

3 COMMISSIONER BRANCIFORTE: For once, I
4 really think that there is really not much of any
5 detriment to the neighbors. Usually I don't believe
6 that, but this time I actually do believe it.

7 (Laughter)

8 CHAIRMAN AIBEL: You are witnessing a
9 first.

10 Thank you, John.

11 (Laughter)

12 VICE CHAIR GREENE: Where are the bike
13 racks going?

14 COMMISSIONER MARSH: They going to need
15 them. They can put them right here in the backyard.

16 CHAIRMAN AIBEL: Mr. Cohen?

17 COMMISSIONER COHEN: Yes.

18 I would just say that it actually
19 enhances the neighbors' courtyard. It is going to
20 be a much more attractive design for them to look
21 at. It will improve the drainage as it exists, and
22 it will also make modest changes without affecting
23 the street scape in any way, except really positive
24 impacts, so you know, I fully support this
25 application.

1 CHAIRMAN AIBEL: Great.

2 Anybody else, Board members?

3 COMMISSIONER MARSH: No.

4 MR. GALVIN: Three conditions: The

5 condensers are to be moved to the roof.

6 There is to be nothing placed in the

7 easement.

8 There is to be no light spillage.

9 CHAIRMAN AIBEL: Anything else?

10 COMMISSIONER FISHER: On the roof deck.

11 MR. GALVIN: What's that?

12 COMMISSIONER FISHER: On the roof deck.

13 MR. GALVIN: On the roof deck.

14 CHAIRMAN AIBEL: I think we need a

15 motion.

16 COMMISSIONER GRANA: Motion to approve

17 221 Bloomfield Street with the conditions.

18 CHAIRMAN AIBEL: Can I have a second?

19 COMMISSIONER FISHER: Second.

20 CHAIRMAN AIBEL: Pat?

21 MS. CARCONE: Commissioner Greene?

22 VICE CHAIR GREENE: Yes.

23 MS. CARCONE: Commissioner Cohen?

24 COMMISSIONER COHEN: Yes.

25 MS. CARCONE: Commissioner Grana?

1 COMMISSIONER GRANA: Yes.

2 MS. CARCONE: Commissioner Marsh?

3 COMMISSIONER MARSH: Yes.

4 MS. CARCONE: Commissioner Branciforte?

5 COMMISSIONER BRANCIFORTE: Yes.

6 MS. CARCONE: Commissioner Fisher?

7 COMMISSIONER FISHER: Yes.

8 MS. CARCONE: Commissioner Aibel?

9 CHAIRMAN AIBEL: Yes.

10 MR. GALVIN: I just wanted you to know,

11 this is the official case. This is the quickest

12 determination that we had in my tenure with the

13 Board.

14 Congratulations.

15 (Laughter)

16 CHAIRMAN AIBEL: Thank you.

17 Good job.

18 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: 10/15/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
1137 Garden Street : SPECIAL MEETING
Applicants: Yann & Judith Tanini : October 14, 2014
C Variances : 10 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commisioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff

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

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

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I N D E X

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WITNESS

PAGE

ROB HEGEDUS

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E X H I B I T S

EXHIBIT NO.

PAGE

A-1

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1 CHAIRMAN AIBEL: Okay, Mr. Burke?

2 MR. BURKE: Yes.

3 CHAIRMAN AIBEL: 1137 Garden Street.

4 MR. GALVIN: So 38 minutes is the time
5 to beat.

6 Is it 28 minutes?

7 (Laughter)

8 MR. BURKE: Our application is almost
9 identical, so I would like to say ditto, but I know
10 I can't.

11 MR. GALVIN: No. You're not getting
12 away with that.

13 I looked over, and Ms. Banyra has a
14 whole list of questions for you.

15 (Laughter)

16 MR. BURKE: James Burke representing
17 the applicant.

18 We are here for one C variance, which
19 is the expansion of a structure on an undersized
20 lot.

21 I will be presenting one witness, the
22 architect, who is setting up right here, and the
23 applicant is here as well. His name is Yann Tanini.
24 He and his wife, Judith, live in this dwelling, and
25 they have two daughters, and the main purpose of

1 this expansion is to provide more space for his
2 growing family.

3 To my left again is the architect, and
4 I will ask him to be sworn in, if you would.

5 MR. GALVIN: Raise your right hand.

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

9 MR. HEGEDUS: I do.

10 R O B H E G E D U S, having been duly sworn,
11 testified as follows:

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

14 THE WITNESS: First name is Rob. The
15 last name is Hegedus, H-e-g-e-d-u-s.

16 MR. GALVIN: Could you supply us three
17 Boards that you have appeared before in the not too
18 distant past?

19 THE WITNESS: I prepared one a year ago
20 for 1107 Garden. That was my only one before.

21 MR. GALVIN: How about other towns?

22 THE WITNESS: No, just strictly
23 Hoboken.

24 MR. GALVIN: Are you licensed in the
25 State of New Jersey?

1 THE WITNESS: I am, yes.

2 MR. GALVIN: All right.

3 Mr. Chairman, everyone has got to have
4 a first or a second time, so this is it.

5 CHAIRMAN AIBEL: We accept him.

6 MR. GALVIN: Do we accept his
7 credentials?

8 CHAIRMAN AIBEL: We do.

9 MR. BURKE: A little bit of history: I
10 understand the applicant applied for permits,
11 seeking permits for interior renovation. Is that
12 correct?

13 THE WITNESS: Yes.

14 MR. BURKE: Then at a certain point, it
15 was determined that the renovations weren't quite
16 what the applicant had wanted, and the thought was
17 to expand out of that?

18 THE WITNESS: Correct.

19 MR. BURKE: At that point work was
20 stopped?

21 THE WITNESS: Correct.

22 MR. BURKE: Okay.

23 And to your knowledge, no fine was ever
24 issued by the zoning office?

25 THE WITNESS: No.

1 MR. BURKE: Work has been stopped since
2 what date?

3 THE WITNESS: Since the beginning of
4 June, I believe.

5 MR. BURKE: Okay.

6 So at that point it was determined that
7 we would come before this Board for the one C
8 variance, so work was ceased, and here we are.

9 Please describe first the existing
10 conditions leading to the backyard and then also
11 describe the proposed expansion.

12 THE WITNESS: So I would just like to
13 say this is a single-family or an R-1 district.

14 All work is at the rear yard, rear
15 facade. There's no work at the street facade. We
16 are -- as Jim said before, the initial renovation
17 was all interior. It was just all interior
18 renovations, all new fixtures and finishes.

19 But, again, the space -- the client
20 would like more space for the family for the
21 children, direct access to the rear yard for play
22 space, so we are looking to add a story and a
23 basement addition at the rear.

24 The basement is approximately 14 feet
25 deep. Floor to floor from basement to first floor

1 is eight feet six, so it is a very low basement
2 ceiling.

3 The first floor addition is ten feet
4 six with a three feet six balcony in the back, so
5 that balances out the basement, the overall 14 foot
6 dimension.

7 The photo again of the front facade, we
8 are not doing any work at the front facade.

9 This is the existing rear facade prior
10 to doing any construction work.

11 MR. GALVIN: Now, we have not marked
12 anything, right?

13 MR. BURKE: Not yet.

14 What I would like to do is mark this --

15 MR. GALVIN: How about you mark it A-1?

16 MR. BURKE: All of it. That is what I
17 was going to suggest.

18 MR. GALVIN: Yes.

19 MR. BURKE: This will be marked as
20 Exhibit A-1.

21 (Exhibit A-1 marked.)

22 MR. GALVIN: I think we need to get
23 focused on the fact that this is here because this
24 is exactly what we told our zoning officer we wanted
25 her to do. This is a preexisting nonconforming

1 structure, and the addition that you are putting on
2 isn't causing any new variance relief.

3 MR. BURKE: Correct.

4 It is not a conforming structure. It's
5 a nonconforming lot, so any expansion --

6 MR. GALVIN: That makes the
7 structure --

8 MR. BURKE: -- on a nonconforming lot
9 requires the one C variance.

10 MR. GALVIN: -- it makes it a
11 nonconforming structure --

12 MR. BURKE: All right.

13 MR. GALVIN: -- but that is okay.

14 THE WITNESS: We are below the 60
15 percent lot coverage. I believe we are at 55.8
16 percent with this proposed addition.

17 MR. BURKE: And there is no other
18 variance that's required?

19 THE WITNESS: Correct.

20 MR. BURKE: No bulk, no use variance?

21 THE WITNESS: Correct.

22 MR. BURKE: Okay. Thank you.

23 THE WITNESS: So, again, just to go
24 over the pictures, the rear facade prior to doing
25 any work, the current facade right now as it stands.

1 We were doing French sliding doors on both levels,
2 the first floor and the basement.

3 The photos of the adjacent neighbors,
4 this is looking south. This is 1135 Garden.

5 And this is your neighbor to the north,
6 1139 Garden.

7 The one thing to note is on 1139, there
8 is an existing story and a half addition at the
9 rear, and we are matching the same ten foot six
10 depth of the neighboring addition. We didn't want
11 to go further out than the existing condition to the
12 neighbor.

13 CHAIRMAN AIBEL: How high are you going
14 in relation to it --

15 THE WITNESS: We are going a story and
16 a half, so it is the first floor right here.

17 CHAIRMAN AIBEL: And how does that
18 align with the neighbor?

19 THE WITNESS: It's exactly the same as
20 theirs. That's the first floor, so we are going to
21 the first floor.

22 CHAIRMAN AIBEL: Great. Thanks.

23 COMMISSIONER BRANCIFORTE: And that is
24 the neighbor to the north, correct?

25 THE WITNESS: That's the neighbor to

1 the north.

2 COMMISSIONER MARSH: Can you pass those
3 pictures over?

4 THE WITNESS: Oh, sure.

5 So in discussing light and air, the sun
6 comes around the south side going east to west. Our
7 south neighbor won't be affected at all from our
8 extension.

9 The north neighbor already has that
10 addition, so it should minimally affect their light
11 on that side.

12 MR. GALVIN: So we can't do anything
13 about the lot, and the preexisting lot width of 15
14 feet, we can't do anything where 20 is required, and
15 we have a preexisting side yard setback of zero
16 feet, where five or ten is required, but we can't do
17 anything with that.

18 THE WITNESS: Correct.

19 MR. GALVIN: Now, one thing that we
20 have to resolve is you gave us updated plans, right?

21 THE WITNESS: Correct.

22 MR. GALVIN: So our planner is trying
23 to figure out what the changes are in the updated
24 plans.

25 MS. BANYRA: They weren't dated. We

1 received a second set of plans, both myself and the
2 engineer. They both have the same date --

3 THE WITNESS: Oh, there were no
4 changes.

5 MS. BANYRA: So we received another set
6 because of why?

7 THE WITNESS: I have no idea.

8 MS. BANYRA: Okay.

9 Both were looking at the same date, and
10 they were in my plan set, and I was like, okay. It
11 took me a while. I went through it and I said, I
12 can't find a difference --

13 MR. BURKE: Oh, I can answer that for
14 you, though.

15 MS. BANYRA: Okay, great.

16 MR. BURK: For the full Board
17 submission, we are asked to submit 12 small sets and
18 five large sets, so we just sent them out again, but
19 there were no changes.

20 MS. BANYRA: Okay.

21 THE WITNESS: There were no changes.

22 MR. GALVIN: That is an awesome answer.

23 Thank you.

24 MR. BURKE: It's the right answer.

25 MR. GALVIN: Now, what I think the

1 Board needs to consider is: Are the improvements
2 some way making the preexisting nonconforming -- are
3 they worsening the preexisting nonconformities?

4 And if you find that it is not
5 worsening the preexisting -- like sometimes, if you
6 have an undersized lot, and you are going to add to
7 it, it might cause some other kind of problem.

8 Do you see any problem with the
9 expansion -- I guess that is the best way to put
10 that.

11 Do you see any problem with the
12 expansion of this property?

13 Does that make sense?

14 Because they are adding something that
15 is otherwise conforming. It complies with all of
16 the other requirements.

17 COMMISSIONER BRANCIFORTE: To a point,
18 this reminds me of the Willow Terrace stuff, where
19 you had these quaint houses that were built, you
20 know, and people want to keep expanding them and
21 expanding them.

22 I am hoping that the donut doesn't
23 disappear too much as people start putting these on.
24 But I am okay with the fact that the neighbors to
25 the north have the same extension.

1 At the same time, again, we are
2 starting to cut away the donut. That is what really
3 gets to me.

4 And because they are smaller lots, you
5 know, the more we build, the bigger the impact I
6 suppose in a way.

7 MR. GALVIN: It doesn't require --

8 MR. BURKE: Although we are still 30
9 feet -- there's still a 30 foot open space --

10 COMMISSIONER BRANCIFORTE: Yeah, I
11 understand.

12 THE WITNESS: 37 feet nine.

13 MR. BURKE: -- 37, I'm sorry.

14 COMMISSIONER BRANCIFORTE: Your
15 building is 54 feet, right?

16 THE WITNESS: Yes.

17 COMMISSIONER GRANA: I have a question.

18 With the extension, what will be the
19 lot coverage?

20 THE WITNESS: It's 55.8 feet lot
21 coverage --

22 MS. BANYRA: Percent.

23 THE WITNESS: -- percent, sorry.

24 COMMISSIONER BRANCIFORTE: Percentage.

25 THE WITNESS: I'm sorry. I didn't put

1 percentage --

2 MR. BURKE: 55.8 percent, under 60
3 percent.

4 VICE CHAIR GREENE: So to restate what
5 you said, essentially there are no variances here
6 but for the fact that it is an undersized lot, and
7 they are making an addition. Otherwise, there's --

8 MR. GALVIN: Listen, this is exactly
9 what the community wants us to do. They want us to
10 look at these to make sure we are not exasperating
11 these existing nonconformities, even by adding
12 something that is conforming.

13 In this case, of course, this one
14 doesn't have anything that is really tragic in it,
15 but there are other situations where you could have
16 a nonconforming building that when you add on to it,
17 you may feel uncomfortable about it. You may have a
18 reason, like you said --

19 COMMISSIONER FISHER: I think what
20 makes this different is the one to the north has the
21 structure already built.

22 If that hadn't had that expansion
23 built, you would be having a discussion on light and
24 air, right?

25 That would be an example of

1 notwithstanding its --

2 MR. GALVIN: It is probably going to be
3 more times than not when you have a property that
4 comes to us that is a preexisting nonconforming lot
5 or nonconforming structure, that you will probably
6 look at it and go, if they are going to do something
7 conforming, what's the problem.

8 But there are occasionally cases that
9 you are going to get, where you say that causes some
10 other problem, it is worsening the condition of the
11 building. But in this instance, you can reason out
12 for yourself whether it does or doesn't.

13 CHAIRMAN AIBEL: One question: Does
14 your lot coverage calculation include stairs?

15 THE WITNESS: Yes. It includes the
16 balcony, plus that new stair going out to the rear
17 yard, correct.

18 CHAIRMAN AIBEL: Antonio?

19 COMMISSIONER GRANA: Could we pass that
20 one around?

21 COMMISSIONER MARSH: What, this?

22 MR. BURKE: There was a question that
23 came up and I want to put it on the record.

24 Ms. Banyra had an issue concerning
25 whether the roof would be used as a deck.

1 THE WITNESS: No. The roof will not be
2 used as a deck.

3 MS. BANYRA: Great.

4 Then can you just indicate also, can
5 you put a screening on the light, because right now
6 that light goes off site, the light that's proposed
7 for the back?

8 THE WITNESS: Yes. I plan to propose a
9 shielded light fixture for that rear, for the first
10 floor, right here, yes.

11 MS. BANYRA: Okay.

12 And then the other thing is: Can you
13 just tell what is happening on the other side of
14 that lot, the other property?

15 THE WITNESS: The other?

16 MS. BANYRA: Yes.

17 THE WITNESS: I believe --

18 MS. BANYRA: What's the condition that
19 is there, because as you see, one property to the --
20 I will say looking at it on Sheet Z-2, the property
21 to the left has stairs and a small area and then an
22 addition that is comparable to yours.

23 THE WITNESS: Yes.

24 MS. BANYRA: The one to the right, so
25 you are then putting up -- you're meeting all of the

1 setbacks, but you are putting up a wall on the
2 property to the right --

3 THE WITNESS: Yes.

4 MS. BANYRA: -- so maybe you could show
5 us what is happening.

6 THE WITNESS: 1135 Garden, this is our
7 guy to the south, they enter or exit on grade, so
8 yes, there will be a tall wall on their side of the
9 property. It will not be anything unlike our
10 current existing condition where the neighbor has a
11 story and a half wall on our side.

12 MS. BANYRA: Right. But that is
13 separated by a stairway, though, so there is a
14 little bit more of a gap.

15 THE WITNESS: Yes. You are correct,
16 yes.

17 MS. BANYRA: Has the applicant had any
18 conversation with that neighbor on that side, and
19 are there any issues --

20 THE WITNESS: Yes, I believe so.

21 MR. TANINI: Yes, they are aware.

22 MS. BANYRA: Can you just come up,
23 please?

24 MR. TANINI: They're aware.

25 MR. GALVIN: No, no. We said come up.

1 (Laughter)

2 MS. BANYRA: Sorry.

3 MR. GALVIN: Raise your right hand.

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

7 MR. TANINI: Yes, I do.

8 MR. GALVIN: State your full name for
9 the record.

10 MR. TANINI: Yann Tanini, T-a-n-i-n-i.

11 MR. GALVIN: Okay. Awesome.

12 MS. BANYRA: So you had conversations
13 with your neighbor?

14 MR. TANINI: Yes.

15 MS. BANYRA: And so they know that
16 there is going to be a potential solid wall coming
17 out X number of feet, and there's not an issue with
18 that?

19 THE WITNESS: They didn't mention
20 anything.

21 MR. BURKE: Also, they were given
22 notice.

23 MS. CARCONE: They also came today, and
24 they looked at the plans.

25 MR. GALVIN: And Mr. Weaver was here.

1 MR. BURKE: Mr. Weaver was here, and I
2 spoke to him in the hallway, and he is no longer
3 here.

4 MR. GALVIN: Without interest.

5 COMMISSIONER BRANCIFORTE: Same
6 question on Z-4 --

7 THE WITNESS: Okay.

8 COMMISSIONER BRANCIFORTE: -- a few
9 questions. One is just really about the lighting.

10 THE WITNESS: Yes.

11 COMMISSIONER BRANCIFORTE: Again, I
12 prefer to see a light that just lights up the deck
13 and the stairway rather than the entire backyard.

14 MR. GALVIN: Oh, I have: The light on
15 the first floor in the rear is to be shielded.

16 Does that work?

17 COMMISSIONER BRANCIFORTE: That's fine.

18 Thank you.

19 THE WITNESS: Yes. I indicated that on
20 Z-2, a proposed 75 watt or 16 watt incandescent --

21 MR. BURKE: Shielded

22 COMMISSIONER BRANCIFORTE: Okay.

23 The other question, too, that is going
24 to be the kitchen I guess back there?

25 THE WITNESS: No. That first floor is

1 the family room, which will have direct access to
2 the rear.

3 The kitchen is -- this is the new first
4 floor family room, and then the kitchen is just
5 beyond within the existing structure.

6 COMMISSIONER BRANCIFORTE: The only
7 thing I wanted to add or ask, when I lived on Garden
8 Street, the buildings to the rear on Park, everybody
9 started doing the same thing, blowing out the backs,
10 expanding, and then doing this big wall of windows.

11 Then when they are in the kitchen or in
12 that room, everybody is -- you know, the light just
13 spills out into the other yards and stuff, so I was
14 hoping that you could work something out where you
15 were going to try to contain the light from those
16 rooms in that building.

17 THE WITNESS: Sure. I am sure we will
18 have automatic shades, you know. You could put
19 something where it is somewhat shielded in terms of
20 light spillage at nighttime.

21 COMMISSIONER FISHER: Is that a new
22 word?

23 COMMISSIONER BRANCIFORTE: No. It's
24 Dennis' new word, "spillage."

25 MR. GALVIN: Well, I'm usually talking

1 about spillage in the outside context, not on the
2 inside context.

3 COMMISSIONER BRANCIFORTE: That's fine.

4 MR. GALVIN: But if you have lights on
5 when your blinds are up, the people can see in and
6 see what you are doing.

7 COMMISSIONER FISHER: Can I see the
8 picture of the --

9 COMMISSIONER BRANCIFORTE: That is why
10 I'm jealous. They have a family, and I don't.

11 MR. GALVIN: Oh, stop.

12 COMMISSIONER MARSH: If anybody wants
13 me to play devil's advocate on why this might be a
14 problem for the neighbors, I can.

15 CHAIRMAN AIBEL: I think you should.

16 COMMISSIONER MARSH: I should. Okay.

17 But first off, even if it is not
18 technically a flood zone, every bit of impervious
19 coverage that you add, the water runs off some place
20 else into your neighbor's, into wherever, so that is
21 one.

22 Two: Although -- I mean, this is a
23 nonconforming lot. Somebody passed a law that says
24 that this is a nonconforming lot.

25 This is something that we see all of

1 the time, where somebody says, "Well, they got it,
2 why shouldn't I?"

3 Does that mean that 20 years ago if
4 somebody got a permit or a variance, whatever it
5 was, they were allowed to build this, does that sort
6 of automatically mean everybody else got it?

7 That is two.

8 And three: Aside from the light
9 spillage from the interior of these buildings, if
10 you look at this, the old -- this structure, it has
11 very small windows. So if you are in the -- in one
12 of the neighboring backyards, there is a sense of
13 privacy because people are not like sitting in
14 there.

15 If you have a big window and say it is
16 their kitchen or their dining room table, and they
17 are sitting around all of the time doing their
18 homework with their kids, and their lights are on,
19 every time you are in your backyard, and I am
20 speaking from experience obviously, you feel like
21 you are sharing lunch with them.

22 THE WITNESS: Sure.

23 COMMISSIONER MARSH: You know, all of a
24 sudden, what if they don't have blinds, or they
25 choose not to draw them, you know, that ten feet of

1 a lot, you know what it is. I mean, I --

2 MR. BURKE: I can only say, though, if
3 this lot was five feet wider, we wouldn't be here,
4 you know. All of this expansion is within all of
5 the bulk requirements that the ordinance allows, but
6 for the fact that the lot is five feet --

7 COMMISSIONER MARSH: I didn't write the
8 law that said it was a nonconforming lot, but I am
9 supposed to follow the law, right?

10 THE WITNESS: No. I understand your
11 concern in terms of light spillage, but we are
12 living in a one mile square city, where, you know,
13 it's a city, and if you did want much more privacy
14 in terms of, I know you shouldn't have to move, but,
15 you know, unfortunately, we live in a city where
16 everybody is on top of each other and --

17 COMMISSIONER BRANCIFORTE: So I guess
18 the best way to avoid it then is just not give you
19 the variance. Is that it?

20 (Laughter)

21 No. Honestly, if we are going to have
22 this discussion, I will say it, and people are going
23 to cringe when I say it. Why did you buy a house
24 that's so small, if you knew you were going to have
25 to expand a nonconforming lot to begin with?

1 You know, people buy small houses, and
2 they say, well, I will just double it, don't worry
3 about it.

4 Then, all of a sudden, you lose the
5 donut, you know. You lose the light and air in the
6 backyards. It is getting kind of ridiculous to tell
7 you the truth to see people showing up in front of
8 this Board and saying, well, I built this place. I
9 got one kid. I can't live in a three-bedroom house.
10 I got one kid, you know, and like to me, this isn't
11 a huge detriment.

12 But this argument of, it is an urban
13 area, there is going to be light spillage, there is
14 not light spillage now, you are creating a problem
15 with light spillage, and we are trying to avoid it.
16 So your argument is a non-starter for me. I don't
17 know about for the rest of the Board.

18 CHAIRMAN AIBEL: Are we finished with
19 questions?

20 COMMISSIONER MC ANUFF: I have a
21 question.

22 If this variance doesn't go through,
23 what is going back on there?

24 THE WITNESS: What is going back on
25 there? I would assume that we would rebuild the

1 deck most likely.

2 COMMISSIONER MC ANUFF: Okay. As far
3 as windows, are the same windows going back in or --

4 THE WITNESS: No. If you can see the
5 photos, it has been prepared --

6 COMMISSIONER MC ANUFF: It is over
7 here.

8 THE WITNESS: -- it is going to be the
9 same exact exterior elevation as the addition --

10 COMMISSIONER MC ANUFF: Okay. So
11 you're going to have the front storage regardless of
12 the addition or not?

13 THE WITNESS: Correct.

14 COMMISSIONER MC ANUFF: May I?
15 The addition goes all the way across?

16 THE WITNESS: Yes, it's a full --

17 COMMISSIONER MARSH: So it isn't
18 exactly what is next door, it's actually --

19 THE WITNESS: Correct.

20 COMMISSIONER MARSH: -- because that
21 five feet between that little extension and the
22 property line actually gives the house next door
23 quite a bit of --

24 CHAIRMAN AIBEL: Relief.

25 COMMISSIONER MARSH: -- relief, right.

1 THE REPORTER: Is there an answer or
2 not?

3 COMMISSIONER COHEN: He nodded yes.

4 COMMISSIONER BRANCIFORTE: Is that a
5 question?

6 COMMISSIONER COHEN: He nodded yes.

7 THE WITNESS: Yes.

8 It is an existing condition, where the
9 addition is -- there is a couple of feet adjacent to
10 the property line, correct.

11 MR. GALVIN: So here is where we are
12 at. There is no public here, right? Nobody hiding
13 behind anything?

14 So would you like to make a fancy
15 closing argument, or would you like to just submit
16 or --

17 MR. BURKE: Well, I will just be brief.

18 MS. BANYRA: Can I ask you or the
19 architect one more question?

20 MR. BURKE: Yes.

21 MS. BANYRA: Your coverage right now,
22 maybe the architect can give us an indication of
23 what the footprint of the building is now and what
24 is proposed with the addition.

25 MR. BURKE: Sure.

1 THE WITNESS: The existing lot coverage
2 right now is 48.5 percent.

3 The building is 600 square feet per
4 floor, so we have a basement, first and second,
5 so that is 1800 square feet.

6 MS. BANYRA: Right. But we are just
7 talking about coverage right now.

8 THE WITNESS: Oh, yes.

9 The coverage existing right now is 48.5
10 percent.

11 MS. BANYRA: Which is 727?

12 THE WITNESS: Yes.

13 MS. BANYRA: And what is the proposed
14 coverage?

15 THE WITNESS: We are proposing a total
16 new addition of 200 -- I'm sorry -- actual building
17 increase is 110.5.

18 MS. BANYRA: So 837 feet?

19 THE WITNESS: Yes.

20 MS. BANYRA: So it is about a 110 foot
21 addition, is that correct?

22 THE WITNESS: Correct, yes, 110.5.

23 MS. BANYRA: Thank you.

24 MR. GALVIN: Are you good?

25 MS. BANYRA: Yes, that's it.

1 MR. GALVIN: Jeff, are you good?

2 MR. MARSDEN: Yes.

3 CHAIRMAN AIBEL: You can shoot me now,
4 Dennis.

5 MR. GALVIN: No, no. I am trying to
6 help you. If you want to hang out, I have all
7 night.

8 (Laughter)

9 THE WITNESS: Were you trying to beat
10 the first one?

11 MR. GALVIN: I was working on that.

12 CHAIRMAN AIBEL: I just want to make it
13 clear that Z-2 shows the proposed addition. It is a
14 one-story masonry over the basement, which is going
15 to be in effect aligned with the neighbor's
16 extension.

17 THE WITNESS: Correct.

18 CHAIRMAN AIBEL: In addition, there is
19 another three and a half foot balcony, which I guess
20 sits on top of the first floor --

21 THE WITNESS: Uh-huh.

22 CHAIRMAN AIBEL: -- and then a stairway
23 that pitches immediately, you know, directly back
24 into the donut.

25 THE WITNESS: Correct.

1 CHAIRMAN AIBEL: Is there any way that
2 the stairs or balcony could be pitched in a way
3 that, you know, it wasn't quite as dramatic as what
4 may appear from other neighbors looking into your
5 backyard?

6 THE WITNESS: The existing basement
7 right now is partially below grade.

8 So, as I mentioned before, the floor to
9 floor height from the cellar to the first floor is
10 quite shallow. It is eight foot six and a half, I
11 believe, and the level from the rear yard grade,
12 which is the same as the neighbor's to our new
13 basement, I believe is two foot four, so this
14 portion is only, I believe, around six feet.

15 So the basement only is six feet above
16 grade, so it is not -- it may look kind of larger in
17 terms of in plan --

18 MR. BURKE: So are you saying the
19 visual impact is not --

20 THE WITNESS: It's minimal visual
21 impact because the basement's recessed. It's below
22 grade. So this is the actual -- here is the rear
23 grade, and so it is only about two-thirds -- so it
24 is minimal in terms of that.

25 CHAIRMAN AIBEL: So on that same

1 diagram --

2 THE WITNESS: Uh-huh.

3 CHAIRMAN AIBEL: -- does the upper
4 portion of the extension align with the neighbor?

5 THE WITNESS: Yes, this guy here.

6 CHAIRMAN AIBEL: So it's the bottom
7 portion that's going to be out another three and a
8 half feet --

9 THE WITNESS: Correct.

10 CHAIRMAN AIBEL: -- and then if I was
11 looking at it from this direction, what is the
12 length of the run of the stairs into the backyard?

13 THE WITNESS: It's approximately eight
14 foot four, and that is required based on code per
15 riser and tread heights.

16 CHAIRMAN AIBEL: There is no way to put
17 a little landing, and then pitch the stairs parallel
18 to the building as opposed to perpendicular?

19 THE WITNESS: Well, it would cut off
20 the access, if we pitched, and then we had had a
21 landing, and then we turned 90 degrees, you would
22 cut off a good amount of access from a lower level.

23 CHAIRMAN AIBEL: Okay.

24 VICE CHAIR GREENE: Well, just to
25 follow up to that: What is the distance from the

1 base of the stairs to the lot line?

2 THE WITNESS: It is 37 feet nine
3 inches.

4 VICE CHAIR GREENE: So it's still 37
5 feet to that point --

6 THE WITNESS: Yes. I included -- I
7 included --

8 VICE CHAIR GREENE: Okay.

9 CHAIRMAN AIBEL: I guess I will just
10 say, you know, there are impacts, and I think this
11 is a good illustration of why it is great that this
12 is coming to the Board because I think, as
13 Ms. Fisher said earlier, there are certainly reasons
14 why we would look at something like this and say it
15 did create negative impacts on the neighborhood, and
16 I guess it is for this Board to decide right now.

17 Do we want to go into deliberations?

18 Mr. Burke, you are finished?

19 MR. BURKE: Well, if I could hold my
20 comments.

21 MR. GALVIN: Oh, no. Then make them
22 now.

23 MR. BURKE: Oh, well, I think we are
24 here for one variance.

25 Again, I will emphasize if the lot were

1 five feet bigger, we wouldn't be here. It would be
2 a permitted expansion.

3 I think you have a young couple that
4 moved in. They have several children. They want a
5 modest expansion. The lot coverage -- no other bulk
6 variances are required, and I think they worked very
7 well within the space that they have.

8 So I would hope the Board could approve
9 this. Again, no other bulk variances involved. One
10 simple variance, and this doesn't represent what you
11 would do in the future. It doesn't represent
12 anything other than one simple expansion.

13 MR. GALVIN: Okay.

14 CHAIRMAN AIBEL: Board members, open it
15 up for deliberation.

16 Anybody want to kick off?

17 COMMISSIONER MARSH: Can I just --

18 MR. GALVIN: Or make a motion.

19 COMMISSIONER MARSH: -- I am talking.

20 MR. GALVIN: I am sorry. I'm so sorry.

21 COMMISSIONER MARSH: I am -- I have not
22 made up my mind. I do think that this is a question
23 that the City Council ought to address.

24 The argument about the family and all
25 of that, you know, as you well know, there was an

1 extension next door to my house, and the argument
2 was we have four kids, and they don't live in the
3 house anymore.

4 (Laughter)

5 COMMISSIONER BRANCIFORTE: I'm laughing
6 with you, not at you.

7 COMMISSIONER MARSH: So people move for
8 all kinds of reasons. They move because of the
9 schools. They move because, you know, they have got
10 four boys that want to play football in the
11 backyard. They move because their taxes went up.
12 They move for all kinds of reasons.

13 Somebody picked what a conforming lot
14 was. It wasn't me, you know, I --

15 MR. BURKE: Commissioner, I agree, but
16 on the other hand --

17 MR. GALVIN: With all due respect, it
18 shouldn't be a debate. She has the right -- the
19 Commissioner has a right to just comment.

20 MR. BURKE: Yes.

21 COMMISSIONER MARSH: That is my
22 comment. I have not made up my mind yet.

23 CHAIRMAN AIBEL: Elliot?

24 VICE CHAIR GREENE: The only reason --
25 I am repeating what counsel said. The only reason

1 they are here for a variance is because the lot is
2 too narrow, so nothing that they are asking for
3 wouldn't otherwise be permitted.

4 So the hardship exists because somebody
5 when this was subdivided allowed a lot that was too
6 narrow, and I don't view what they are asking for as
7 terribly impactful. Everything is impactful to a
8 certain extent. This is not terribly impactful.

9 The donut is not being intruded upon.
10 It is 37 feet when you are only required to have 30
11 feet.

12 The full width extension to me is
13 visually much more appealing than what exists next
14 door, where it looks like sort of an afterthought.
15 It is well designed. It will improve the interior
16 space, and whether it is being used by a single
17 individual or a family of 12, as you said, is
18 irrelevant. But the facts are what the facts are.

19 So, in my view, I don't see any reason
20 not to approve it.

21 COMMISSIONER MARSH: Let me argue with
22 one of your facts.

23 VICE CHAIR GREENE: Okay, sure.

24 COMMISSIONER MARSH: And I am not
25 actually arguing, I'm just speculating --

1 VICE CHAIR GREENE: We're just
2 discussing.

3 COMMISSIONER MARSH: -- but I
4 personally doubt that the subdivision came after the
5 definition of a nonconforming lot. I think that it
6 was already there and somebody decided it was not
7 too --

8 VICE CHAIR GREENE: That's a good
9 argument.

10 COMMISSIONER MARSH: -- but isn't
11 that -- doesn't that imply that -- I don't even know
12 if this would be legal honestly. But doesn't it
13 imply that people were trying to stop exactly this?

14 VICE CHAIR GREENE: Well, that may
15 be --

16 MR. GALVIN: No --

17 VICE CHAIR GREENE: What is this?

18 MR. GALVIN: -- that is why I am trying
19 to help you tonight, because we have all of these
20 hard cases, and I don't see this as big as the other
21 cases that we have, but we do want to address
22 whether there are negative impacts from increasing a
23 nonconforming structure, but it would be wrong to
24 assume that we could never expand a nonconforming
25 structure. We just want to be --

1 COMMISSIONER MARSH: We just did it,
2 right?

3 MR. GALVIN: We just did it in the last
4 case --

5 COMMISSIONER MARSH: But we didn't see
6 any negative impact to the --

7 MR. GALVIN: The question is: If you
8 see a negative impact, and you think the negative
9 impact of expanding this structure would be
10 significant, substantial on the adjacent property
11 owners, then you would be right in weighing it
12 against approving the project, and that's why you're
13 looking at it. You are looking at it to make sure
14 that you are not causing that negative impact on it.

15 But to have the conclusion that all
16 undersized lots or all nonconforming lots could
17 never be expanded, I am not sure -- they want us to
18 be thoughtful about it. They want to make sure that
19 they reach the level that there is a community
20 benefit to that, that they are improving this
21 property somehow, and that it makes this property
22 more functional or more attractive by doing the
23 proposal, and that advantages the community, and
24 that outweighs the negative impact.

25 The argument, when you only have a

1 hundred square feet, it isn't a very terribly big
2 expansion. It isn't causing any other negative --
3 it is not causing an encroachment into the donut
4 because they are complying with the rear yard
5 setback. I think that is a factor you consider.

6 Go ahead.

7 What?

8 Go ahead.

9 COMMISSIONER BRANCIFORTE: But does the
10 rear yard set back apply when it is a nonconforming
11 lot?

12 MR. GALVIN: It is 30 percent or 30
13 feet, and this complies with both because they said
14 it was 37 feet.

15 MS. BANYRA: Right.

16 COMMISSIONER BRANCIFORTE: So
17 nonconforming lots even have the setbacks --

18 VICE CHAIR GREENE: But this is not --

19 MR. GALVIN: Oh, yeah --

20 VICE CHAIR GREENE: -- this is
21 nonconforming because of the width, not the lot --

22 MR. GALVIN: No, it's a good thing --

23 COMMISSIONER BRANCIFORTE: Well, no --
24 go ahead. I understand what you're saying.

25 MR. GALVIN: Let me say this: There

1 are three existing conditions that they don't comply
2 with. Let me just --

3 MS. BANYRA: Lot area, lot width --

4 COMMISSIONER COHEN: They are smaller
5 than what is required,

6 MR. GALVIN: -- here we go: The lot
7 should be 2000 square feet, and they only have 1500
8 feet. But even though they are undersized in lot
9 area, they are not increasing the building coverage,
10 and that is a good thing. Okay?

11 Now, the preexisting lot width of 15
12 feet, where they are supposed to have 20, and that
13 is going to be an ongoing problem for them, so the
14 question is, because you are an undersized lot, it
15 is a C1 variance, like Mr. Grygiel said in the last
16 case, and then the existing side yard setback of
17 zero where they are supposed to be set back five or
18 ten feet --

19 MS. BANYRA: The front yard.

20 MR. GALVIN: -- it should have been
21 front yard, right.

22 And almost all properties in the city
23 are really zero. We might change that by zoning, so
24 you just have to weigh, though, is that addition --

25 COMMISSIONER FISHER: Can I -- maybe --

1 the way I look at it, I agree with everything that
2 Commissioner Greene said.

3 And the way I also am looking at it is:
4 Notwithstanding each one of these little lots are
5 all 15, they all look like they are narrower.

6 If you were to overlay a bunch of
7 20-foot lots across here, right, just the difference
8 in width alone, they would all have the requirement
9 of 30 foot setback, and they would just be meeting
10 all of the requirements of the property.

11 So if you were to just reconfigure this
12 whole thing with a bunch of 20-foot lots, they could
13 all build back as much as these guys are building
14 back and still be completely, you know, within it.

15 So from a doughnut standpoint, this
16 block just has uniquely -- it just has narrower
17 houses on it, which is charming, which is part of
18 the charm of Hoboken. Some are narrow, and some are
19 wider.

20 So from a setback, I look at it in this
21 particular case, given what they are doing, I look
22 at their nonconforming lot size more as a hardship
23 than anything, but because everything else is
24 conforming, I don't see it as any different than
25 what maybe they would do with a 20-foot, you know, a

1 number of 20-foot lots next to each other, so I'm
2 okay with it, and I would be supportive of it.

3 COMMISSIONER BRANCIFORTE: I mentioned
4 this before about Willow Terrace, and you know, as I
5 understand it, the Willow Terrace buildings were
6 built as workers' homes, you know, homes for the
7 workers at Stevens, I guess, and that is what they
8 were meant to be. They weren't meant to be really
9 luxurious places for people to raise three or four
10 kids.

11 And when I hear people on Willow
12 Terrace come forward and say, "I got two kids, I
13 can't do this," my honest answer to them is: Well,
14 it was never built to -- meant to be for a luxurious
15 family, and I am wondering about the history of
16 these buildings.

17 Now, I used to live up the block, and I
18 really do like these buildings a lot, and I wonder
19 about the history of these buildings, why they were
20 built so small and whatnot. However, that aside, I
21 don't really have a problem with this.

22 My problem, if you say in the future we
23 will have to look at the next application, if a
24 house two doors down says, I want the same thing,
25 and now they are blocking out, you know, building

1 two walls on somebody's around two -- you know, some
2 other person's property, that is when I am going to
3 have a huge problem with it.

4 VICE CHAIR GREENE: And that is why we
5 look at every application for its unique qualities.

6 MR. GALVIN: Right.

7 VICE CHAIR GREENE: And this doesn't
8 appear to me to have any unique qualities that are
9 detrimental, but it doesn't mean that I won't find
10 it with another application.

11 COMMISSIONER BRANCIFORTE: In the
12 future, that is what I am saying.

13 I am probably going to vote yes on
14 this, but I'm saying right now in the future, I may
15 vote no on the exact same project.

16 I remember, Mr. Burke, once we were
17 having this discussion, didn't you say you grew up
18 in Paterson with a whole bunch of siblings in a very
19 small apartment?

20 Was that you?

21 MR. BURKE: No.

22 (Laughter)

23 I grew up in a two-family house in
24 Irvington.

25 COMMISSIONER BRANCIFORTE: It wasn't

1 Mr. Matule I know.

2 MR. GALVIN: I grew up as a poor
3 Irishman.

4 (Laughter)

5 COMMISSIONER BRANCIFORTE: So going on
6 with Carol's point, there was -- on our block, we
7 had a family that came, one child, they couldn't
8 live in this huge Brownstone. They had to have a
9 thing -- I wasn't on the Board then. The entire
10 block fought it, fought it, and fought it. They got
11 the addition. They put everything on. They pissed
12 everybody off in the neighborhood. Three months
13 later, they put the place up for sale, and they are
14 gone. So this idea that we are here to stay, I
15 don't always buy that.

16 VICE CHAIR GREENE: Also, to your
17 point, John, I don't know whether I am out of
18 order --

19 COMMISSIONER BRANCIFORTE: No.

20 VICE CHAIR GREENE: -- there were a lot
21 of neighbors who potentially could be impacted by
22 this, and none of them are here tonight, so
23 obviously, they don't think they are being impacted.

24 COMMISSIONER BRANCIFORTE: I don't
25 count heads, though. I don't count heads.

1 MR. GALVIN: You are not supposed to
2 count heads.

3 COMMISSIONER MARSH: May I just point
4 out that your argument, you just encouraged people
5 to be the first one to do this.

6 Like really?

7 (Laughter)

8 COMMISSIONER BRANCIFORTE: I don't know
9 if there's any first left in Hoboken --

10 CHAIRMAN AIBEL: Mr. Cohen?

11 COMMISSIONER COHEN: Yes.

12 I mean there are a lot of stories that
13 really are being discussed in this application that
14 have nothing to do with this application.

15 I mean, this application, let's look at
16 the impact on the neighbors adjacent to it. I don't
17 see any significant impact.

18 You know, you're talking about Willow
19 Terrace, comparing 70 percent of lot coverage
20 applications to one where they are building within
21 the lot coverage requirement, I don't see it.

22 I think they could have built up to
23 what they were legally entitled to, and they chose
24 not to because they wanted to align themselves with
25 the neighbor alongside of them and match the size

1 and the height of what they have there, which I
2 think is commendable and being a good neighbor.

3 So, I mean, you know, all of these
4 hypothetical stories about things that have
5 happened, and the childhoods of the applicant's
6 professionals is fabulous and makes for a longer
7 meeting, but I don't think it has any relevance to
8 the impact of this application, and I don't really
9 don't see it. I don't see any negative impact on
10 this application.

11 I commend the applicant for building
12 within the legal requirement, and I fully support
13 it.

14 CHAIRMAN AIBEL: I think you can't deny
15 that there is a negative impact.

16 The neighbor's windows are going to be
17 impacted by a concrete wall, whether, you know, it
18 should be set back off that property line might be
19 an issue. But, you know, I think we all had our
20 say.

21 Anybody else want to comment?

22 COMMISSIONER GRANA: I will throw my
23 two cents in. They're fairly in alignment with
24 Commissioner Greene's.

25 There is going to be an impact. The

1 neighbors will feel it. There will be an extension.

2 There will be increased light in the donut.

3 On the other hand, I think that in this
4 particular case, in this particular application, if
5 this lot were five foot wider, the applicant would
6 not be in front of this Board, so I think in this
7 case I think the hardship is on the applicant, and I
8 am going to vote to approve.

9 CHAIRMAN AIBEL: Okay.

10 We're ready for a motion.

11 Are there any conditions?

12 VICE CHAIR GREENE: Do you have any
13 conditions?

14 MR. GALVIN: Just the one: That the
15 light on the first floor in the rear is to be
16 shielded, and that is to eliminate light spillage.

17 COMMISSIONER BRANCIFORTE: I hate to
18 bring this up right now, but on the plans, does it
19 show that the backyard is going to be sloped for
20 drainage?

21 MS. BANYRA: It says the existing
22 conditions are going to remain in the back, so I
23 don't think there will be regrading. It doesn't
24 appear that they are doing anything in the backyard.

25 THE WITNESS: It is all level. It's

1 all existing level --

2 MS. BANYRA: It's all concrete.

3 Everything that you are building on right now and
4 your extension is on concrete that exists right now.

5 THE WITNESS: Correct.

6 MS. BANYRA: So I think, Carol, Ms.
7 Marsh, you know, the drainage is going to be the
8 same as what is happening right now.

9 COMMISSIONER MARSH: Fair enough.

10 MR. MARSDEN: Well, if I may, I made
11 the assumption the new addition will have leaders
12 and gutters that will connect into the existing
13 storm sewer and combined system.

14 THE WITNESS: Yes.

15 MR. MARSDEN: So we are picking up more
16 of what we are picking up under the existing
17 conditions.

18 COMMISSIONER BRANCIFORTE: Okay.

19 COMMISSIONER MARSH: Okay.

20 CHAIRMAN AIBEL: Before we go to a
21 vote, can I ask the architect how are you going to
22 finish the side of the wall to the south?

23 THE WITNESS: Yes.

24 The entire addition will be all stucco,
25 all painted white stucco. All windows will be

1 black, black finish, white frame.

2 CHAIRMAN AIBEL: I'm talking about the
3 wall adjacent to your neighbor.

4 THE WITNESS: Yes. Stucco, white
5 stucco finish.

6 CHAIRMAN AIBEL: Okay.
7 I assume that is something you might
8 discuss with the neighbor?

9 THE WITNESS: Sure, yes.

10 CHAIRMAN AIBEL: I think that would be
11 a good thing.

12 MR. GALVIN: Should I add a condition
13 on that or not?

14 CHAIRMAN AIBEL: No. I just think it
15 would be -- good neighbors would see how they want
16 that side finished.

17 Okay. Does anybody want to make a
18 motion?

19 MR. GALVIN: Do you agree with that,
20 Mr. Tanini?

21 MR. TANINI: Yes.

22 MR. GALVIN: Yes. Okay.

23 COMMISSIONER COHEN: Motion to approve
24 with the conditions.

25 COMMISSIONER FISHER: Second.

1 MS. CARCONE: Okay. Commissioner
2 Greene?
3 VICE CHAIR GREENE: Yes.
4 MS. CARCONE: Commissioner Cohen?
5 COMMISSIONER COHEN: Yes.
6 MS. CARCONE: Commissioner Grana?
7 COMMISSIONER GRANA: Yes.
8 MS. CARCONE: Commissioner Marsh?
9 COMMISSIONER MARSH: Hum, I guess the
10 neighbors agree with them, yes.
11 MS. CARCONE: Commissioner Branciforte?
12 COMMISSIONER BRANCIFORTE: Yes.
13 MS. CARCONE: Commissioner Fisher?
14 COMMISSIONER FISHER: Yes.
15 MS. CARCONE: Commissioner Aibel?
16 CHAIRMAN AIBEL: Yes.
17 MR. GALVIN: All right. Sorry about
18 that record, dude.
19 (Laughter)
20 CHAIRMAN AIBEL: Motion to adjourn.
21 COMMISSIONER BRANCIFORTE: Motion.
22 CHAIRMAN AIBEL: Second?
23 COMMISSIONER FISHER: Second.
24 CHAIRMAN AIBEL: Yes.
25 All in favor?

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

3 CHAIRMAN AIBEL: We are adjourned.

4 Thank you.

5 (The meeting concluded at 10:30 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 10/15/14

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