

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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SPECIAL MEETING OF THE HOBOKEN :February 4, 2015
ZONING BOARD OF ADJUSTMENT :Wednesday 7 pm
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff

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

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

PHYLLIS T. LEWIS
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A P P E A R A N C E S:

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Attorney for the Applicant.

I N D E X

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Board Business 1 & 218

830-834 Park Avenue Carried 8

113-121 Monroe Street 12

722-730 Jefferson Street 96

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 If you would all join me in the salute
12 to the flag.

13 (Pledge of Allegiance recited.)

14 CHAIRMAN AIBEL: We are at a Special
15 Meeting of the Zoning Board of Adjustment, February
16 4th.

17 Do a roll call, Pat?

18 MS. CARCONE: Commissioner Aibel?

19 CHAIRMAN AIBEL: Here.

20 MS. CARCONE: Commissioner Greene is
21 absent.

22 Commissioner Cohen?

23 COMMISSIONER COHEN: Yes.

24 MS. CARCONE: Commissioner DeFusco?

25 COMMISSIONER DE FUSCO: Here.

1 MS. CARCONE: Commissioner Grana?

2 COMMISSIONER GRANA: Here.

3 MS. CARCONE: Commissioner Marsh?

4 COMMISSIONER MARSH: Here.

5 MS. CARCONE: Commissioner Murphy?

6 COMMISSIONER MURPHY: Here.

7 MS. CARCONE: Commissioner Branciforte?

8 COMMISSIONER BRANCIFORTE: Here.

9 MS. CARCONE: Commissioner Fisher?

10 COMMISSIONER FISHER: Here.

11 MS. CARCONE: Commissioner McAnuff?

12 COMMISSIONER MC ANUFF: Here.

13 CHAIRMAN AIBEL: Great.

14 So our first order of business is to

15 swear in --

16 THE AUDIENCE: We can't hear you back

17 here.

18 CHAIRMAN AIBEL: -- I'm sorry. I will

19 do my best.

20 THE AUDIENCE: Okay, great.

21 CHAIRMAN AIBEL: Everybody has to be

22 quiet, so you can a pin drop.

23 Our first order of business is that we

24 are going to swear in our next to most recent

25 appointee, Tiffanie Fisher, reappointed, and I will

1 ask Counsel Gleason to give the oath.

2 MR. GLEASON: I, state your name --

3 COMMISSIONER FISHER: Tiffanie

4 Fisher -- I, Tiffanie Fisher --

5 MR. GLEASON: -- do solemnly swear

6 COMMISSIONER FISHER: -- do solemnly
7 swear --

8 MR. GLEASON: -- that I will support
9 the Constitution of the United States --

10 COMMISSIONER FISHER: -- -- that I will
11 support the Constitution of the United States --

12 MR. GLEASON: -- and the Constitution
13 of the State of New Jersey --

14 COMMISSIONER FISHER: -- and the
15 Constitution of the State of New Jersey --

16 MR. GLEASON: -- that I will bear true
17 faith and allegiance to the same.

18 COMMISSIONER FISHER: -- that I will
19 bear what?

20 MR. GLEASON: -- true faith and
21 allegiance to the same --

22 COMMISSIONER FISHER: -- true faith and
23 allegiance to the same --

24 MR. GLEASON: -- and to the governments
25 established in the United States --

1 COMMISSIONER FISHER: -- and to the
2 governments established in the United States --

3 MR. GLEASON: -- and in this state --

4 COMMISSIONER FISHER: -- and in this
5 state --

6 MR. GLEASON: -- under the authority of
7 the people --

8 COMMISSIONER FISHER: -- under the
9 authority of the people --

10 MR. GLEASON: -- and that I will
11 faithfully --

12 COMMISSIONER FISHER: -- and that I
13 will faithfully --

14 MR. GLEASON: -- impartially --

15 COMMISSIONER FISHER: -- impartially --

16 MR. GLEASON: -- and justly --

17 COMMISSIONER FISHER: -- and justly --

18 MR. GLEASON: -- perform all of the
19 duties --

20 COMMISSIONER FISHER: -- perform all of
21 the duties --

22 MR. GLEASON: -- of the office of
23 second alternate of the Hoboken Zoning Board of
24 Adjustment --

25 COMMISSIONER FISHER: -- of the office

1 of second alternate of the Hoboken Zoning Board of
2 Adjustment --

3 MR. GLEASON: -- according to the best
4 of my ability.

5 COMMISSIONER FISHER: -- -- according
6 to the best of my ability.

7 MR. GLEASON: Okay.

8 CHAIRMAN AIBEL: Welcome back.

9 (Applause)

10 Good.

11 A brief thanks to the City Council for
12 our prompt appointments. We are working now with a
13 full board of 11 Commissioners, so we will be able
14 to tend to business.

15 Thank you, everybody, for coming out on
16 a special night. This is a rain date from the snow
17 last week.

18 So we have some administrative matters,
19 but we are going to hear those once we are finished
20 with the hearings.

21 Mr. Matule, you are first on 830-834
22 Park.

23 MR. MATULE: Good evening, Mr.
24 Chairman.

25 Robert Matule, appearing on behalf of

1 applicant.

2 We started hearing this matter on
3 January 20th. We put in our architectural
4 testimony, and we broke at that point.

5 At that point the meeting was carried
6 to, I believe, the 27th. That was the meeting that
7 was cancelled due to the snowstorm, so everything
8 was carried until tonight.

9 Our planner is not available. He has a
10 conflict with his schedule, so we are asking that
11 this matter be carried to February 17th -- the
12 Regular Meeting of March 17th, and that we make an
13 announcement here that if anybody is here on that
14 matter, it will be carried to the 17th of March with
15 no further notice.

16 MS. CARCONE: Are you saying March or
17 February?

18 MR. MATULE: March -- oh, is there a
19 meeting in February?

20 MS. CARCONE: The 17th, yes.

21 MR. MATULE: I am sorry. I apologize.

22 MS. CARCONE: I thought it was February
23 17th.

24 MR. MATULE: I am mixed up from the ARC
25 meeting from this afternoon.

1 CHAIRMAN AIBEL: You don't want to wait
2 a month.

3 MR. MATULE: Right.

4 February 17th. Mr. Ochab is available
5 on February 17th.

6 MS. CARCONE: The 17th is our next
7 meeting.

8 MR. MATULE: Thank you, Pat.

9 CHAIRMAN AIBEL: We need a motion to
10 carry it without notice.

11 MR. GLEASON: And do you need to waive
12 the time in which the Board has to act?

13 MR. MATULE: Yes, absolutely.

14 COMMISSIONER GRANA: Motion to carry
15 830 to 2/17 without further notice.

16 CHAIRMAN AIBEL: Second?

17 COMMISSIONER MURPHY: Second.

18 MS. CARCONE: Are you going to do a
19 vote or all in favor?

20 CHAIRMAN AIBEL: Why don't you do a
21 vote.

22 MS. CARCONE: Okay.

23 Commissioner Cohen?

24 COMMISSIONER COHEN: Yes.

25 MS. CARCONE: Commissioner De Fusco?

1 COMMISSIONER DE FUSCO: Yes.

2 MS. CARCONE: Commissioner Grana?

3 COMMISSIONER GRANA: Yes.

4 MS. CARCONE: Commissioner Marsh?

5 COMMISISONER MARSH: Yes.

6 MS. CARCONE: Commissioner Murphy?

7 COMMISSIONER MURPHY: Yes.

8 MS. CARCONE: Commissioner Branciforte?

9 COMMISSIONER BRANCIFORTE: Yes.

10 MS. CARCONE: And Commissioner Aibel?

11 CHAIRMAN AIBEL: Yes.

12 Great. Thanks, Mr. Matule.

13 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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 RE: 113-121 Monroe Street :February 4, 2015
 Block 28, Lots 7-11 :SPECIAL MEETING
 Applicant: Monroe 113 Realty, LLC :
 Preliminary Site Plan & C&D Variances :Wednesday 7:10 pm
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

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15 Hoboken, New Jersey 07030
16 (201) 659-7040
17 Attorney for the Objectors.

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1 I N D E X

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3 WITNESS PAGE

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5 FRANK MINERVINI 17

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7 E X H I B I T S

8

9 EXHIBIT NO. DESCRIPTION PAGE

10

11 A-1 Revised Rendering 18

12 A-2 Z-11 colored 18

13 A-3 Massing study 19

14 A-4 Massing study other side 19

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1 CHAIRMAN AIBEL: We are going to switch
2 the order of the hearings, and we are going to start
3 with 113-121 Monroe.

4 Mr. Matule?

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

7 Robert Matule appearing on behalf of
8 the applicant for the application at 113-121 Monroe.

9 I understand we have objectors who have
10 counsel, so I will stop at this point, and I would
11 like counsel to make his appearance.

12 CHAIRMAN AIBEL: Mr. Pappas?

13 MR. PAPPAS: George Pappas, attorney
14 for the objectors, for Jim Vance and John
15 Gregorio --

16 CHAIRMAN AIBEL: Very good.

17 MR. MATULE: Okay. I thought there was
18 going to be a request for an adjournment or
19 whatever.

20 CHAIRMAN AIBEL: No, I guess not.

21 MR. MATULE: So I will call Mr.
22 Minervini, our architect, and I will just make some
23 opening comments.

24 We have submitted our jurisdictional
25 proofs.

1 This is an application with respect to
2 the property at 113-121 Monroe Street. It is
3 approximately 125 feet by 100 feet, the lot.

4 It is an application to construct a
5 five-story, 12-residential unit building.

6 The plans were amended. As originally
7 submitted, they were going to incorporate an
8 existing building on the site, which went all the
9 way to the rear property line.

10 The plans have been revised, and I will
11 have Mr. Minervini take you through that, but that
12 portion of the plan has been eliminated now to
13 create a full width rear yard.

14 CHAIRMAN AIBEL: Okay. Just a quick
15 public service announcement.

16 I assume a lot of people are here on
17 this application. Mr. Minervini is going to do his
18 very best to show his slides to the Board, but if
19 you need to move to see them, feel free.

20 MR. PAPPAS: I just wanted to indicate,
21 Mr. Chairman, I am going to have a planner, too, but
22 that planner cannot appear at tonight's meeting, so
23 I want to proceed tonight and get as much done as
24 possible, but be permitted to have a subsequent
25 opportunity to bring the planner in.

1 CHAIRMAN AIBEL: We will hear that
2 application when we're finished with the testimony.

3 Thank you.

4 MR. PAPPAS: Okay.

5 CHAIRMAN AIBEL: Would you swear him
6 in?

7 MR. GLEASON: Would you like to raise
8 your right hand?

9 Do you swear or affirm that the
10 testimony you're about to give is the truth, the
11 whole truth, and nothing but the truth?

12 MR. MINERVINI: I do.

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

15 MR. GLEASON: Can you please state your
16 full name and spell your last name for the record?

17 THE WITNESS: Frank Minervini,
18 M-i-n-e-r-v-i-n-i.

19 MR. GLEASON: And I take it, we accept
20 Mr. Minervini's credentials.

21 CHAIRMAN AIBEL: We do.

22 THE WITNESS: Thank you.

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

24 Mr. Minervini, could you please
25 describe the existing site conditions and the

1 surrounding area, and if we are going to refer to
2 anything other than the plans that have been
3 submitted, any exhibits, we need to mark them for
4 identification for the record.

5 THE WITNESS: Yes. I will have three
6 of those.

7 MR. MATULE: All right. Then why don't
8 we mark them now.

9 (Cell phone ringing.)

10 CHAIRMAN AIBEL: Okay. Now I can ask
11 everybody to turn their phones off.

12 (Laughter)

13 MR. MATULE: Why don't we take your
14 first exhibit --

15 THE WITNESS: The first one would be
16 the rendering --

17 MR. MATULE: A rendering of --

18 THE WITNESS: -- a revised rendering,
19 which I will describe.

20 MR. MATULE: Okay. So we are going to
21 mark this A-1, and it's a revised rendering of the
22 proposed building.

23 THE WITNESS: Yes.

24 (Exhibit A-1 marked.)

25 MR. MATULE: A-2?

1 THE WITNESS: It's Z-11, but it's
2 colored, and it is part of the package.

3 MR. MATULE: So those photographs were
4 taken by your office or gotten off the internet?

5 (Exhibit A-2 marked.)

6 THE WITNESS: The internet, yes.

7 As well as this one board with a
8 modeled massing study of the building in context.

9 MR. MATULE: So A-3 is a massing study,
10 where you superimposed the building on to aerial
11 photos of the block?

12 THE WITNESS: Yes.

13 And the flip side is two other views of
14 the same concept.

15 MR. MATULE: Do you want to call it
16 A-3, a two-sided exhibit?

17 MR. GLEASON: Mark them separately, so
18 A-3 and A-4.

19 MR. MATULE: Okay. So A-4 is the other
20 side.

21 (Exhibits A-3 and A-4 marked.)

22 MR. MATULE: Okay.

23 All right. So if you would, Mr.
24 Minervini, please describe the existing site and the
25 surrounding area.

1 THE WITNESS: Our site, 113 Monroe
2 Street, is a 125 foot wide parcel, 100 feet deep on
3 the east side of Monroe Street between First and
4 Second.

5 Its most recent use was a fuel oil
6 company, Mar Oil, and the structures that are on the
7 site now, I will outline them here, which is shown
8 on Sheet Z-2, which is the superimposed site plan
9 over the survey.

10 There's two structures on the site, the
11 Mar Oil structure and a frame residential building,
12 three-story, and both are to be demolished.

13 The Mar Oil building, the fuel oil
14 building, goes back to the rear lot line, and it is
15 about one and a half stories in height. It is one
16 story in use, but its height is about 14 feet or so.

17 This is a three-story frame building,
18 and I have a photograph to describe both of them.

19 We are proposing to raze the two
20 existing structures, construct a new 12-residential
21 unit, five-story building.

22 This property at 12,500 feet allows us
23 18.9 units. That is the calculation, of course, of
24 18. So where we are allowed 18 units, we are
25 proposing 12 units.

1 I will get into the unit sizes and the
2 breakdowns, and the ones of the reduction in
3 density, as we see it, so that is the main scope of
4 the project. A five-story building, 65 feet in
5 depth. It covers 65 percent of the lot coverage for
6 the main building and 12 residential units.

7 So for context, now I will start using
8 the board, which you don't have, and you can
9 certainly pass it around.

10 For the existing structure, I have
11 Sheet Z-11, which is in your package, but this is a
12 colored version, of course.

13 So the site shown here, photographs
14 looking east on Monroe Street, this is actually
15 incorrect. Actually this is included as well, so
16 the red line should come to there. But this is the
17 site, a full 125 feet in width.

18 Directly to our north is a four-story
19 building, about five or six years old, three
20 residential units.

21 Directly to our south is a vacant 50 by
22 100 foot lot.

23 Across the street on Monroe Street on
24 the west side of the street, there is a variety of
25 three and a half, three, four, and five-story

1 buildings.

2 Here is the site in a bird's eye view,
3 so this would be Monroe Street. First Street here,
4 and Second Street here.

5 Again, you have this drawing as part of
6 your package.

7 Our structure superimposed, so what we
8 have done is we have taken a Google Earth photograph
9 and using Google Sketch-Up modeled the building
10 accurately. So this is what the building would look
11 like from -- I've got four different perspectives.

12 Monroe Street, the green is obviously
13 our building.

14 Across the street, a five-story
15 building, four, three, four, so our building at five
16 stories and 50 feet, we are proposing for the
17 building to be built to zero lot line consistent
18 with the other properties on the street, a 35 foot
19 rear yard. The building itself covers 65 percent.

20 MR. MATULE: Frank, if I could, just
21 before you go on, you are referring to Exhibit A-4?

22 THE WITNESS: A-4, yes, sorry.

23 MR. MATULE: Thank you.

24 THE WITNESS: So the top drawing, model
25 drawing on A-4, shows the west facing facade of this

1 building at 113.

2 If I flip to A-3, I have two other
3 perspectives. This is the rear facade, which would
4 be facing east, and this is our west facade, so here
5 is Monroe Street. Monroe Street, First and Second
6 is here.

7 I could pass it around, if anybody
8 wants to see it.

9 COMMISSIONER GRANA: Yes, thanks.

10 THE WITNESS: I will go through the
11 floor plans.

12 So I already described Sheet Z-2, where
13 the existing structure is, and going back to the
14 photograph, I can point it out exactly.

15 So the Mar Oil building is here. It is
16 a small L-shape. It goes back to the zero lot line
17 in the front, back to the 100 foot depth to the
18 rear, and there is a small garage attached to that.
19 There's an empty lot, and then a three-story
20 residential structure that we are proposing to raze.

21 Okay. Z-3, so this is our circulation
22 line of the plan using the ground floor plan as our
23 base, so it works well for me to describe what we
24 are proposing.

25 Here is the building front facade, 125

1 feet in width, the main entry lobby approximately in
2 the center of the building.

3 We're proposing one automobile entry
4 and exit, which would be on the northern portion of
5 the facade.

6 16 parking spaces at this ground floor.
7 The building extends back 65 feet. Again, an empty
8 lot on this side, a building of four stories and 60
9 feet in depth on the north side.

10 The rear garden at 35 feet in depth, we
11 are proposing that to be broken up into three
12 individual spaces.

13 The center one at 50 feet in width and
14 35 feet in depth is a common rear yard and then
15 could be used for everybody in the building.

16 A 37 foot wide by 35 foot deep garden
17 for one of the apartments on the second floor, and
18 the same size for another apartment on the second
19 floor.

20 So the ground floor is parking, 16
21 spaces, lobby, trash room.

22 There is something kind of different in
23 this project that I don't think this Board has seen,
24 and we have not yet designed for. We are proposing
25 an automobile vehicle elevator, so although we are

1 proposing 16 parking spaces at the ground level,
2 there is a large elevator meant to take a car to the
3 larger apartment on floors two, three, four, and
4 five, which will have a garage internal to their
5 apartment. There will be a garage at the second
6 floor, a garage at the third floor, a garage at the
7 fourth floor, and the fifth floor, so it will make
8 more sense as I get further into to the plans, so
9 that elevator is accessed like this.

10 Z-4, the utilities plan. I am going to
11 skip ahead to the actual architectural plan.

12 The second floor plan: We are
13 proposing three apartments per floor, so the
14 apartment on the northern side of the building is a
15 4,051 square foot, three-plus-bedroom. It could be
16 four. It could be five. It's certainly large
17 enough to be a five-bedroom apartment.

18 Within that space, there is also the
19 private garage, so that elevator that I described
20 that you enter at ground level will take you to this
21 private garage.

22 The thinking here is twofold: It could
23 serve for somebody who is a car collector, and one
24 of the developers is a car collector, but it also
25 could serve very nicely if you want to on the odd

1 occasion bring your groceries up or any occasion
2 where you don't actually want to have to carry
3 something downstairs separately from your car. It
4 could also be used as storage, but we're giving
5 people that option.

6 So apartment number one that we're
7 calling 2A is 4,051 square feet; 2C, 1566 square
8 feet, and that could be a two or three-bedroom, and
9 the smaller apartment is Unit 2B we are calling it,
10 and that's a thousand square foot two-bedroom. So
11 we have got a two-bedroom, a three-bedroom, and then
12 what could be a five-bedroom on each floor.

13 The floor plans are the same for two,
14 three, four and five, save for the second floor,
15 which has a 20 foot balcony, five feet wide, and it
16 allows access to that private rear yard here and
17 here that I mentioned and I showed on the ground
18 floor plan.

19 Here is a blowup, an enlarged drawing.
20 Part of it will be a vehicle elevator and where you
21 drive into your own private garage.

22 Z-7, the same floor plan as I
23 described, however, there is no stair proposed down
24 to the garden. Instead we have got a five foot by
25 20 foot cantilevered balcony to allow outdoor space

1 for these Units 3A and 4A, as well as Units 3C and
2 4C, again, the same idea, unit count.

3 So you will see on Sheet Z-7, I have
4 got a unit breakdown, so there we go.

5 Unit 3A, 4,000, 1566 for the
6 three-bedroom, 1,000 for the two-bedroom.

7 Our roof plan -- again, 125 feet in
8 width, so we are proposing three private decks that
9 would be connected to those three top floor units.
10 We got them for the larger apartment, we got 19 foot
11 eight wide by a 26 foot deck here at the center of
12 the building on the northern section.

13 This is screened with a six foot high
14 planter, not that the planter is six feet high, but
15 the top of the planting will be six feet high, a
16 similar detail that I have shown this Board before.
17 The idea is to keep this space private and make it
18 more private and screen it, so that other properties
19 are not affected in a negative way.

20 A similar idea for the other two units,
21 5C and 5D. That deck is 400. This one is 300.
22 Again, with the screening all around, small stairs
23 attached to it.

24 The majority of roof will be an
25 extensive green roof. I have that described here.

1 As this Board knows, an extensive green
2 roof is a composite of trays and vegetation, not
3 meant to be walked on. None of this area can be
4 walked on. It is meant just for water retention as
5 well as a few other good reasons, water retention.
6 It will accept some solar radiation, and it's
7 certainly something that this Board has been looking
8 for, so that is one of the green elements, and I
9 will go through all of the green elements that we
10 are proposing.

11 The remaining parts of the roof that
12 are just for walking or for maintenance areas is the
13 white roof, the white reflective roof.

14 Z-9, our front facade.

15 Is it just me, or is it very hot in
16 here?

17 UNIDENTIFIED VOICE: It is warm.

18 THE WITNESS: We received a call -- I
19 received a call last Friday from a gentleman here,
20 Jim Vance, who is for lack of a better term in
21 charge of the neighborhood committee, and he
22 expressed some concerns with the project. He came
23 to my office, and we discussed -- I described
24 everything, as I just had described now.

25 He made a comment, and a very fair

1 comment, that he wasn't very happy, nor were the
2 other people in the neighborhood with this facade.
3 So with that in mind, and that was Friday, we
4 scheduled then a neighborhood meeting for just this
5 Monday that passed.

6 So in that time, we redesigned the
7 facade, so I am going to pass this around, and
8 although it is not the same as you have in your
9 package, the sole purpose of this redesign was we
10 thought to help and -- well, an answer one of the
11 concerns that the neighborhood had.

12 MR. MATULE: Just for the record, that
13 is Exhibit A-1?

14 THE WITNESS: Yes, A-1.

15 We are not asking for any variances in
16 terms of materials or glass on this design, nor will
17 we on that design. If this project were approved,
18 of course, we would have to change all of these
19 drawings, but that is the reason for this last
20 minute redesign.

21 So Sheet Z-9 shows the originally
22 proposed facade, as well as our block elevation.
23 Drawing number three gives us a relative massing,
24 sub massing of our project compared to the existing
25 structure, so you have a 40-story building here --

1 40-foot building here at four stories, 30, and you
2 can see all of the rest.

3 This is the vacant property I
4 mentioned. This is approximately a 40 foot frame
5 residential building here and all the way down to
6 the first floor.

7 We don't think that the building is out
8 of scale with the neighborhood. We certainly took
9 that into consideration on the drawing you've got,
10 but as well even the original drawing, we designed
11 it so that the building will read as four stories
12 and our top section was to be glass in an effort to
13 lighten that -- lessen that visual impact.

14 The variances we are asking for, we
15 will go through it in more detail.

16 The variances we are asking for is
17 height, where we are permitted three residential
18 stories and 40 foot, three residential stories above
19 parking, we are proposing four residential stories
20 above parking, so the addition of one story and ten
21 feet.

22 We are also asking for a lot coverage
23 variance. The main building is 65 feet in depth
24 with an additional five percent we are proposing on
25 that second floor to allow access to the rear yard,

1 and those are the main structures of the building
2 with just appendages upstairs.

3 Floors two, three, four, and five are
4 at 66.6 percent, and in those cases because we got
5 200 square foot balconies, and that accounts for the
6 additional lot coverage there, those are
7 cantilevered. There are no structures hitting the
8 ground.

9 We are also asking for a roof coverage
10 variance. We are proposing 62 percent, where ten
11 percent is permitted. As I described, that 62
12 percent comes from the three private decks, as well
13 as all of the extensive green roofing. We need a
14 variance for that.

15 Again, Ed Kolling will go through all
16 of that in detail.

17 Our concept here was, and we recognize
18 that we are asking for an additional floor, it
19 hasn't been something this Board has not seen or
20 approved, but the concept here was to make the
21 apartments larger.

22 I explained this many times to the
23 Board. Sometimes we all agree, and sometimes we
24 don't, but the concept of these particular property
25 owners was larger apartments.

1 You saw that certainly five of the
2 apartments are as big as I ever designed for, and
3 apparently there is a market for that.

4 There is also three that are
5 three-bedrooms, and the remaining two-bedrooms, so
6 we have a nice spread of unit sizes, but we really
7 concentrated on the larger size. So what we have
8 done is we reduced the density, where 18 apartments
9 are allowed, and we are proposing 12 units. With
10 that, we are asking for then the additional height.

11 MR. MATULE: Could you go --

12 THE WITNESS: I think -- I'm sorry,
13 Bob.

14 MR. MATULE: -- could you go through
15 the green features of the building, whether or not,
16 it will be LEED certified?

17 THE WITNESS: Yes.

18 It will be LEED certified, and I
19 recognize that that is something that happens post
20 construction, but in terms of the green elements, we
21 are proposing car charging stations, where it's
22 shown on our circulation lighting plan. We have
23 four car charging stations and a green roof.

24 The way the building is constructed, it
25 will be concrete, and that gives us points.

1 The way that the existing buildings
2 will be demolished, that will give us points.

3 There's all of these features, as well
4 as LED lighting, that will get us to that LEED
5 certification in terms of the point count, and high
6 efficiency cooling and heating. But, again, the
7 concept here is larger apartments, an additional
8 floor, but with great reduction in density.

9 MR. MATULE: In the design of the
10 utility design, you will have on-site detention as
11 approved by North Hudson Sewerage Authority?

12 THE WITNESS: Yes. I should have
13 mentioned that. We are designing for a stormwater
14 retention system that will be beneath the ground
15 floor slab. The sidewalks will be new.

16 We are proposing four new street trees,
17 new curbing, new repair strip, and then any work in
18 the street will be new as per city requirements in
19 terms of asphalt paving.

20 The building will be fully sprinklered,
21 ADA compliant and noncombustible. Again, it is
22 going to be a concrete building, where one is not
23 necessarily required based on its size.

24 I do also want to mention that we went
25 through the effort of having and meeting with the

1 neighborhood. We had a very nice turnout, and Mr.
2 Vance was very nice to put it together.

3 What we were hoping to come out of that
4 meeting was to get some direction on what to change,
5 but that wasn't given to us. So although we are
6 here proposing this, we weren't afforded the chance
7 to make any revisions. So what you see is what has
8 been submitted prior to meeting with the
9 neighborhood.

10 MR. MATULE: I guess my last question
11 is: In terms of the Flood Plain Administrator, the
12 building addresses all of the Flood Plain
13 Administrator's issues?

14 THE WITNESS: Yes.

15 The garage area as well -- only the
16 garage area actually will be dry flood proofed.
17 That means that at the penetrations, there will be
18 flood panels secured manually prior to a flood.

19 The egress hallways, including the
20 lobby, will be wet flood proofed, so we are allowing
21 water to come in there, but all of the doors that
22 access the sidewalk with their egress have to have
23 vents. So the idea is to equalize pressure from the
24 water inside and outside, so even if there is a
25 flood, you can walk through the door.

1 That is a requirement by the Flood
2 Plain Manager and the city's ordinance, as well as
3 DEP.

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

6 CHAIRMAN AIBEL: Okay. Board members?

7 COMMISSIONER GRANA: Mr. Minervini,
8 with all of that information, I just want to go back
9 and clarify a couple things.

10 THE WITNESS: Yes.

11 COMMISSIONER GRANA: So 125 feet in
12 width, a hundred feet in depth is total lot, and 50
13 feet in height is what is being proposed?

14 THE WITNESS: Yes, correct.

15 COMMISSIONER GRANA: Okay.

16 65 percent lot coverage for the main
17 structure --

18 THE WITNESS: Yes.

19 COMMISSIONER GRANA: -- and 66 percent
20 on two through five is either a result of the need
21 to access the patio areas or the cantilevered
22 balconies?

23 THE WITNESS: That's correct.

24 COMMISSIONER GRANA: Okay.

25 On Sheet Z-3, I wanted to be sure I

1 heard this right.

2 There are three different rear yard
3 sizes, 37 and then 35 and then 37?

4 THE WITNESS: Yeah. The common area is
5 1750 square feet. We will give it to you that way.

6 COMMISSIONER GRANA: Okay.

7 THE WITNESS: The two private yards,
8 one to the north and one to the south, are both 1312
9 square foot.

10 COMMISSIONER GRANA: Do they extend
11 further back -- do they all extend back to the same
12 part of the lot line?

13 THE WITNESS: They all extend to the
14 rear lot line at 100 feet.

15 COMMISSIONER GRANA: Okay.

16 Then on Z-9, we have no changes now
17 reflected in A-1, Exhibit A-1 --

18 THE WITNESS: Yes.

19 COMMISSIONER GRANA: -- in A-1, which
20 is the new design, I just wanted to be clear, is a
21 facade masonry variance --

22 THE WITNESS: No. There's no variance
23 required, as is the originally submitted facade --
24 the same as the originally submitted facade. So we
25 meet the masonry requirement, and we meet the glass

1 requirement in both cases.

2 COMMISSIONER GRANA: On the revised --

3 THE WITNESS: On both.

4 COMMISSIONER GRANA: -- on both.

5 THE WITNESS: Yes.

6 COMMISSIONER GRANA: Thank you.

7 Those are my questions.

8 COMMISSIONER DE FUSCO: Mr. Chair?

9 So, Frank, so the backs of the building
10 line up with the neighboring building, or do they
11 extend beyond the neighboring building?

12 THE WITNESS: The neighboring building
13 to our north is 60 feet in depth. That is about
14 five or six years old. There is no building to our
15 south. That is an empty 50 foot by 150 lot --

16 COMMISSIONER DE FUSCO: So just to
17 further clarify what Commissioner Grana just asked,
18 so we are talking about a five percent extension
19 into the green donut, if you will.

20 THE WITNESS: Yes. Well, certainly
21 relative to what is there. What is there is a
22 broken up donut, because the building goes all the
23 way, 100 percent, the Mar Oil building.

24 What we are proposing as a yard is a
25 full 125 foot width by 35 foot depth yard. It runs

1 the entire width.

2 COMMISSIONER DE FUSCO: Architecturally
3 what benefit do you see in extending the building
4 that five feet into the green donut?

5 THE WITNESS: In terms of architecture
6 and design, there is no benefit to that. The
7 benefit I think would be in the resulting larger
8 apartment sizes.

9 COMMISSIONER DE FUSCO: So the fact
10 that you are not asking for density is great --

11 THE WITNESS: We are not only not
12 asking for density, but we're reducing density.

13 COMMISSIONER DE FUSCO: There are other
14 variances, but --

15 THE WITNESS: Of course.

16 COMMISSIONER DE FUSCO: -- you have
17 very large units, which are certainly
18 family-friendly. Why can't you just push the
19 building back a bit and just alleviate, you know,
20 the building coverage?

21 THE WITNESS: I understand. That is
22 something we will have to look at, but again, we
23 didn't get a chance to make revisions. It's
24 something we will have to look at.

25 COMMISSIONER DE FUSCO: All right.

1 Can you exceed the North Hudson
2 Sewerage retention basin requirement?

3 This is an area that's really prone to
4 flooding. It got hit very hard during Sandy. You
5 know, like what is the minimum requirement and can
6 you --

7 THE WITNESS: I think the minimum
8 requirement is meant for the worst case scenario, so
9 there is no additional benefit really in exceeding.

10 COMMISSIONER DE FUSCO: There's not a
11 larger retention basin?

12 THE WITNESS: You can get a larger
13 retention basin, but I'm not sure if that makes any
14 difference. I think Jeff probably knows more about
15 that than I do.

16 I have yet to have designed, it's a
17 larger system, it is something we could look at.
18 We can get back to that.

19 COMMISSIONER DE FUSCO: Yeah, because I
20 am curious about that, because this area was hit
21 very hard during Sandy, and that certainly is a
22 positive benefit.

23 The height of the roof appurtenances,
24 obviously there is a height variance that you
25 testified is in scope with the character of the

1 neighborhood, but it seems to me that the highest
2 building -- it is already the highest building
3 proposed on this block.

4 THE WITNESS: Yeah. I think I passed
5 around the model. The building is colored.

6 Thank you.

7 COMMISSIONER DE FUSCO: Because just to
8 clarify my comment, you are asking for the
9 additional story, which we understand that, but
10 above that you have the roof cornice that can extend
11 a certain height, and then roof appurtenances,
12 stairwells, which I fear going to --

13 THE WITNESS: That was a comment that
14 we had heard at the neighborhood meeting, and we
15 certainly understood it.

16 One of the quick changes we were able
17 to make on the comments that we did get was that the
18 design you see in front of you, the stair bulkheads
19 are all directed north-south.

20 What we have done on the model, we
21 revised them from east to west, so that the face is
22 less of an impact for people directly across the
23 street. This is accurately shown of what we would
24 need in terms of mechanical penetrations.

25 So we got two means of egress --

1 sorry -- two means of egress, two stair bulkheads
2 for the decks and the elevator, the residential
3 elevator and the vehicular elevator, so that what
4 you see here are the penetrations --

5 COMMISSIONER DE FUSCO: If I were right
6 across Monroe Street, the neighbor right across, and
7 I was at the top floor looking out, I think I would
8 see those bulkheads and all of those roof
9 appurtenances that you are mentioning.

10 Do you agree?

11 THE WITNESS: Yes.

12 CHAIRMAN AIBEL: How tall is the
13 bulkhead?

14 THE WITNESS: The elevators are six
15 feet. The stair bulkheads will start at seven and a
16 half, because that is the minimum we can have for
17 egress, and that is a requirement, and then slope
18 down. So I think it is better shown than me
19 describing it like that.

20 COMMISSIONER MURPHY: You are also
21 asking for six-foot -- I mean, plantings for the
22 decks?

23 THE WITNESS: Plantings are not
24 something I think that make the decks better, but I
25 think in terms of the neighborhood, it screens off

1 whatever is going on on that deck from that
2 neighborhood.

3 Certainly if the Board didn't want
4 them, we could remove those. But in past projects
5 this Board has wanted us to provide screening for
6 those decks, and we have located them centrally, so
7 they are as far away as possible from the edges of
8 the building's perimeter.

9 COMMISSIONER GRANA: Quick question.

10 Did A-1 float around here?

11 THE WITNESS: Is that the rendering?

12 COMMISSIONER GRANA: Yeah, the
13 rendering.

14 Can I see it again?

15 COMMISSIONER DE FUSCO: Put it on the
16 table.

17 CHAIRMAN AIBEL: Mike, are you
18 finished?

19 CHAIRMAN AIBEL: Mr. Cohen?

20 COMMISSIONER COHEN: Can I have A-1?

21 So, Mr. Minervini, with respect to this
22 drawing, is the fifth floor going to be flush? I
23 can't tell whether --

24 THE WITNESS: That design, which is the
25 same as the original design, is flush.

1 COMMISSIONER COHEN: Okay. Because I
2 know we had other projects where we talked about
3 recessing --

4 THE WITNESS: Yes, and I think that's
5 something that we're probably going to propose, if
6 permitted.

7 COMMISSIONER COHEN: Okay.

8 I think you mentioned that the other
9 properties are all at zero lot line --

10 THE WITNESS: Yes.

11 COMMISSIONER COHEN: -- on that side of
12 the street?

13 Is that also the case opposite the
14 street --

15 THE WITNESS: Sheet Z-1, our property
16 is within the 200 feet diagram, it shows accurately
17 where all of the properties lie in terms of their
18 front wall.

19 COMMISSIONER COHEN: So it looks to me
20 like they are built to the property line?

21 THE WITNESS: Yes. Save for one
22 property, which is almost directly across, there is
23 a small front yard there, across the street the
24 remaining are all at zero lot line.

25 COMMISSIONER COHEN: Okay.

1 THE WITNESS: On our side, sorry, they
2 are all save for the vacant -- two vacant lots at 50
3 foot in width.

4 COMMISSIONER COHEN: Now, you mentioned
5 that there was an oil building that's currently --

6 THE WITNESS: This was Mar Oil. For
7 the last years, it has been Mar Oil. This is the
8 oil building.

9 So this 100 foot width parcel was Mar
10 Oil. They had this building at 50 feet in width
11 covering the entire lot of 50 feet, a 25 foot width
12 section, which was a garage, an empty section at 25
13 feet, and then this adjacent property at 25 feet,
14 which is part of it.

15 COMMISSIONER COHEN: So has there been
16 any investigation with respect to remediation
17 methods or environmental issues that --

18 UNIDENTIFIED VOICE FROM THE AUDIENCE:
19 It was called Mar Oil, but it was Maritronics using
20 the hydraulic --

21 THE REPORTER: Wait a second. Who is
22 talking?

23 MR. MATULE: We can --

24 THE WITNESS: I can answer it.

25 MR. MATULE: You can answer it.

1 THE WITNESS: Has a study been done in
2 terms of --

3 UNIDENTIFIED VOICE FROM THE AUDIENCE:
4 Yes.

5 THE WITNESS: So phase one has been
6 done. The answer is a no further action has been
7 received.

8 COMMISSIONER COHEN: Thank you.

9 COMMISSIONER GRANA: I have one more
10 question, if I may, just following up on
11 Commissioner DeFusco's question.

12 When we say 50 feet, are we talking
13 about using the rendering A-1?

14 Are we talking about the top of the
15 cornice line here?

16 THE WITNESS: Yes, yes.

17 COMMISSIONER BRANCIFORTE: So, Frank,
18 the LEED certification will be the basic
19 certification?

20 THE WITNESS: Yes.

21 COMMISSIONER BRANCIFORTE: Now, with
22 the car elevator, how many spaces are required for
23 the 12 units?

24 THE WITNESS: We are required seven.

25 COMMISSIONER BRANCIFORTE: And you are

1 asking for 16 on the ground floor?

2 THE WITNESS: Yes.

3 COMMISSIONER BRANCIFORTE: Then I guess
4 additional --

5 THE WITNESS: Four.

6 COMMISSIONER BRANCIFORTE: -- four with
7 a garage?

8 THE WITNESS: Correct.

9 COMMISSIONER BRANCIFORTE: You have to
10 explain the purpose of this elevator better. I am
11 going to lay some questions out, and you can
12 answer --

13 THE WITNESS: Sure.

14 COMMISSIONER BRANCIFORTE: -- one is
15 the additional space that the elevator takes up in
16 the building can be probably better used, true or
17 false, for the apartments, make the apartments
18 bigger.

19 What happens when the elevator breaks,
20 you know, that sort of thing, and would we lose the
21 third bulkhead on the roof, which would eliminate
22 the roof coverage variance?

23 THE WITNESS: If that elevator weren't
24 there, certainly the bulkhead wouldn't be there.

25 An elevator of this type would be a

1 service contract, so if it is down, it would be
2 repaired quickly, but the thought is it wouldn't be
3 the main parking space for those four apartments.
4 It would be an ancillary space again used for a
5 collector car or something else.

6 It is possible that someone may use
7 that garage just as a garage, as people use a garage
8 in the suburbs for storage. We don't know, but we
9 thought it was something that might separate these
10 apartments from others.

11 COMMISSIONER BRANCIFORTE: From my
12 calculation just quickly, it is somewhere around an
13 extra 500 square feet I think for the elevator,
14 because you have, you know, the elevator and then
15 the actual elevator that goes up --

16 THE WITNESS: Okay. That sounds about
17 right.

18 COMMISSIONER BRANCIFORTE: -- and I
19 calculated it quickly at 465. You would know better
20 than I would.

21 THE WITNESS: Sounds about right.

22 COMMISSIONER BRANCIFORTE: But if you
23 lost the 465 square feet that you are using for that
24 internal elevator, couldn't that be used better
25 somewhere else in the building, maybe to eliminate

1 the coverage, the lot coverage?

2 THE WITNESS: Certainly I could not
3 deny that if we didn't have an elevator, that space
4 would be used otherwise. Better? I don't know
5 better.

6 COMMISSIONER BRANCIFORTE: Well, not
7 better, but I guess -- what I am saying is 465
8 square feet, if it is lost with the garage, could
9 either be put towards bigger units, correct --

10 THE WITNESS: Yes.

11 COMMISSIONER BRANCIFORTE: -- or making
12 the footprint of the building smaller --

13 THE WITNESS: Yes, I absolutely agree.

14 COMMISSIONER BRANCIFORTE: -- which
15 would work towards eliminating the lot coverage.

16 THE WITNESS: Yes.

17 COMMISSIONER BRANCIFORTE: Are there
18 any generators on this building?

19 THE WITNESS: We haven't discussed
20 that. I know in the past that this developer has
21 put a generator on the roof. That's something I
22 should probably find out, and if it is approved, we
23 will show that as part of the final site plan.

24 My guess is that it would be or should
25 be.

1 COMMISSIONER BRANCIFORTE: On one of
2 the sheets, I forget what sheet it is now, but
3 Z-5 --

4 THE WITNESS: Yes.

5 COMMISSIONER BRANCIFORTE: -- down at
6 the bottom right-hand corner -- well, in the
7 footprint of the drawing, it says "bicycle storage,"
8 but I am not quite sure what that means.

9 THE WITNESS: Well, we have bicycle
10 racks -- each parking space has a bicycle rack, and
11 you have seen those before. They are very
12 effective, and they get to be used for those
13 particular spaces, and each of the 20 -- of the 16
14 apartment spaces has them. I don't think we
15 proposed any other bicycle storage.

16 There should be an arrow to the actual
17 racks. Where that says "bicycle storage" is
18 obviously a drafting error. That is the back-up
19 aisle.

20 COMMISSIONER BRANCIFORTE: That is fine
21 for people who want to store their bikes, you know,
22 for a long-term basis, but if somebody wants to ride
23 to the Path train every morning, they are going to
24 have to climb over their car to get to their bike?

25 THE WITNESS: I understand the question.

1 And as I look at the plan, we have for lack of a
2 better term, dead space here. I could certainly
3 provide a dedicated bicycle storage area.

4 COMMISSIONER BRANCIFORTE: Do you know
5 what would be even better?

6 If you got rid of the vehicle elevator,
7 you could use that.

8 (Laughter)

9 I think that is all I have for now.

10 Also, just one point, one question
11 about the aerials that you used from Google Earth.

12 You know, usually when we have an
13 objector show up, and he says, you know, I have
14 taken these pictures, we ask when the pictures were
15 taken and who took the pictures.

16 I am getting a little leery of using
17 Google Earth pictures, because Hoboken is changing
18 so quickly. The donuts are changing so quickly that
19 we have no idea how often these photographs are
20 updated or taken, so I am trusting these aerial
21 photographs less and less.

22 THE WITNESS: We have checked. As you
23 see, the street facade, these are accurate. I don't
24 know the date, but in terms of the actual building
25 structures, they are accurate.

1 COMMISSIONER BRANCIFORTE: Okay.

2 Also, you changed the front facade, but
3 what about the rear facade?

4 The rear facade looks kind of blank,
5 and I don't know, just not very interesting.

6 Is there anything you could do with the
7 rear facade to make it more interesting?

8 THE WITNESS: I am not sure if I agree.
9 It is certainly not as nice as the front facade.
10 However --

11 COMMISSIONER BRANCIFORTE: Why am I not
12 surprised that you don't agree with me on that,
13 Frank?

14 (Laughter)

15 THE WITNESS: -- however, I think
16 within -- the rear facade is certainly designed from
17 the inward out, so the windows are proposed where
18 they make sense in the apartment.

19 But we have an opportunity for colors,
20 and I think a rendering might have helped here,
21 because you can see there are accent lines for the
22 alternate colors at particular areas, alternate
23 materials, so it would read more interesting -- it
24 would have a much more interesting look, if I did
25 actually a better job graphically of showing that.

1 COMMISSIONER BRANCIFORTE: If you don't
2 finish this thing up tonight, and I am not sure if
3 you will, could you bring a rendering, a color
4 rendering to the next meeting?

5 THE WITNESS: Sure.

6 COMMISSIONER BRANCIFORTE: I think I am
7 good.

8 Thank you, Mr. Chair.

9 CHAIRMAN AIBEL: Ms. Fisher?

10 COMMISSIONER FISHER: No, I am good.

11 CHAIRMAN AIBEL: Anybody else?

12 So, Mr. Minervini, on your Monroe
13 Street block elevation, you are showing the height
14 of the buildings to the south.

15 Can you just tell me what is south of
16 the vacant lots to the south of your proposed
17 building?

18 THE WITNESS: Yes.

19 I will use that drawing as well as
20 this, as we are calling the aerial photo from the
21 west describes it well, and I will go back to the
22 drawing.

23 The 50 foot swath directly next to us
24 is an empty lot.

25 There is a three-story structure,

1 residential structure here, which was the next,
2 which is 75 feet away from ours.

3 There is a garage, which is attached to
4 a three-story building -- pardon me -- a four-story
5 building -- a three-story building on First Street,
6 so this building on First Street is on the corner.
7 This garage to the back is attached to that.

8 This is at three-story with the first
9 floor being raised half a floor off of grade. I
10 believe Mr. Vance lives there.

11 This is a 50 foot wide empty lot, and
12 then, of course, our proposal.

13 CHAIRMAN AIBEL: How tall are these
14 buildings?

15 THE WITNESS: 35 feet approximately.
16 This garage is one-story, 12 feet.

17 Mr. Vance's three-and-a-half story
18 about 40 feet, and again zero here.

19 As we move to the north, 40 feet, 30
20 feet, 35, and there is one other 50-foot wide
21 building off of the corner of Second Street.

22 Across the street there is a 60-foot
23 tall building, 50, three 50s, another 50, so across
24 the street there are certainly more properties that
25 are contextually similar.

1 CHAIRMAN AIBEL: Okay. Mr. Grana?

2 COMMISSIONER GRANA: Just one last
3 question.

4 So just to clarify: You are required
5 to provide seven parking spaces. Is that correct?

6 THE WITNESS: Yes.

7 COMMISSIONER GRANA: You are providing
8 16. Is that 16 plus five?

9 THE WITNESS: Plus four.

10 COMMISSIONER GRANA: Plus four, for a
11 total of 20?

12 THE WITNESS: Correct.

13 COMMISSIONER BRANCIFORTE: I'm sorry,
14 Antonio, are you done?

15 COMMISSIONER GRANA: I'm done.

16 Thank you.

17 COMMISSIONER BRANCIFORTE: You know, I
18 am going to ask about the garage egress and the
19 safety aspect of it. You show one light, one safety
20 light above?

21 THE WITNESS: This was submitted prior
22 to together coming up with the LED light. We can
23 certainly add that, and we would add that.

24 And for people who don't know, we would
25 propose an LED warning strip at the residential --

1 I'm sorry -- at the garage door threshold. So as
2 that door opens, a warning light would be
3 illuminated.

4 COMMISSIONER BRANCIFORTE: Also you
5 mentioned the electric car charges.

6 How many electric car chargers?

7 THE WITNESS: Four. One, two, three,
8 four.

9 COMMISSIONER BRANCIFORTE: Again, you
10 are not providing the chargers, you're only
11 providing --

12 THE WITNESS: The wiring for the
13 chargers.

14 COMMISSIONER BRANCIFORTE: Do you think
15 you could provide wiring all around?

16 THE WITNESS: Well, we certainly can
17 provide the wiring. I'm not sure -- but the problem
18 is the standard. If the standards aren't the same,
19 we would be happy to provide wiring for futures and
20 all. It is really not that much of a difference.

21 COMMISSIONER BRANCIFORTE: That is
22 fine.

23 CHAIRMAN AIBEL: Board members?

24 COMMISSIONER GRANA: One last question,
25 very quick.

1 Can you tell me what on average is the
2 square foot of a parking space?

3 THE WITNESS: A parking space is eight
4 and a half by 18, so we know that is 340
5 approximately --

6 COMMISSIONER GRANA: 340 square?

7 THE WITNESS: -- I didn't do the math,
8 but --

9 COMMISSIONER GRANA: Thank you.

10 CHAIRMAN AIBEL: Professionals?

11 MS. BANYRA: I had one question,
12 Jeff -- I mean --

13 THE WITNESS: Frank.

14 MS. BANYRA: -- Frank. Thank you.
15 Why so many parking spaces?

16 I mean, what is the idea behind just
17 the number, first of all?

18 THE WITNESS: The parking spaces are a
19 result of a couple things, but one is that it is 125
20 feet in width, so even if this building weren't at
21 65 feet in depth, and if it were cut off here, we
22 would still have that parking. That is what fits in
23 this space.

24 MS. BANYRA: So it is basically going
25 to be used for this building, though?

1 THE WITNESS: That is the thinking,
2 yes.

3 MS. BANYRA: And then just a question
4 about the mobile car space. I think you had
5 indicated that it could be used for storage, but --

6 THE WITNESS: Not the elevator. The
7 garage that's attached to it.

8 MS. BANYRA: Oh, gotcha.

9 I mean, in my mind, there is a question
10 regarding indoor air quality with your vehicle in
11 your apartment.

12 THE WITNESS: It would have to be, as
13 any residential garage, it would be exhausted, so
14 there is constant fresh air in and carbon monoxide
15 detection systems.

16 MS. BANYRA: Is there something
17 provided for in the plan, or no, that is something
18 that has to be designed?

19 THE WITNESS: It would have to be
20 designed with the engineering. I could certainly
21 make a note of it.

22 MR. MATULE: I think you did.

23 COMMISSIONER FISHER: He did.

24 THE WITNESS: I did.

25 Thank you.

1 CHAIRMAN AIBEL: Jeff?

2 MR. MARSDEN: Frank, are you in receipt
3 of my January 21st revision letter outlining
4 everything?

5 THE WITNESS: Yes.

6 MR. MARSDEN: Are there any issues in
7 there that you can't address or are concerned about?

8 THE WITNESS: No.

9 MR. MARSDEN: Okay.

10 I also am a little perplexed about the
11 parking garage -- I mean, the elevator, and only
12 having one parking space. That parking space is
13 only accessible to the largest unit then. It's not
14 accessible to any other unit?

15 THE WITNESS: Correct. It's dedicated
16 to and part of that largest unit on the north side
17 of the building.

18 MR. MARSDEN: On all of the floors?

19 THE WITNESS: Yes. So there is four.

20 MR. MARSDEN: Okay.

21 And you indicated you would put an LED
22 warning system in --

23 THE WITNESS: Yes.

24 MR. MARSDEN: -- or lighting system to
25 better see pedestrians?

1 THE WITNESS: Yes.

2 Again, as we talked about at the ground
3 level threshold --

4 MR. MARSDEN: Either that or at the
5 base of the building?

6 THE WITNESS: Yeah.

7 CHAIRMAN AIBEL: Okay, Jeff?

8 MR. MARSDEN: Yes.

9 MR. MATULE: I have some redirect, if I
10 might, briefly, only because of some of the issues
11 that were raised.

12 Mr. Minervini, you heard some of the
13 Board members question the amount of parking you
14 have and also about providing more bike storage
15 space.

16 If you were to pull the rear wall of
17 the building back to a 60 foot depth --

18 THE WITNESS: This line.

19 MR. MATULE: -- how many parking spaces
20 would you lose?

21 THE WITNESS: We wouldn't have to lose
22 any. We can certainly redesign it, so we've got
23 bicycle storage, but we would not have to lose any
24 parking spaces.

25 MR. MATULE: Well, if you would have

1 pulled the rear wall back 60 feet and add bicycle
2 storage, you would probably lose two parking spaces?

3 THE WITNESS: Well, then I would say we
4 would lose two, yes. Ostensibly, these two spaces
5 would be lost.

6 MR. MATULE: Is that something that the
7 applicant would consider?

8 THE WITNESS: I am sure it is something
9 they would agree to --

10 MR. MATULE: And then --

11 THE WITNESS: -- I'm sorry, Bob. That
12 space would be dedicated to bicycle storage as well
13 as some other storage.

14 MR. MATULE: -- with respect to the
15 actual car parking on those four large apartments,
16 besides, you know, if somebody had a collector car
17 that they didn't want to park in the general garage
18 and put it up there to secure it, is that something
19 that could be used, you know, for example, you know,
20 a mother with kids in the car and groceries, et
21 cetera, could just pull into that and go right up to
22 her apartment?

23 THE WITNESS: That was one of the two
24 reasons the developer chose to introduce that
25 portion of design for that reason as well, if

1 somebody had a collector car. Not very common.

2 MR. MATULE: Then lastly, Commissioner
3 Cohen asked about your new rendering if the fifth
4 floor was pulled all the way to the front of the
5 building, in other buildings that you have presented
6 to this Board, you have often pulled that back five
7 feet or ten feet.

8 Is that something else that the
9 applicant would consider doing, assuming the Board
10 would allow the fifth floor?

11 THE WITNESS: That is a yes.

12 COMMISSIONER BRANCIFORTE: I kind of
13 missed that question, Mr. Matule.

14 MR. MATULE: The question was: Would
15 the applicant consider pulling the fifth floor back
16 ten feet, so when you have, you know, Frank, when he
17 presents a project that like usually does a line up
18 sight drawing from the street showing that it is set
19 back, and I am asking if that is something that the
20 applicant would consider, and the answer was in the
21 affirmative.

22 CHAIRMAN AIBEL: Thank you.

23 THE WITNESS: And to Mr. Matule's
24 point, Sheet A-10, the bottom right-hand corner on
25 the north elevation, what he is referring to is the

1 pull back of this section, so this is Monroe Street.
2 So we could pull back this facade, slide it back to
3 ten feet, so that the top floor, the fifth floor, is
4 now only -- well, with the reduction in depth to 60
5 feet, this is 50 feet.

6 The main building would be 60 at 60
7 percent lot coverage. The fifth floor would be at
8 50 percent coverage with a ten foot setback off of
9 Monroe Street, and I could certainly provide a sight
10 line diagram.

11 CHAIRMAN AIBEL: Mr. Matule, okay?

12 MR. MATULE: That's all I have.

13 Thank you.

14 CHAIRMAN AIBEL: Now is the time for
15 questions of the architect. Comments will come
16 later. So if anybody in the public wishes to
17 question the architect, please come forward.

18 Let me ask, Mr. Pappas, are you going
19 to question him?

20 MR. PAPPAS: Yes. I'm going to have
21 cross-examination.

22 CHAIRMAN AIBEL: Okay. Would you like
23 the public to go first?

24 MR. PAPPAS: It doesn't make any
25 difference to me.

1 CHAIRMAN AIBEL: Please.

2 MS. HEALEY: Mr. Minervini -- Leah
3 Healey, 806 Park Avenue.

4 I think you testified that none of
5 these parking spaces are going to be used for the
6 public.

7 THE WITNESS: Yes.

8 MS. HEALEY: So that means that each of
9 these units would have two plus parking spaces per
10 unit?

11 THE WITNESS: Correct.

12 MS. HEALEY: And is that doing anything
13 to alleviate the parking on the street?

14 THE WITNESS: The thinking is, and I
15 understand the question, the thinking is, and it is
16 based on experience with these particular
17 developers, their specialty is large apartments,
18 that most of the people buying these large
19 apartments have two cars, so the thought is we can
20 accommodate two cars.

21 That is simply the answer.

22 MS. HEALEY: You also indicated that
23 you could have done 18 units, but you are going to
24 do 12 instead.

25 THE WITNESS: Yes.

1 MS. HEALEY: Did you figure out what
2 the makeup of bedrooms in an 18-unit complex would
3 have been?

4 THE WITNESS: It could be -- there are
5 50 different answers. It depends how we want to
6 design it.

7 So could it have been five large, seven
8 small, six in between, there is almost an infinite
9 number of variations we could do there.

10 MS. HEALEY: So when you reduce it down
11 to 12, now we know what that breakdown is of the
12 two, three, and five-bedrooms?

13 THE WITNESS: Yes.

14 MS. HEALEY: Do you consider it a
15 benefit that you are reducing units?

16 THE WITNESS: Certainly.

17 MS. HEALEY: Why?

18 THE WITNESS: Less apartments generally
19 means less traffic.

20 Although it is the same number of
21 bedrooms, generally speaking, and the developer can
22 speak to this just as much as I could, those extra
23 bedrooms are not used for sleeping purposes.

24 If we have got a five-bedroom
25 apartment, there aren't ten people living there.

1 Where if there is a two-bedroom apartment or
2 certainly one, the chances are -- that is just
3 anecdotal, but that is the driving thought behind
4 it.

5 MS. HEALEY: But you aren't sitting
6 here tonight telling us how many people you think
7 would have been in the 12 units versus the 18?

8 THE WITNESS: No, no.

9 MS. HEALEY: How do you correlate that
10 to traffic?

11 THE WITNESS: Well, if there is more
12 people, say a single person in an apartment, they
13 are more likely than a couple to use a car.

14 Ed Kolling could speak to this much
15 better than I can, and I think it would be best to
16 ask him the question, but that's the direction --

17 MS. HEALEY: I'm just trying to
18 understand why you think --

19 THE WITNESS: No, I understand.

20 MS. HEALEY: -- why you think this is a
21 better thing for us to have 18 versus 12.

22 Hum, I guess that is it for now.

23 Thank you.

24 CHAIRMAN AIBEL: Anybody else wish to
25 question the architect?

1 street, what you see here and you can see it on
2 here, it is going to be almost like an anchor
3 building or the primary building on this street
4 considering its width of 125 feet, won't it?

5 THE WITNESS: That's the largest
6 building on the street.

7 MR. PAPPAS: Yeah.

8 THE WITNESS: It's the largest
9 combination of properties.

10 MR. PAPPAS: So it is going to set a
11 precedent for this lot next door or this lot down
12 here.

13 THE WITNESS: No. There's no other
14 lot. That is First Street.

15 MR. PAPPAS: Okay.

16 Shouldn't this building, considering
17 its size and bulk and how big it is, comply with the
18 zoning ordinance to show compliance and establish a
19 standard?

20 MR. MATULE: Don't answer that
21 question, Frank.

22 I am going to object to the question.
23 I don't think that is an architectural question, and
24 I don't think it has anything to do with his
25 testimony.

1 Maybe a planner could answer that.

2 MR. PAPPAS: I withdraw the question.

3 MR. MATULE: Okay.

4 MR. PAPPAS: On the parking,
5 specifically the elevator, the parking elevator
6 storage, doesn't the master plan and by inference
7 the zoning ordinance call for limiting parking to
8 the first or ground level of a building, where you
9 have construction of units above parking?

10 THE WITNESS: Yes, and Mr. Kolling can
11 speak to that better than I could.

12 But my understanding is that the
13 intention there was not to have two-level parking
14 decks. But I do not disagree that the master plan
15 does say that --

16 MR. PAPPAS: It does say that --

17 THE WITNESS: -- and I should be very
18 clear. This is something that we thought was an
19 attractive thing to a particular type of buyer. The
20 project is not hinging on this, but we thought it
21 was something that would be very interesting.

22 MR. PAPPAS: Going to the roof, with
23 all of the construction -- well, first of all, the
24 ordinance calls for ten percent roof coverage,
25 right?

1 THE WITNESS: Uh-huh.

2 MR. PAPPAS: Do you know -- I don't
3 want to put you on the spot -- what is the rationale
4 behind that?

5 THE WITNESS: Ten percent?

6 MR. PAPPAS: Yes.

7 THE WITNESS: Ten percent was meant
8 just for roof appurtenances in terms of mechanical
9 equipment. It wasn't speaking to decks.

10 MR. PAPPAS: Right.

11 The intent was that the roof would be
12 limited to mechanicals --

13 MR. MATULE: Well --

14 MR. PAPPAS: -- well, he said he is
15 familiar with the --

16 MR. MATULE: -- are you testifying?

17 MR. PAPPAS: No. He is preparing --
18 he's familiar with the zoning ordinance, and he is
19 familiar with the master plan, and he prepared these
20 plans, so I think I can ask him --

21 MR. MATULE: You can ask him, and he
22 answered it.

23 You are now disagreeing with his answer
24 and telling you what you think the intent was --

25 MR. PAPPAS: No, no.

1 MR. MATULE: -- and I think at that
2 point you're testifying.

3 MR. PAPPAS: No, no.

4 CHAIRMAN AIBEL: Gentlemen, let's just
5 ask a question, please.

6 MR. PAPPAS: Okay.

7 With all of the coverage, aren't you,
8 maybe not technically, but as a practical matter,
9 adding an additional story to this building, a sixth
10 story?

11 THE WITNESS: No, absolutely not -- and
12 I will answer --

13 MR. PAPPAS: Well, you have what, how
14 many decks?

15 You have one, two, three decks --

16 THE WITNESS: At roof level, there is
17 no structure.

18 MR. PAPPAS: At roof level with
19 six-foot trees around them, plus --

20 THE WITNESS: Which --

21 MR. PAPPAS: -- can I finish?

22 THE WITNESS: Oh, sure. I was going to
23 answer you point by point, but --

24 MR. PAPPAS: All right. Go ahead. Go
25 ahead. Answer that question.

1 THE WITNESS: Actually, this particular
2 owner, and for all of our designs, we preferred not
3 to have that six-foot high fence, but we had been
4 directed in other projects by this Board as well as
5 the Planning Board to introduce them.

6 We're happy to do them. I understand
7 the reasoning for it, but we would be just as happy
8 not to have them.

9 MR. PAPPAS: But you would still have
10 people out there on the roof deck standing up.

11 THE WITNESS: Yes, absolutely.

12 MR. PAPPAS: And utilize it as living
13 space.

14 THE WITNESS: It's not living space.
15 It's outdoor space.

16 MR. PAPPAS: Outdoor space.

17 Well, you don't consider that living
18 space?

19 THE WITNESS: No, I don't.

20 MR. PAPPAS: Okay.

21 THE WITNESS: The zoning code doesn't,
22 the zoning code, nor the construction code --

23 MR. PAPPAS: Oh, okay, all right.

24 THE WITNESS: -- just to be clear for
25 the record.

1 MR. PAPPAS: Okay.

2 Now, on the entrance to the building,
3 the actual pedestrian as opposed to the garage
4 entrance is six foot wide.

5 THE WITNESS: Uh-huh, by 30 feet long.

6 MR. PAPPAS: By 30 feet long as you go
7 into the building?

8 THE WITNESS: Yes.

9 MR. PAPPAS: How does that afford an
10 attractive street frontage that the master plan
11 calls for?

12 When you have a 125 --

13 THE WITNESS: I am laughing, because I
14 know that was a Jim Vance question.

15 MR. PAPPAS: -- 125 foot wide building
16 with a six foot entrance --

17 THE WITNESS: Are you asking my
18 architectural opinion, whether I think it is proper?

19 MR. PAPPAS: Yes.

20 THE WITNESS: Yes, I think it is.

21 MR. PAPPAS: You think it is proper?

22 THE WITNESS: Absolutely.

23 MR. PAPPAS: You don't think that to
24 preserve to what the master plan calls for in terms
25 of a sidewalk or a street presence to have a wider

1 entrance with a lobby?

2 THE WITNESS: I think contrary to the
3 master plan would be a wider lobby that you see from
4 the outdoors, when you see it from the sidewalk.
5 That is not what the master plan wants, and Mr.
6 Kolling can speak to that as well.

7 The master plan does not want to see
8 that. Certainly they also want us to hide a garage
9 wherever we can, but the inner workings of the
10 building are meant to be private.

11 Six feet wide is absolutely a
12 comfortable lobby for a building this size, 12
13 units.

14 MR. PAPPAS: 12 units and 125 foot wide
15 with a six foot entrance?

16 THE WITNESS: Absolutely.

17 Now, if this Board directed us to
18 change it, we could make it wider and relocate the
19 stairs.

20 I don't see the point of it. I don't
21 think it makes the building any more attractive,
22 save for a particular person's architectural
23 perspective.

24 MR. PAPPAS: Well, you are building
25 right up in the lot line, correct?

1 THE WITNESS: Yes.

2 MR. PAPPAS: But the ordinance calls
3 for a front yard --

4 THE WITNESS: We're asking for that
5 variance.

6 MR. PAPPAS: -- and the master plan
7 speaks in terms of stoops, that one of the
8 attractive features of the City of Hoboken is stoops
9 and stairways.

10 THE WITNESS: Uh-huh.

11 MR. PAPPAS: There's no stoops and
12 stairways in this building.

13 THE WITNESS: No. That was when prior
14 to FEMA regulations, not permitted. A stoop here
15 could not be constructed. It would be a stoop that
16 would take you from ground level to ten feet high,
17 and we would still need ADA compliance, so no matter
18 what, if you have a fake stoop on it, the lobby has
19 to be like that for ADA compliance.

20 Every apartment has to have access to
21 wheelchairs at ground level.

22 MR. PAPPAS: Well, correct me if I am
23 wrong, I am thinking as you drive down Madison
24 Street to the ShopRite, in those newer buildings,
25 and they have stoops.

1 THE WITNESS: Uh-huh. And none of
2 those are used. They are there just as an
3 architectural appendage to appease some portion of
4 the master plan that was written not with modern
5 reasoning.

6 MR. PAPPAS: And people cannot go up
7 and --

8 THE WITNESS: They can, but they don't.
9 Those stairs access one particular unit --

10 MR. PAPPAS: Right.

11 THE WITNESS: -- so they solved the
12 requirement in terms of the redevelopment zone,
13 which that is, and it is different from this. That
14 is a redevelopment zone -- was a redevelopment zone,
15 so it acknowledges that portion of the redevelopment
16 zone. However, it is really one stair for one
17 apartment just to again appease that portion of the
18 ordinance.

19 MR. PAPPAS: Oh, but it still provides
20 stoops --

21 THE WITNESS: I am not going to argue
22 with you.

23 We are proposing no stoops. We think
24 this makes perfect sense for a building this size,
25 and that is it.

1 MR. PAPPAS: Okay.

2 Now, you don't seek a rear yard
3 variance, correct?

4 THE WITNESS: Correct.

5 MR. PAPPAS: And your argument is that
6 you are grandfathered in on that --

7 THE WITNESS: No.

8 MR. PAPPAS: -- then let me -- I am new
9 to this --

10 THE WITNESS: It seems --

11 MR. PAPPAS: -- I was just retained in
12 the last day or two, so forgive me, forgive me,
13 okay?

14 There is no -- presently there is a
15 permanent structure going all the way to the --

16 THE WITNESS: Yes, and I can show you
17 there is a better plan describing that.

18 Our Sheet Z-2 has a survey with the new
19 building superimposed on it. So this line that I
20 colored in before -- pardon me. I'll slide over
21 here --

22 MR. PAPPAS: Okay.

23 THE WITNESS: -- this is the existing
24 Mar Oil building --

25 MR. PAPPAS: Okay.

1 THE WITNESS: -- hydraulics that Mr.
2 Petrocelli mentioned, and this is the existing
3 three-story residential building, both part of the
4 property.

5 MR. PAPPAS: Now, this three-story
6 residential building is going to be demolished?

7 THE WITNESS: As is this.

8 MR. PAPPAS: Oh, entirely?

9 THE WITNESS: Yes.

10 MR. PAPPAS: Oh, entirely.

11 So everything is going to be demolished
12 at ground level?

13 THE WITNESS: Correct.

14 MR. PAPPAS: Now, what is the rear yard
15 requirement in this zone?

16 THE WITNESS: 30 foot.

17 MR. PAPPAS: 30 feet, okay.

18 And the balconies extend out five
19 feet --

20 THE WITNESS: Yes.

21 MR. PAPPAS: -- and I read in the
22 papers that there was 32 feet or 30 -- hum -- yeah,
23 I believe 32 feet to the rear lot line from the
24 balcony. Did I misread that?

25 THE WITNESS: You misread that. It's

1 30 feet.

2 MR. PAPPAS: So there is no structure
3 on the back, the outside of which is within 32 feet
4 of the rear of the property?

5 THE WITNESS: That's correct.

6 I may just add, as Mr. Matule pointed
7 out, the applicant is now proposing to pull this
8 back to 60 feet aligned with -- and the adjacent two
9 buildings to our north, and then also meeting the
10 ordinance requirement.

11 MR. PAPPAS: Okay.

12 CHAIRMAN AIBEL: Just to make that
13 point, Mr. Minervini, with the balcony, that portion
14 would be at 65 foot from the front.

15 THE WITNESS: The building, back face
16 of the building as revised, as proposed to be
17 revised, would be 60 feet, and the balconies would
18 be an additional five, and we would then have a 35
19 foot rear yard.

20 CHAIRMAN AIBEL: Good.

21 Thank you.

22 MS. BANYRA: Mr. Minervini, what would
23 be the lot coverage then with that change?

24 THE WITNESS: Well, we would remove 125
25 by five, if I could do the math, so if you want to

1 give me a second, I will get my phone out.

2 Oh, you're right. Bob is right. It
3 would be 64.5. If you look at the zoning chart, we
4 got the 65 percent pointed out, and then the
5 additional coverage for either the balcony or the
6 stairs -- point 45, pardon me.

7 MR. MATULE: You have to wear your
8 glasses.

9 (Laughter)

10 THE WITNESS: Yeah. So it's an
11 additional point 45 percent, thank you, at the first
12 floor.

13 MS. BANYRA: So the number is?

14 THE WITNESS: 60 -- that doesn't sound
15 right to me. Hang on. Let me make sure the math I
16 am giving you is correct.

17 (Witness and counsel confer)

18 THE WITNESS: Yes.

19 Mr. Matule has pointed out, and I thank
20 him, that would be 60.45.

21 MS. BANYRA: Great. Okay.

22 THE WITNESS: Again, there are two
23 balconies of five feet in depth, and I think it's 20
24 feet in width, but the property is so large that
25 that percentage is less than we typically see here.

1 CHAIRMAN AIBEL: Okay.

2 Mr. Pappas, let's keep going.

3 MR. PAPPAS: Yes. Thank you.

4 I think I asked you this, but just in
5 case, I am not positive.

6 You could design a building on this lot
7 fully compliant with the zoning ordinance, correct?

8 THE WITNESS: Of course.

9 MR. PAPPAS: Of course.

10 THE WITNESS: Of course.

11 MR. PAPPAS: I have no further
12 questions.

13 CHAIRMAN AIBEL: Thank you.

14 Board members, anything to follow up?

15 COMMISSIONER GRANA: One quick question
16 just to clarify the last point that was made.

17 If the back wall is reduced, you're now
18 saying the main structure would be at 60 percent,
19 two through five would be at 60.45, is that correct?

20 THE WITNESS: No.

21 60.5 would be overall coverage at
22 ground level, including the appendages. I didn't
23 calculate upstairs. It would be probably slightly
24 more than that. As I sit down, I'll give you the
25 exact number.

1 MR. MATULE: I can tell you the
2 numbers. I am not testifying, but it would be 60.45
3 on the ground floor because of the stairs going
4 down, and two through five would be 61.6 percent,
5 which is the 60 percent for the building and 1.6
6 percent for the balconies, which are 200 square
7 feet.

8 MR. PAPPAS: I would like the record to
9 reflect that I did not object to Mr. Matule
10 testifying --

11 MR. MATULE: Thank you for that
12 courtesy.

13 (Laughtger)

14 MR. PAPPAS: -- although he objected
15 when I questioned the architect.

16 CHAIRMAN AIBEL: Thank you.

17 Okay. Any further questions from the
18 public?

19 Can I have a motion to close the public
20 portion?

21 COMMISSIONER COHEN: Motion to close
22 public portion for this witness.

23 THE WITNESS: Thank you.

24 COMMISSIONER GRANA: Second.

25 CHAIRMAN AIBEL: All in favor?

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

3 MR. MATULE: If I may, Mr. Chairman --

4 CHAIRMAN AIBEL: Please.

5 MR. MATULE: -- I think this would be
6 an appropriate time, since the architect has
7 testified about several revisions to the plans, I
8 don't think it would make any sense to put our
9 planner's testimony on testifying about a project
10 that may be substantially changed.

11 What I would ask the Board to do is let
12 us break at this point, carry the matter to a
13 meeting date that you can advise us of, allow the
14 architect to submit plans that reflect the revisions
15 he talked about tonight, allow Mr. Kolling to go
16 ahead and make the amendments to his planning report
17 to reflect those changes.

18 I would be happy to provide copies of
19 those to Mr. Pappas also, and at that point perhaps
20 some of the objections would be alleviated, or if
21 not, we will come back here and continue, but either
22 way, we will come back and present our -- just have
23 Mr. Minervini briefly go back through whatever
24 amendments have been made to the plans and then
25 present the planning testimony.

1 CHAIRMAN AIBEL: I think we have a
2 meeting of the minds unless anybody feels
3 differently.

4 MS. BANYRA: I just had a question.
5 I am not clear in terms of the
6 architecture we're talking about.

7 I understand that there was some
8 discussion in terms of Mr. Minervini's office
9 between maybe some neighbors or a neighborhood
10 group, but if what was testified to, if that is the
11 extent of the changes, then I think it might -- the
12 Board may inform the applicant, number one, there
13 may be other comments relative to that, so I don't
14 know if we are going to be taking a nibble at the
15 apple so to speak now, and then next meeting there's
16 other comments that come up, I think, you know, so
17 maybe there should be some vetting of some
18 information now, so that we're --

19 COMMISSIONER FISHER: From the public.

20 MS. BANYRA: -- and maybe from the
21 public, so the Board will be informed and the public
22 will be informed.

23 I don't know. That is my thought
24 because we are changing based on a schematic, right,
25 Mr. Minervini?

1 Yeah, based on that, and I'm not --

2 THE WITNESS: As Mr. Galvin would say,
3 the pretty picture.

4 MS. BANYRA: -- yeah.

5 CHAIRMAN AIBEL: Well, let me ask it
6 this way, Mr. Pappas.

7 Do your clients have other issues or
8 other objections or other comments on this project?

9 MR. PAPPAS: One second.

10 (Counsel confers)

11 COMMISSIONER DE FUSCO: Mr. Chairman,
12 while they are conversing, I do have a question for
13 Frank regarding the sizing back of the lot.

14 THE WITNESS: Yes.

15 COMMISSIONER DE FUSCO: Would we still
16 be losing -- would we have to lose those two parking
17 spots, or would you be able to leave those spots and
18 still have the bike storage that Commissioner
19 Branciforte had referenced?

20 THE WITNESS: We could keep those two
21 parking spaces and put some additional bike storage
22 in this area that I mentioned before.

23 COMMISSIONER DE FUSCO: Because, in my
24 opinion, and I don't -- I think that given the
25 coverage in general, I don't see the point of losing

1 those two spots, but that is just a thought.

2 THE WITNESS: Okay.

3 COMMISSIONER BRANCIFORTE: Well, you
4 know, if anything else, two spots could be made into
5 compact, but I guess compact spots are the same
6 width anyway, right? It's the depth.

7 COMMISSIONER DE FUSCO: It's the depth,
8 yeah.

9 THE WITNESS: They are a foot --

10 COMMISSIONER DE FUSCO: And if you can
11 get your bike storage out of it, John, which I agree
12 with, plus leave those two spots that, again, we
13 mentioned that parking does make units
14 family-friendly, I think, in my opinion, it would be
15 better.

16 CHAIRMAN AIBEL: Mr. Pappas?

17 MR. PAPPAS: Just one question.

18 Basically I raised all of the concerns
19 of my client. There's no additional concerns. The
20 only thing is I wanted to ask one more question.

21 Could the ground level be used for
22 other things than parking?

23 THE WITNESS: It could be used for
24 parking, a lobby or commercial space. Now, that
25 would be with a variance, I might add.

1 I think we would need a use variance
2 because there are no other commercial spaces on that
3 side of the street, so --

4 MR. MATULE: Well, it --

5 THE WITNESS: -- I take that back.

6 I'm sorry, Bob.

7 MR. MATULE: -- it would require a
8 variance. I think it would be a C variance from
9 Section 196:33.

10 There's a difference of opinion about
11 that, whether that's a conditional use or a
12 permitted use with conditions, but one way or
13 another, it would require a variance.

14 MS. BANYRA: Can I ask a question?

15 MR. PAPPAS: Could it be used for
16 sports?

17 THE WITNESS: No.

18 MR. PAPPAS: It couldn't be like a
19 court --

20 THE WITNESS: No.

21 MR. PAPPAS: -- something like that?

22 THE WITNESS: The DEP regulations do
23 not allow that within a flood plain. They allow
24 only the necessary spaces to access the building or
25 parking.

1 CHAIRMAN AIBEL: Ms. Banyra?

2 MS. BANYRA: Yes. I just had one
3 question, Frank.

4 The rendering that you are proposing
5 there, does that result in any other variances?

6 THE WITNESS: It does not.

7 MS. BANYRA: Does it result in any
8 other request of the City Council because of it
9 either coming out -- I think maybe you can just --
10 if there is anything that we should know, and what
11 your testimony was that it is going to be breaking
12 the building into an appearance of multiple facades,
13 is that --

14 THE WITNESS: That was part of it. We
15 also think we achieved that with the previous
16 design.

17 This was in response to a conversation
18 that I had with Mr. Vance, who was speaking with the
19 neighborhood, and I absolutely agreed with him. He
20 thought that with the other building, we could have
21 a better job in, and I think we did on this, and I
22 think they were happy with that.

23 In terms of City Council, we are not
24 proposing any decks nor bays. There's just an
25 architectural element, which would not need City

1 Council approval. So in terms of other variances or
2 outside approvals, there is no difference between
3 this and the design that is submitted.

4 MS. BANYRA: Okay.

5 So will it actually read as in two
6 structures, three structures, Frank?

7 Can you indicate that?

8 THE WITNESS: I think this answers the
9 question.

10 MS. BANYRA: I am not a hundred percent
11 clear from that.

12 THE WITNESS: I will tell you that the
13 rendering always does a better job of explaining
14 what a building looks like relative to a
15 two-dimensional drawing.

16 MS. BANYRA: Yeah, yeah, yeah.

17 THE WITNESS: So, in my opinion, yes,
18 it does. It doesn't do it in a very formal break it
19 up in a 25 foot way, but we did it by using
20 different masses and different materials.

21 MS. BANYRA: So is that the south?

22 THE WITNESS: Yes.

23 MS. BANYRA: Yeah. So that is one
24 break, and then you'll have that exterior --

25 THE WITNESS: Here, here, here, and

1 here --

2 MS. BANYRA: Okay.

3 THE WITNESS: -- even within this is
4 broken up into smaller pieces with a change of
5 materials.

6 MS. BANYRA: Okay. Thank you.

7 CHAIRMAN AIBEL: So I am clear, the
8 offer or the proposal is to reduce the size of the
9 depth of the building to 60 feet.

10 MR. MATULE: The principal to 60
11 percent.

12 CHAIRMAN AIBEL: Change the facade.
13 Is there going to be a setback on the
14 fifth floor?

15 MR. MATULE: Pull the top floor back
16 ten feet.

17 CHAIRMAN AIBEL: Ten feet.
18 Is there anything else major that we
19 are talking about?

20 THE WITNESS: No. The addition of a
21 bicycle storage closet for lack of a better term.

22 COMMISSIONER DE FUSCO: Well, also the
23 retention basin. I'm curious, and maybe our Board
24 engineer can advise on this to edify me.

25 What is the minimum required by North

1 Hudson, and can there be a larger retention basin to
2 alleviate the flood situation?

3 MR. MARSDEN: You can always have a
4 larger detention basin. I mean, that's -- the more
5 you detail, the less you are going to release into
6 the system, and in this case into a treatment
7 facility during the peak floods.

8 So if you have larger retention, you
9 will be releasing less than typically you would be
10 releasing currently.

11 What is required, I believe RSIS on
12 this particular building, and they require, I
13 believe, some reduction, but it depends on how the
14 existing impervious is interpreted.

15 So if designed according to RSIS, you
16 have certain detention requirements at certain storm
17 levels, and that is what North Hudson will hold them
18 to.

19 THE WITNESS: But having said this, in
20 terms of construction, it doesn't make much of a
21 difference in terms of area taken or even really
22 cost to make it larger. So if you made this 25
23 percent larger, I would be happy to do that.

24 CHAIRMAN AIBEL: Okay. I don't think
25 we are here to redesign the application or your

1 building. I think we have gone as far as we should.

2 So the proposal, though, is to carry
3 without notice, without further notice, and you
4 waive whatever time.

5 MR. MATULE: Absolutely.

6 CHAIRMAN AIBEL: Pat, do you have any
7 idea when we could put this matter back on?

8 MS. CARCONE: In February, we have the
9 17th. The 24th is pretty full with the Stevens'
10 application.

11 CHAIRMAN AIBEL: Yes. I would think in
12 March sometime.

13 MS. CARCONE: March 17th or March 24th.

14 MR. MATULE: I prefer that, March 24th,
15 because the 17th is the regular meeting, so I don't
16 want to mess up --

17 THE WITNESS: On St. Patrick's Day.

18 (Laughter)

19 MS. CARCONE: Are you talking about
20 February or March?

21 March.

22 CHAIRMAN AIBEL: You are not going to
23 be available?

24 THE WITNESS: I will be, if needed.

25 (Laughter)

1 CHAIRMAN AIBEL: What do we have?

2 MS. CARCONE: So March 24th is the
3 preferred date, and you are available, and your
4 planner.

5 MR. PAPPAS: That I have to confirm.

6 CHAIRMAN AIBEL: Well, let me just say
7 that notwithstanding any of our comments or the
8 inferences that you may draw from what we said, it
9 is an application we will consider on the merits --

10 THE WITNESS: Of course.

11 CHAIRMAN AIBEL: -- and you haven't
12 gotten Board approval on anything.

13 MR. MATULE: I fully appreciate that,
14 Mr. Chairman.

15 We will have the revised plans to the
16 Board professionals and a revised planning report
17 filed. I will try to make it more than ten days,
18 but at least -- well, it is 11 days because it falls
19 on a Friday, but I will try to get them in sooner
20 than that, at least two weeks before the 24th.

21 MR. MINERVINI: We could have the
22 drawings the middle of next week to distribute.

23 CHAIRMAN AIBEL: And you will provide
24 Mr. Pappas with a revised set?

25 MR. MATULE: Yes. I will provide Mr.

1 Pappas with a set and with the revised --

2 CHAIRMAN AIBEL: Okay. Can I have a
3 motion?

4 COMMISSIONER DE FUSCO: I just want to
5 make sure that the attorney on the other side is
6 going to be able to have his planner here for that
7 meeting.

8 MR. PAPPAS: I have to check with the
9 planner. You know, this is the first time that date
10 is coming up.

11 COMMISSIONER DE FUSCO: Sure.

12 MR. PAPPAS: March 24th?

13 COMMISSIONER DE FUSCO: I mean, it's
14 far enough in advance. I mean, there is a lot of
15 community here, and I would -- I understand you
16 can't speak for the planner, but --

17 MR. PAPPAS: What day of the week is
18 that?

19 CHAIRMAN AIBEL: It's a Tuesday.

20 I think we have a large number of
21 people here. I think the commitment should be that
22 we are going to move forward on the 24th --

23 COMMISSIONER FISHER: The 24th of
24 March.

25 CHAIRMAN AIBEL: -- the 24th of March.

1 Please do what you must to get them here.

2 MR. PAPPAS: I will, yes.

3 COMMISSIONER COHEN: I motion to move
4 this meeting to March 24th without further notice.

5 COMMISSIONER DE FUSCO: Second.

6 CHAIRMAN AIBEL: All in favor?

7 (All Board members voted in the
8 affirmative.)

9 CHAIRMAN AIBEL: All opposed?

10 Thank you.

11 Thanks, Mr. Matule.

12 We will take a ten-minute break and
13 then we are going to move on to 722-730 Jefferson.

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

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
Dated: 2/10/15
My commission expires 11/5/2015.
This transcript was prepared in accordance with
NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 RE: 722-730 Jefferson Street :February 4, 2015
 Block 83, Lots 20-24 :SPECIAL MEETING
 Applicant: 722 Jefferson, LLC :
 Preliminary Site Plan & C&D Variances :Wednesday 8:45 pm
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff

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

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

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1 I N D E X

2

3 WITNESS PAGE

4

5 FRANK MINERVINI 100

6

7 EDWARD KOLLING 156

8

9

10 E X H I B I T S

11

12 EXHIBIT NO. DESCRIPTION PAGE

13

14 A-1 Colored rendering 100

15 A-2 Drawings 101

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1 CHAIRMAN AIBEL: Hello, everybody.
2 We're back on the record. My timekeeping has been
3 criticized.

4 (Laughter)

5 Mr. Matule?

6 MR. MATULE: You noticed the clock is
7 gone.

8 (Laughter)

9 Good evening, Mr. Chairman, and Board
10 Members.

11 Robert Matule appearing on behalf of
12 the applicant.

13 This is an application for property at
14 722-730 Jefferson Street. The application is for
15 preliminary site plan approval and variances to
16 construct a five-story 15-residential-unit building
17 on the site.

18 I have two witnesses tonight, Frank
19 Minervini and Ed Kolling. I also have a
20 representative of the applicant here, if need be,
21 and I submitted all of my jurisdictional proofs
22 previously to the Board Secretary.

23 So if we could have Mr. Minervini
24 sworn.

25 CHAIRMAN AIBEL: Please swear Mr.

1 Minervini in.

2 MR. GLEASON: Do you swear or affirm
3 that the testimony you're about to give is the
4 truth, the whole truth, and nothing but the truth?

5 MR. MINERVINI: I do.

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

8 THE WITNESS: Frank Minervini,
9 M-i-n-e-r-v-i-n-i.

10 CHAIRMAN AIBEL: And nothing has
11 changed in your professional status in the past 15
12 minutes?

13 THE WITNESS: No, nothing has changed.

14 (Laughter)

15 CHAIRMAN AIBEL: We accept your
16 credentials.

17 THE WITNESS: Thank you.

18 MR. MATULE: Thank you.

19 Mr. Minervini, again, before we start,
20 I see you have boards here, so if we can mark them.

21 THE WITNESS: We have two. We have a
22 colored facade --

23 MR. MATULE: So A-1 is a colored facade
24 rendering prepared by your office?

25 (Exhibit A-1 marked.)

1 THE WITNESS: Yes. It's the same
2 drawing that is part of a bigger drawing packet, but
3 we added materials and color.

4 MR. MATULE: A-2?
5 (Exhibit A-2 marked.)

6 THE WITNESS: A-2 are four, I'll call
7 them drawings, but they are drawings based on top of
8 photographs. There's four of those, and one actual
9 Google Earth photograph.

10 What we have done is we have taken
11 Google Earth and modeled the adjacent properties as
12 well as ours to show context of the adjacent
13 buildings.

14 MR. MATULE: Thank you.

15 So could you describe for the Board the
16 existing site and the surrounding area, and what the
17 current use of the property is?

18 THE WITNESS: Yeah.

19 The current use of the property is a
20 garage as well as an empty parking area.

21 I will start with Sheet Z-2, because it
22 is an odd lot relative to the majority here in
23 Hoboken. So the width is, as the last project, 125
24 feet, so it is five lots wide. However, the first
25 two to the south, which would be Lots 22 and 23, are

1 the full 100 feet in depth, so these two lots are 25
2 by 100 and 25 by 100. The last three are 25 by 75
3 each. So you have three 25 by 75, and one 50 by a
4 hundred.

5 In essence, you have got a 75 by 75
6 square, and a 50 by 100 rectangle.

7 Normally these three lots will extend
8 to 100 foot depth, but we are one property from the
9 corner, so we lost that additional space.

10 In terms of context, and we will
11 probably start now with A-1, we're at Madison
12 Street, so 722 Madison -- I'm sorry -- Jefferson
13 Street and 8th Street.

14 So here is our closest intersection.
15 We are on the west side of Jefferson. Madison is to
16 the west of us. Obviously Adams is to the east.

17 8th Street and 7th Street.

18 The property directly to our north is a
19 one-story structure shown here.

20 This section is a hair salon.

21 This section is a neighborhood bar
22 called DC's.

23 The building behind us, which is what
24 partially drives the design that we are proposing,
25 the building behind us is a four-story albeit a 50

1 foot high, four-story residential structure. That
2 building in particular -- our building responds to
3 that building in particular.

4 So as I discussed here, the four-story
5 adjacent brick, that is shown on Sheet Z-2 here,
6 so what that means is I have more drawings to help
7 describe it.

8 The same Sheet Z-2, our lots right here
9 are for the first one, two, three lots completely
10 surrounded or bordered by a 50 foot high wall.

11 So this building, which faces Madison
12 Street and faces 8th Street, has a 50 foot high wall
13 on the property line with no windows directly to our
14 rear. That occurs for the first three parcels for
15 ours, which are 730, 720, 726 Jefferson. And as we
16 go further south, it is more standard 25 foot lots
17 with typical rear yards.

18 Our building, proposed building, the
19 footprint is here, but I will describe it in much
20 greater detail.

21 We are proposing 15 residential units,
22 five stories with the top floor, the fifth floor,
23 being set back ten feet off the property line.

24 If you look at our lot coverage
25 calculation, and I will go through the zoning chart

1 as will Mr. Kolling, our proposed lot coverage --
2 let me get by the stairs -- pardon me -- we, of
3 course, made it 60 percent. We are proposing 88.28
4 percent on the ground floor, and I'll describe it,
5 but more to the point I want to make now is we are
6 proposing 70.6 percent, and that seems like you
7 would think that the building is larger than what
8 could be typically permitted.

9 However, our proposal is for a standard
10 60 foot depth building. So if I go to Sheet Z-6,
11 our building at 125 feet in width, and it's the
12 standard 60 feet in depth.

13 So for the first two portions, two lots
14 on the property, we are left with a rear yard, a
15 40-foot rear yard.

16 For the three 25 by 75 foot lots, we
17 have -- pardon me -- a 15 foot yard, which separates
18 our building from the adjacent property, which is
19 that tall 50 foot blank wall I described.

20 What we have done, we treated this
21 rather odd-shaped lot as if it were a standard sized
22 100 foot depth lot, and we have done that for a
23 couple of reasons.

24 First: It allows us to provide the
25 right amount of parking.

1 Second: The impact that would have
2 been to the property to our west is not there.
3 There is no impact, as I see it, because that wall
4 is a blank wall, so it's a 50 foot high blank wall.
5 Going back to sheet A-2, this wall right here. This
6 wall here, it is a 50 foot high wall.

7 So what we have done is we have
8 designed the building, as this Board has seen many
9 times, at 60 feet in depth. And the second reason
10 for that 60 feet is the minimum we can have for a
11 double-loaded corridor, so a double-loaded corridor
12 means egress stair, egress stair, somewhere in the
13 center of the building with a hallway connecting
14 them to, and that allows apartments both to the
15 front and both to the rear. Anything less than
16 that, these dimensions become too narrow for an
17 apartment.

18 60 feet is the standard minimum size
19 double-loaded corridor. That allows a building of
20 125 feet in length to work well.

21 At ground level, our lot coverage is
22 higher. It is 88.28 percent, and that is again
23 completely because we are responding to the adjacent
24 condition. So the adjacent property comes up to the
25 property line here. There is a blank wall right

1 there.

2 So our thought was at ground level,
3 let's extend the building to the full 75 feet in
4 depth. Our wall meets their wall. There is no room
5 otherwise for our garden, and then we can have
6 similar to what we discussed before, a double-loaded
7 corridor in terms of parking.

8 So I will start going through the floor
9 plans now after giving that brief description of
10 what we are proposing.

11 Sheet Z-3 shows our ground floor plan,
12 so 125 in width, 60 feet in depth, 75 feet in depth
13 at ground level, so the building above comes to
14 here.

15 Again, this is a completely blank wall.
16 This wall goes 50 feet high, this 50 foot height
17 here.

18 What we have done is we responded to
19 the condition behind us, where there is no building
20 in a standard Hoboken residential structure, and I
21 have that shown on Sheet Z-1 here. You have an
22 empty lot, and then a standard residential structure
23 right there at Lot Number 12, so there we responded
24 to that condition by having a 25 foot rear yard.

25 Parking on the ground floor, we are

1 proposing a resident storage area, a lobby, trash
2 and recycling.

3 There are 21 parking spaces proposed,
4 15 residential units, car charging stations, and a
5 water retention system beneath this. Very similar
6 to the things that we talked about in the last
7 project.

8 Sheet Z-4 describes our water detention
9 schematic design, as well as our idea for the rear
10 yard.

11 I will skip to Sheet Z-6. This is our
12 residential floor plans, so the second floor plan,
13 the third floor plan on this sheet.

14 Four units per floor, and that is the
15 same for all of these lower apartments.

16 We have a three-bedroom at 1715 square
17 feet, a three-bedroom at 1550 square feet, and a
18 three-bedroom at 1675 square feet, and a
19 three-bedroom at 1800 square feet, all three-bedroom
20 units. This one could possibly be a four-bedroom,
21 but varying areas.

22 That second floor will also have access
23 to a garden above the parking roof that is 15 feet
24 in depth.

25 So we've he got our building, a 15 foot

1 terrace, this 40 foot high building, and that
2 condition is best shown here.

3 I can certainly pass this around.

4 Again, this is a completely blank wall
5 to our west.

6 COMMISSIONER DE FUSCO: Would you mind?

7 THE WITNESS: Sure, sorry.

8 Two 120 square feet balconies extending
9 six feet and 20 feet in width, and you will see this
10 dimension. They are nine feet from that blank wall,
11 and 34 feet from the blank wall from the property
12 line when it's finished.

13 Sheet Z-7, which is floors four and
14 five, the same as the apartments below, save for the
15 fact that we have got balconies off the back as
16 opposed to a rear terrace. So the fourth floor has
17 two balconies of six by 20, similar to floor three.

18 The fifth floor we are sitting back
19 from the front property line ten feet, so the actual
20 dimension of the structure's depth at the fifth
21 floor is 50 feet as opposed to 60 below.

22 So we have ten feet from the front
23 property line, and 15 feet, and then 15 feet again
24 to that 50 foot high wall. Three balconies in this
25 case.

1 The roof plan: Again, similar to the
2 previous application, which was the same sized
3 building at 125 by 60 feet in depth as it turned out
4 to be with the revision. In this case we are
5 proposing one, two, three roof decks, 250 roughly
6 plus or minus 256 square feet, and again, as the
7 previous project, we are proposing screened planting
8 around each of those decks with their own private
9 stair up.

10 The majority of the remaining roof area
11 would be the extensive green roof, as I described
12 before. Any of the walkway areas that are required
13 for maintenance will all be the white reflective
14 roof.

15 In terms of the elevation, we had the
16 same -- I won't say struggle, but the same issue in
17 terms of designing a large building of 125 feet in
18 width, which doesn't happen very often in this urban
19 environment. So we had to figure out
20 architecturally and esthetically how to break it
21 down, and I think our rendering, which is A-1,
22 describes it better, so we are basically doing that
23 with different planes as well as materials.

24 As I described, this fifth floor is set
25 back ten feet. These are our stair penthouses.

1 This is the adjacent building behind us
2 with its penthouse, and then we have a combination
3 of cast stone, aluminum and brick.

4 I could pass this around, too, because,
5 again, it does a better job relative to the Sheet
6 Z-9 drawing. 50 feet in height off of the ground, a
7 combination of cast stone, aluminum and brick.

8 Sheet Z-10, rear elevation, side
9 elevations, you can clearly see the setbacks as I
10 described at the fifth floor.

11 Sheet Z-11 has a very informative
12 drawing, our sight line diagram. This drawing
13 reflects a cross-section of the building, so here is
14 our adjacent building at 50 feet in height.

15 Here is our garage extension, let's
16 call it at 15 feet in depth, the remaining building.
17 This is the majority of the building. This is the
18 outline, so we go up 40 feet from the front, which
19 is consistent with other buildings on the street.
20 So right below that, we have our street elevation,
21 so 40 feet is consistent with other buildings.

22 We have set back that fifth floor ten
23 feet, so if somebody is standing across the street,
24 and they are six feet high, this is what they would
25 see, so that is our sight line diagram.

1 The bulkhead is concealed as well as
2 our stair bulkhead, elevator bulkhead, and with our
3 cornice and parapet, the recessed area. That is not
4 to say that if somebody is at the fifth floor behind
5 us, they wouldn't see this structure. I'm just
6 making the point that the impact from Jefferson
7 Street is minimal.

8 Again, in terms of context, I think our
9 building fits well with the adjacent street. It is
10 kind of a hodge-podge of designs, and some buildings
11 are newer. Some are to be renovated, and some are
12 in good condition. It is cornered by St. Ann's
13 Church on the south, and on the north the one-story
14 nail salon and bar that I mentioned before.

15 So if you consider the majority of the
16 facade at the 40-foot line, that is what takes us
17 across. And even the setback 50 foot line is not
18 completely inconsistent. We've got 710, the church.

19 Z-12 is the adjacent properties, so our
20 Jefferson Street top photographs show the hair salon
21 that I mentioned, an empty lot, a garage, and the
22 other garage for part of our property down to here,
23 pardon me.

24 These are adjacent properties. One is
25 under construction. This one is just about finished

1 at 714, the church, as well as a three-story
2 building directly north of 716. So we think
3 contextually our building extends here. Directly
4 across the street to our north is a six-story
5 building, residential as well.

6 So that is the extent of the drawings.

7 The building will, of course, be ADA
8 compliant, fully sprinklered. We have not figured
9 out yet the construction method, but we will, of
10 course, meet all of the IBC standards.

11 We are proposing new sidewalks with
12 this design and street trees.

13 MR. MATULE: Frank, will the building
14 be LEED certified?

15 THE WITNESS: Pardon me, yes.

16 As I discussed in previous
17 applications, this building will be LEED certified.
18 It will have -- we have not yet figured out the
19 actual points to get to there, but we will, and
20 certainly some of them will be the electric car
21 charging station, how the demolition of the existing
22 structure is handled, water retention, and those are
23 some of the ways we will achieve the points --

24 MR. MATULE: And in the garage --

25 THE WITNESS: -- pardon me, and the

1 green roof.

2 MR. MATULE: -- in addition to the wall
3 mounted bike racks, you have a separate bicycle
4 storage room?

5 THE WITNESS: Yes. There's a bicycle
6 storage room. There's trash recycling. There is
7 mail. There is a deeded unit storage, which can be
8 for bicycles, and we have an area deeded for bicycle
9 storage.

10 MR. MATULE: I don't know if you show
11 it on here, but if the project is approved, would
12 you have LED lighting for the garage?

13 THE WITNESS: Yes.

14 This was submitted prior to not
15 discovery, for lack of a better term, and yes, of
16 course, if approved, we would happily revise the
17 drawings as all of our future drawings will show
18 that LED system as a warning light within the slab
19 for passers-by.

20 MR. MATULE: And the project has been
21 run by the Flood Plain Administrator?

22 THE WITNESS: Yes.

23 And similar to any building this size,
24 we have to dry flood proof the garage, which means
25 that the entry door here, the garage door here,

1 those would be flood panels brought up to the base
2 flood elevation.

3 At the areas of egress, which is one at
4 the southern section and two at the main lobby,
5 those areas will be wet flood proofed, so they are
6 designed to accept flooding and water with a vent on
7 the door. So when the water recedes, it could go
8 through the vent, and also you can open and close
9 the door even in the case of water, and none of the
10 materials inside will be damaged.

11 MR. MATULE: And you received Mr.
12 Marsden's letter of October 21, revised January 21?

13 THE WITNESS: Yes, I have.

14 MR. MATULE: And are you able to
15 address the issues that he has raised in there?

16 THE WITNESS: Yes. There is nothing
17 that we cannot address.

18 MR. MATULE: Okay. Then I have no
19 further questions.

20 CHAIRMAN AIBEL: Thanks.

21 Board members?

22 Mr. Grana?

23 COMMISSIONER GRANA: Few questions.

24 Mr. Minervini, the first floor from the
25 front lot line will be 75 feet --

1 THE WITNESS: Correct.

2 COMMISSIONER GRANA: -- in total?

3 THE WITNESS: Yes.

4 COMMISSIONER GRANA: That is correct?

5 THE WITNESS: Yes.

6 COMMISSIONER GRANA: Okay.

7 That puts you at the -- I will call it

8 the face of the brick wall and the adjoining

9 structure --

10 THE WITNESS: Correct. That is here,

11 in here.

12 COMMISSIONER GRANA: And you only --

13 for Lots 20, 21 and 22, you don't have a normal

14 sized lot, is that correct?

15 THE WITNESS: No. We continued the 60

16 foot depth of the building, and the lot is 25 feet.

17 COMMISSIONER GRANA: Lots 23 and 24 are

18 a hundred feet in depth?

19 THE WITNESS: Correct.

20 COMMISSIONER GRANA: And you will

21 extend the bottom structure 75 feet from the front

22 lot line?

23 THE WITNESS: Yes.

24 COMMISSIONER GRANA: Thank you. That

25 is on Z-2.

1 I'm sorry. I do have more questions,
2 but I will let the next person go.

3 COMMISSIONER DE FUSCO: Mr. Chair?

4 Well, just to follow up on Commissioner
5 Grana's point, you know, those two lots, the corner
6 facing lots, 23 and 24, you testified that, you
7 know, you are creating a normal 60 foot setback
8 building, but in reality, what you are doing is
9 you're extending on those two particular lots deeper
10 into the green space, so can you just walk us
11 through that?

12 THE WITNESS: Yes. That is at the
13 ground level only.

14 COMMISSIONER DE FUSCO: Correct.

15 THE WITNESS: And that was, again, in
16 response to this wall, and our thought was we would
17 continue that wall for a cleanly organized garage.

18 Above, which would start at Sheet --

19 COMMISSIONER DE FUSCO: Sure, it gets
20 set back --

21 THE WITNESS: -- it gets set back, yes.

22 COMMISSIONER DE FUSCO: -- but why on
23 the two southern facing lots wouldn't you then
24 recess the building, bring it forward, thus allowing
25 what would have been the green space, if it were,

1 you know, two single family -- two single buildings
2 or a combined building?

3 THE WITNESS: It's certainly something
4 we can look at.

5 It wouldn't impact the residential
6 floors above. I understand.

7 COMMISSIONER DE FUSCO: Right.

8 THE WITNESS: It would make for an
9 interesting garage, as I think we could certainly
10 accommodate it.

11 COMMISSIONER DE FUSCO: Sure. And I
12 wouldn't want to lose the bike storage either or
13 something like that.

14 THE WITNESS: Yes.

15 COMMISSIONER DE FUSCO: The other
16 question I have for you is: The building on the
17 corner of Madison and 8th Street, is that building
18 taller than what you are proposing?

19 THE WITNESS: Yes. It's slightly
20 taller. It is four stories. It's a renovated
21 industrial building, converted industrial building
22 to a residential use. I think the drawing of this
23 board has a better description of it.

24 COMMISSIONER DE FUSCO: So it is just
25 slightly by a couple feet --

1 THE WITNESS: Very close, but it's
2 slightly taller.

3 I'm sorry. And our elevation drawings
4 probably reflect that as well, if I could show you
5 that here. This is the outline of that building.

6 COMMISSIONER DE FUSCO: I guess just to
7 further that question quickly: Do you think that,
8 you know, like do you think this would be -- do you
9 think that two buildings would work together, given
10 the fact that they are slightly -- they are a couple
11 feet off from one other?

12 THE WITNESS: 15 feet between the two
13 you mean?

14 COMMISSIONER DE FUSCO: Yeah.

15 I mean, is there -- is there -- is
16 there -- they're in height, but not the same height.
17 Is that architecturally advisable?

18 THE WITNESS: I don't think we need to
19 match an adjacent building that we're not touching.

20 If we were touching that building, I
21 would absolutely agree best esthetically they ought
22 to match, but there is a 15 foot difference between
23 them, and this variation is not much.

24 COMMISSIONER DE FUSCO: Okay.

25 COMMISSIONER COHEN: So you described

1 that I think there was a property to the south of
2 this one that was under construction.

3 THE WITNESS: 714, and it is almost
4 complete.

5 COMMISSIONER COHEN: Can you just tell
6 me the dimensions of that building, if you know?

7 THE WITNESS: That I recall, and we
8 were the architects for it, is a four-story
9 building, ground floor 100 percent lot coverage,
10 floors two, three and four 60 percent lot coverage,
11 total height 40 feet.

12 I think I probably show that, or I
13 better show that -- yes -- so that is shown right
14 here, 714. That accurately reflects what it looks
15 like.

16 COMMISSIONER COHEN: Got it.

17 COMMISSIONER GRANA: Chairman, I got a
18 couple more questions I think.

19 So we are proposing that on floors two,
20 three, and four, that that actually be 60 feet lot
21 coverage, is that correct?

22 And then on the top floor we are
23 proposing 50 feet lot coverage, and I will clarify
24 that -- excuse me -- I apologize -- that is ten feet
25 back from the lot line on the top floor, then 15

1 feet, and then 15?

2 THE WITNESS: Correct.

3 So if you look at Sheet Z-10, this
4 accurately describes what we're discussing. So here
5 is our front facade. Here's our ten foot setback on
6 the fifth floor, and this extends 15 and 15 in
7 between. The sight line diagrams also describes it.

8 COMMISSIONER GRANA: So what point on
9 Z-11 are you measuring height from?

10 THE WITNESS: The front section at 40
11 feet is here, which is your roof slab, and 50 feet
12 is here, your roof slab.

13 You have got a four foot penetration,
14 and this stair bulkhead we have come to learn we can
15 shrink this by a foot and a half. It doesn't have
16 to be nine feet, but the code allows us to have just
17 a seven foot six. Currently it is drawn at nine.

18 COMMISSIONER GRANA: Okay. Two other
19 questions.

20 Is a facade variance requested?

21 THE WITNESS: No, and I think we
22 describe that. I have a separate chart. Here you
23 go --

24 COMMISSIONER GRANA: Okay --

25 THE WITNESS: -- actually I don't want

1 to give you the wrong answer. It is here as well.

2 (Commissioners talking at once.)

3 COMMISSIONER GRANA: The materials --

4 THE WITNESS: I apologize. We are
5 deficient masonry, and we have got aluminum panels
6 where masonry could be, but as designed, we would
7 need that variance for just 50 percent.

8 COMMISSIONER GRANA: My last question
9 is: On Z-12, the building that I think Commissioner
10 Cohen asked his question is the building that is not
11 one-story structure to the right, but the building
12 on the other side of 8th Street go up --

13 THE WITNESS: Here.

14 COMMISSIONER GRANA: -- do you know the
15 height of that building?

16 THE WITNESS: It is six stories, and
17 it's been done in the last eight years, and I would
18 assume it's 60 feet.

19 COMMISSIONER GRANA: And I believe
20 directly below, is that the structure --

21 THE WITNESS: Directly across the
22 street is a five-story structure, and this is one
23 large building at six stories.

24 COMMISSIONER GRANA: So that is roughly
25 between 50 and 60 feet?

1 THE WITNESS: Yes.

2 COMMISSIONER GRANA: Thank you.

3 THE WITNESS: Again, both built in the
4 last ten years.

5 COMMISSIONER GRANA: Oh, the last
6 question.

7 The frame garage that you depicted here
8 on Z-2, that is not part --

9 THE WITNESS: That is not part of the
10 application. That is shown in the photograph here.

11 COMMISSIONER GRANA: That's not part of
12 the application?

13 THE WITNESS: Not part of the
14 application.

15 COMMISSIONER GRANA: Thank you.

16 Thank you, Chair.

17 COMMISSIONER COHEN: Are you seeking a
18 variance for the front lot line?

19 Are you at zero lot line?

20 THE WITNESS: We're at zero lot line,
21 yes.

22 COMMISSIONER COHEN: How does that
23 compare to the neighbors?

24 THE WITNESS: Directly to our -- this
25 drawing reflects it nicely. Directly to our north,

1 that zero lot line, directly to our south the frame
2 garage has a zero lot line. But if you look at
3 Sheet Z-1 on our 200 foot diagram, you can see all
4 of the properties, save for Lot 26, are at zero lot
5 line, and the rectory and the church.

6 COMMISSIONER COHEN: Thanks.

7 CHAIRMAN AIBEL: Ms. Fisher?

8 COMMISSIONER FISHER: Two kind of
9 random questions.

10 One: The building across the street,
11 is it really just one building, the 50 foot?

12 THE WITNESS: This?

13 COMMISSIONER FISHER: Yeah.

14 THE WITNESS: This is one building.

15 This entire length is one building --

16 COMMISSIONER FISHER: But the corner
17 part is not?

18 THE WITNESS: -- and this is one
19 building. The photograph kind of turns, so it is a
20 bit deceiving.

21 COMMISSIONER FISHER: I think when we
22 were looking at A-2 --

23 THE WITNESS: Yes, that might better
24 describe it.

25 COMMISSIONER FISHER: -- well, it

1 actually shows it as one building, and the only
2 reason why I raise it is when you see it on here,
3 you see all of these giant huge buildings. This
4 looks small, but if this is cut into different ones,
5 it's not as -- do you know what I mean?

6 THE WITNESS: They are continuous.
7 They're certainly continuous, and what we were
8 showing here, and we did it with our building is
9 just pure massing.

10 COMMISSIONER FISHER: Yeah. They are
11 continuous, but like this building, you can see the
12 front of it still looks different. So
13 notwithstanding, if it is continuous height and
14 length, you still have kind of a separation of
15 architecture?

16 THE WITNESS: Yes, absolutely.
17 We have taken that concept and applied
18 it to this as well, understanding that 125 feet is
19 not the standard.

20 COMMISSIONER FISHER: This is probably
21 not a question that you can answer unless
22 anecdotally.

23 But was there any discussion at all
24 with the neighboring site that is like an orphan
25 site, where that little cafe is? It is like a

1 little corner now.

2 THE WITNESS: Yeah.

3 THE WITNESS: So you're putting out --
4 I don't want to say arbitrary, but now we are in
5 kind of a permanent -- sorry --

6 COMMISSIONER MARSH: That's okay.

7 THE WITNESS: I have no knowledge of
8 any conversation with those adjacent properties.

9 COMMISSIONER FISHER: No idea?

10 (People in the audience talking)

11 THE REPORTER: I'm sorry. Who is
12 talking?

13 MS. BANYRA: He cannot talk.

14 THE WITNESS: I have no knowledge of
15 it.

16 COMMISSIONER FISHER: And you're just
17 left with this one little thing that has one -- has
18 one -- kind of one defined development would come
19 out of it. It's just going to be a question of
20 height.

21 CHAIRMAN AIBEL: Anything else?

22 COMMISSIONER BRANCIFORTE: Frank, there
23 was talk about putting the LED lights in the
24 sidewalk and then approaching the City Council for
25 permission.

1 Have we done it in the past?

2 THE WITNESS: We have done it, but that
3 has yet to happen. We have the drawings, and we
4 have to submit them to the zoning officer, and it
5 hasn't happened, but because we can't say at this
6 Board that we are proposing that, I am from now on
7 proposing it within our property at the threshold.

8 If we are permitted via City Council,
9 we will put them in the sidewalk.

10 COMMISSIONER BRANCIFORTE: So you would
11 have no objection in the resolution requiring you to
12 go to City Council and ask for it?

13 THE WITNESS: Of course not.

14 COMMISSIONER BRANCIFORTE: Also, is the
15 Doggie Day Care that we approved not too long ago on
16 this block also?

17 UNIDENTIFIED VOICE FROM THE AUDIENCE:

18 Yes.

19 THE WITNESS: I don't know.

20 COMMISSIONER BRANCIFORTE: Did you work
21 on that?

22 Is that your building?

23 THE WITNESS: No.

24 CHAIRMAN AIBEL: Anything else, Board
25 members?

1 Just so that I can understand, the
2 proposal that we are discussing is cutting out the
3 15 by 50 foot first floor to I guess the south of
4 the building, to expand the backyard?

5 THE WITNESS: This becomes the back
6 yard. Here, we don't have the opportunity -- well,
7 I shouldn't say that.

8 The rear property line is bordered with
9 a 50 foot high wall. So where the property is 100
10 feet deep, we are proposing a 25 foot rear yard.

11 The building at ground floor is a full
12 75 feet in depth. It certainly makes sense here,
13 and just for ease of organization, we continue that
14 wall, as Mr. DeFusco mentioned, we have the
15 opportunity to cut this out and relook at that.

16 CHAIRMAN AIBEL: Okay. So the --

17 MR. MATULE: If I just could clarify a
18 point, Mr. Minervini.

19 As originally proposed on Z-3, the rear
20 yard was going to be 25 feet. If you cut it back
21 five feet, will it now become 30 feet?

22 THE WITNESS: This section is 75 feet.

23 MR. MATULE: No. I'm talking about
24 this here.

25 THE WITNESS: I understand.

1 This is 75 feet, and this is 25. If we
2 were to cut this back an additional 15 feet, it
3 would be 40. This is 25 feet, our proposed rear
4 yard. The space between the building on floors two,
5 three, four, and five, and the adjacent blank wall
6 is 15 feet, because we have our standard 60 foot
7 depth building, double-loaded corridor. But as
8 proposed, as you see it, this is 25 feet.

9 MR. MATULE: Commissioner DeFusco's
10 question is: Could you pull that back further
11 towards the street to make that rear yard deeper.

12 THE WITNESS: Yes.

13 MR. MATULE: I think that is what the
14 Chairman --

15 COMMISSIONER FISHER: Where the green
16 is.

17 MR. MATULE: -- is trying to clarify.

18 CHAIRMAN AIBEL: I am trying to
19 understand what a revised back yard would be, a 40
20 foot deep backyard.

21 THE WITNESS: Of course, we have to
22 discuss this with the clients, but as I am answering
23 the question, it is possible to bring this back, so
24 this would be then a compliant backyard.

25 CHAIRMAN AIBEL: And you would lose the

1 private terrace off one of the back units?

2 THE WITNESS: Yes.

3 COMMISSIONER FISHER: Part of the den,
4 right?

5 CHAIRMAN AIBEL: Part of it.

6 COMMISSIONER FISHER: Yeah. It looks
7 like you could have a little one.

8 CHAIRMAN AIBEL: So let me ask you, you
9 know, what you can do to improve the private
10 terraces to in effect allay my concerns that we are
11 not getting green space.

12 What is the drainage situation on the
13 roof?

14 THE WITNESS: Let me get to the roof
15 plan.

16 CHAIRMAN AIBEL: No. I am talking on
17 the terraces, Frank.

18 THE WITNESS: Oh, my apologies. On the
19 second floor terraces?

20 CHAIRMAN AIBEL: The second floor
21 terraces.

22 MR. MATULE: Z-6.

23 THE WITNESS: So these private
24 terraces, which are 15 feet, our thought was as
25 shown to have them areas that are accessible from

1 and owned by, if these are condos, or used by, if
2 they are rentals, these two rear units. We can
3 certainly provide more green here.

4 This is going to be a rather dark
5 space, and we recognize it, and we also understood
6 that with this wall at 60 feet, kind of -- it's a
7 very difficult position here, because we really need
8 a building to be 60 feet, which is one of the
9 reasons this ordinance is written for 60 feet, well,
10 or a corridor.

11 Understanding your point, we are
12 showing some green at the perimeter. We can
13 introduce more green.

14 CHAIRMAN AIBEL: I guess I would just
15 encourage whatever you could do to make it more
16 green.

17 THE WITNESS: Yes. I understand that,
18 and I think we can address it.

19 (Commissioners talking at once.)

20 CHAIRMAN AIBEL: Yes.
21 Cactus things.

22 (Laughter)

23 Anything else, Board members?

24 Professionals?

25 MR. MARSDEN: I have a quick question.

1 Apparently I just saw it, is the
2 location in your handicapped parking spot is not
3 closest to the nearest ADA access. I would like you
4 to just move the handicapped space next to the
5 elevator.

6 Do you see where the handicapped space
7 is?

8 THE WITNESS: I'm trying to find the
9 proper drawing.

10 MR. MATULE: Z-3.

11 THE WITNESS: Yes, here we go.

12 MR. MARSDEN: It should be close to the
13 elevator.

14 THE WITNESS: Our lobby is here.

15 MS. BANYRA: It should be right there.

16 MR. MARSDEN: That is where it should
17 be.

18 THE WITNESS: I have no problem
19 changing that.

20 MR. MARSDEN: And the other question
21 is: If you extend that rear yard back to 15 feet,
22 back under there, wouldn't it be covered by the
23 terrace directly above it?

24 THE WITNESS: Well, I think the point
25 is, there wouldn't be a terrace above it.

1 THE WITNESS: Okay. That is what I --

2 CHAIRMAN AIBEL: Eileen, anything?

3 MS. BANYRA: Yes.

4 Mr. Minervini, I wanted to ask you
5 about the -- if there is an easement or a
6 right-of-way, what's going on in the adjacent
7 property to the south I guess?

8 THE WITNESS: I'm not aware of any
9 easement. Mr. Matule could probably answer that.

10 MS. BANYRA: The survey shows riparian
11 land, and it also shows an access easement, so can
12 you just describe what is happening there?

13 MR. MATULE: As I understand it, that
14 access easement is being terminated as far as the
15 riparian lands, and the property owner is getting a
16 grant from the state.

17 MS. BANYRA: And is that a typical
18 thing to get?

19 MR. MATULE: Yes. There is a process
20 where there is actually a tides land council, where
21 you have to get a special appraiser, and they figure
22 out what percentage of the land is covered by the
23 claim, and then they come back to you with a number.

24 MS. BANYRA: So that would be a
25 third-party approval post approval, how does that

1 work?

2 MR. MATULE: Well, just to be clear,
3 the applicant is a contract purchaser. So that is
4 something that the current property owner, I would
5 think, would be doing as part of the --

6 (People in the audience talking.)

7 UNIDENTIFIED VOICE FROM THE AUDIENCE:
8 We have approval from the State of New Jersey.

9 MR. MATULE: Okay.

10 Mr. Graziano is the attorney for the
11 current property owner, so I think he would be a
12 better person to answer that question. So if I
13 could just have him identify himself for the record,
14 and I don't know if you want him sworn, and he could
15 answer the question.

16 CHAIRMAN AIBEL: Why don't you come up
17 and answer the question?

18 Your name and address for the record,
19 please.

20 MR. GRAZIANO: Good evening.

21 Alexander J. Graziano, Verona, New
22 Jersey, attorney for the property owners of 722-730
23 Jefferson Street, James Vilano and Joseph Vilano.

24 MS. BANYRA: So my question was
25 relative to Lot 25, and it says basically that there

1 is an easement as indicated on the survey, and it
2 also indicates that there is some kind of riparian
3 rights.

4 So my points 9 and 10 in my report, so,
5 you know, it seems to me in the past we have had
6 information presented or some kind of release of an
7 easement or whatever provided to the Board or to the
8 attorney for their review.

9 MR. GRAZIANO: Yes.

10 We have engaged the services --
11 actually back in November of 2013, we engaged the
12 services of Edward Eastman of I believe Freehold,
13 New Jersey, who is a riparian expert, and he
14 successfully obtained a release of the riparian
15 claims of the State of New Jersey.

16 We have settled on an amount to pay to
17 the State of New Jersey, and we are awaiting Mr.
18 Eastman's final instructions to actually pay that
19 amount over to the State.

20 We are awaiting -- it was approved at a
21 meeting this past October by the State of New
22 Jersey, and we are just awaiting Mr. Eastman's
23 instructions as to when we should pay the settlement
24 amount over to the State.

25 MS. BANYRA: Okay. So that's the

1 riparian.

2 What about the access easement?

3 MR. GRAZIANO: The access easement is
4 actually, ladies and gentlemen, not an easement at
5 all. I have conducted extensive research on it, and
6 it is my opinion that it is a license.

7 MS. BANYRA: So I mean, I am not --
8 Jeff, maybe you can kind of weigh in on that. You
9 know, we have a licensed professional surveyor --

10 MR. MATULE: It says "possible
11 easement."

12 MS. BANYRA: Oh, possible easement.

13 MR. MARSDEN: Possible.

14 MS. BANYRA: Okay. Gotcha.

15 MR. GRAZIANO: And I have spoken to the
16 surveyor about it, and that was actually the
17 beginning of my research, and actually I was in
18 touch with Mr. Matule and the applicant's
19 transactional counsel regarding that and the title
20 insurance company, and everybody is of the opinion
21 that it is a license, which as the Board knows, can
22 be terminated rather than an easement, which would
23 create rights running with the land.

24 MS. BANYRA: Okay. So I mean, I guess
25 that I would recommend that that information be

1 provided to our counsel, so that they can review it,
2 you know, post approval, whatever, but that probably
3 should be in the file.

4 MR. GRAZIANO: I will provide it to Mr.
5 Matule, who could then pass it onto the Board.

6 MS. BANYRA: Great, great.

7 Then, Mr. Matule, going back to again
8 that property next door, there is a garage. I don't
9 know if it is for you or Mr. Minervini. There is a
10 frame garage next door, right?

11 MR. MATULE: Up on the front property
12 line.

13 MS. BANYRA: Yeah.

14 So can you just describe what is
15 happening on that property next door?

16 THE WITNESS: In terms of its
17 construction?

18 MS. BANYRA: Does that garage relative
19 to what -- is there a house that that is tied to?
20 Is it a -- I just don't remember what.

21 UNIDENTIFIED VOICE FROM THE AUDIENCE:
22 I don't know what they are talking about. It takes
23 so long.

24 THE WITNESS: Ms. Banyra, so I
25 understand, this is the garage you're talking about,

1 the one that borders on our southern property edge.

2 MS. BANYRA: Yes.

3 THE WITNESS: It is a one-story garage.
4 I don't know what it is used for.

5 MS. BANYRA: Is it a commercial garage?

6 (Counsel confers)

7 THE WITNESS: I could find out from the
8 property owners what it is used for, if anything,
9 now.

10 MS. BANYRA: Okay.

11 I guess, you know, we are talking about
12 open space and trying to get back the, you know, the
13 donut, and whether it is usable and light and all of
14 that other stuff, and I am just wondering in terms
15 of creating green space, you know, if there is a
16 better alternative to -- you know, it appears that
17 you have a one-story garage there.

18 We don't know what is going to happen
19 on that property adjacent to it, because that
20 obviously will be redeveloped at some point, a
21 two-story stucco in the back.

22 But, you know, as everybody is
23 redesigning green space, I am not sure that, you
24 know, I am not sure -- hypothetically maybe it is
25 better to cut off the southern half of the building

1 and create a longer green space yard as opposed to,
2 you know -- I hate to kind of be redesigning on the
3 fly, but, you know --

4 THE WITNESS: Which is what I think we
5 may be proposing in our discussions that we had with
6 a few of the Commissioners.

7 However, just to answer the initial
8 question, I recall now this garage is for this
9 two-story residential house, which is kind of an odd
10 condition on the back on the property line. They
11 are on the same parcel. You can see they kind of
12 run over each other.

13 MS. BANYRA: Okay. I think that is
14 all, Mr. Aibel.

15 CHAIRMAN AIBEL: The stair bulkhead on
16 the roof is nine feet?

17 THE WITNESS: And as I mentioned when I
18 was describing it, we learned that the construction
19 code allows us to make it seven and a half feet.

20 CHAIRMAN AIBEL: Okay.

21 THE WITNESS: So just as in the
22 previous project, all of our bulkheads from now on
23 will be at that height.

24 CHAIRMAN AIBEL: You will be able to
25 soften the side?

1 THE WITNESS: I think that is a fair
2 question as well. We can provide some kind of green
3 roof section -- pardon me -- not green roof -- green
4 wall section for any of the bulkheads that extend
5 more than four feet. I don't think they make much
6 sense for the elevator bulkheads, which are lower,
7 but for the stair bulkheads, certainly.

8 CHAIRMAN AIBEL: Yes. I would be
9 concerned about the sight lines from Madison looking
10 back at the building.

11 THE WITNESS: Well, yes. The first 75
12 feet there is no sight line from Madison -- actually
13 more than that, because that is the adjacent
14 building that L's around us.

15 I found a better drawing, Sheet Z-1,
16 so --

17 CHAIRMAN AIBEL: So the --

18 THE WITNESS: -- this is the adjacent
19 building, so it takes up the first 75 feet of our
20 property.

21 CHAIRMAN AIBEL: So is the stair
22 bulkhead in --

23 THE WITNESS: There are a few, because
24 there is one here for a stair, and there's one here
25 for a stair, and there's an elevator in the middle,

1 so these two of the common stairs are covered in
2 essence by this building, if you are looking at it
3 from Madison Street.

4 CHAIRMAN AIBEL: Okay. And --

5 THE WITNESS: If I go to the roof plan,
6 which would be Sheet Z-8, we have this bulkhead,
7 which is the only one that would be seen from
8 Madison Street, and I can, as described, drop that
9 down.

10 CHAIRMAN AIBEL: Okay. And soften it?

11 THE WITNESS: And soften it, yes,
12 sorry.

13 CHAIRMAN AIBEL: Okay.

14 Anything else?

15 COMMISSIONER BRANCIFORTE: Well, did we
16 speak to the height?

17 I may have missed this about the fifth
18 floor.

19 Frank, why is it necessary to have a
20 fifth floor at all?

21 THE WITNESS: Necessary?

22 COMMISSIONER BRANCIFORTE: What is the
23 purpose architecturally, or does it help --

24 THE WITNESS: Architecturally, if you
25 speak to the architecture first, at 125 feet the

1 proportions are certainly better at five floors, but
2 I understand that that is not really this Board's
3 concern. But as an architect, proportions work
4 better.

5 Nevertheless, for us it allows -- we
6 have a reduction in density by one unit, but it
7 allows those 15 units that we are proposing to be
8 slightly bigger and our --

9 COMMISSIONER BRANCIFORTE: So right
10 now --

11 THE WITNESS: -- sorry --

12 COMMISSIONER BRANCIFORTE: -- sorry, go
13 ahead.

14 THE WITNESS: -- our thinking was,
15 again, because of what is behind us, the impact is
16 really minimal of a five-story building, which again
17 is set back ten feet off the property line, front
18 property line, considering the context behind you
19 and considering the context directly to our north,
20 which is six stories. To our east are five and
21 six-story buildings.

22 As we go down the street, other than
23 there is one five-story and then there's the St.
24 Ann's Church, which is a bit taller, so it is not
25 out of context we don't think.

1 COMMISSIONER BRANCIFORTE: Yeah. Well,
2 I'm wondering how many of those five-story buildings
3 and six-story buildings are you talking about have
4 been built with variances.

5 THE WITNESS: I don't know the answer.

6 MS. BANYRA: If your testimony was in
7 the last ten years, so then all of them.

8 THE WITNESS: They were all certainly
9 within the last ten years.

10 MS. BANYRA: If they were built in the
11 last ten years, then the zoning doesn't allow for
12 that, and then they all had to be built with a
13 variance.

14 COMMISSIONER MARSH: Unless they were
15 in a redevelopment zone.

16 MS. BANYRA: But it's not a
17 redevelopment zone.

18 COMMISSIONER MARSH: Oh, I'm sorry.
19 The one that way is.

20 COMMISSIONER MURPHY: Which one?

21 COMMISSIONER BRANCIFORTE: So what
22 happens if you lose the fifth floor, you are saying
23 architecturally, it looks kind of squat, I guess?

24 THE WITNESS: That's my opinion, yes.
25 Again, contextually, and the fifth

1 floor makes sense, so that would be three reasons
2 for it.

3 COMMISSIONER BRANCIFORTE: Gotcha.

4 CHAIRMAN AIBEL: Did you describe the
5 street improvements?

6 THE WITNESS: I may have forgotten.
7 Just in case, I'll go over it again.

8 New sidewalk, of course, new curbing,
9 and street trees, and I will go to the proper floor
10 plan, Z-3. So this entire section is to be
11 repaired -- not repaired -- replaced with concrete.

12 Currently there are two depressed
13 sidewalk areas for the exits of the existing garage,
14 so we will be removing two of them and introducing
15 one, so we will gain back one parking space on the
16 street.

17 There will be a small planter as
18 described in our details here to soften the front
19 face of the building, where the building meets the
20 sidewalk, and four street trees.

21 CHAIRMAN AIBEL: Anything else?

22 COMMISSIONER BRANCIFORTE: Well, just
23 one quick thing. I'm sorry, Jim.

24 Now I'm confused, because we are
25 setting back the fifth floor ten feet --

1 THE WITNESS: Yes.

2 COMMISSIONER BRANCIFORTE: -- so you
3 won't be able to see it from the street. So from
4 the street it is going to look like a four-story
5 building anyway.

6 THE WITNESS: My testimony was based on
7 the sight line diagram, that from directly across
8 the street, you won't see it, and that is the reason
9 for the setback.

10 Other portions of the street, you
11 certainly will see it, and I did say that. I am
12 certainly acknowledging that that fifth floor is not
13 going to be invisible.

14 From directly across the street, as the
15 diagram shows, it is invisible.

16 COMMISSIONER BRANCIFORTE: Yeah,
17 because it kind of contradicts what you just said I
18 think, where you're saying, no, you need the fifth
19 story, so the building looks architecturally good,
20 pleasant, pleasing --

21 THE WITNESS: As I said --

22 COMMISSIONER BRANCIFORTE: -- and at
23 the same time, you are saying, no, it is going to
24 actually be a four-story building when you look at
25 it from across the street.

1 THE WITNESS: No. That is sort of what
2 I said, but not exactly.

3 What I said was the fifth floor setback
4 is in response to what we understand the Zoning
5 Board wants, and we've experienced on previous
6 projects.

7 In terms of pure architectural scale,
8 it is certainly better at five feet -- 50 feet and
9 five stories.

10 Do I think it would be better, if we
11 moved that front wall up?

12 Probably, but this is kind of a
13 compromise in terms of pure architecture, but I am
14 not here describing the building for pure
15 architecture. We don't design out of context with
16 any zoning code or context. We have to design
17 within that to a point, and where we don't, we are
18 asking for a variance.

19 COMMISSIONER BRANCIFORTE: Okay. Now I
20 am more lost than before.

21 THE WITNESS: The building can be
22 designed at three stories. It can be designed at
23 four stories. It can be designed at five stories.

24 What you had asked specifically, what
25 did I think about the architect.

1 I said it was my opinion, that
2 certainly the proportions work better with a taller
3 building considering it's 125 feet. That's all.

4 COMMISSIONER BRANCIFORTE: The height
5 of the building is kind of going to be hidden when
6 you set back the top ten feet --

7 THE WITNESS: From a particular
8 perspective, and after I pointed that perspective
9 out, which is the one we often talk about across the
10 street --

11 COMMISSIONER BRANCIFORTE: Right.

12 THE WITNESS: -- from anywhere else,
13 you're still going to see it, and we understand
14 that, and I am acknowledging that you will see it.

15 However, from the first 64 feet from
16 the north to the south, you won't see it, because
17 there is a building of 50 feet in height there,
18 another reason why we matched it.

19 COMMISSIONER FISHER: Hum, I have one.

20 CHAIRMAN AIBEL: Go ahead.

21 COMMISSIONER FISHER: On the planters
22 in front of the building, on Z-3, about how deep are
23 they?

24 THE WITNESS: Two feet is the standard.
25 I've got a detail shown on the landscaping plan --

1 COMMISSIONER FISHER: And how wide is
2 the actual sidewalk?

3 THE WITNESS: The sidewalk, I believe,
4 is 16 feet, yes.

5 It is not something that I think the
6 developers have to have. We think it is a nice
7 addition, and it does soften that building to the
8 sidewalk connection. Like we are still maintaining
9 the 14-foot sidewalk.

10 COMMISSIONER FISHER: Do we approve
11 this or does the Council?

12 (Commissioners confer.)

13 THE REPORTER: Is this on the record or
14 not?

15 COMMISSIONER FISHER: Yes, sorry.

16 Do we approve those?

17 My apologies. Or is this --

18 THE WITNESS: The City Council will
19 approve those.

20 COMMISSIONER FISHER: They will approve
21 it?

22 THE WITNESS: Anything past that front
23 property line, we are required then with the bay
24 extension or stoops and stairs, City Council
25 approve.

1 COMMISSIONER FISHER: Okay.

2 CHAIRMAN AIBEL: Anything else?

3 COMMISSIONER GRANA: I just have one.

4 CHAIRMAN AIBEL: Go ahead.

5 COMMISSIONER GRANA: Thank you, Jim.

6 There is a facade variance here. I
7 don't know what you said or something -- is there a
8 particular reason in this particular case to think
9 that that variance is appropriate in the design?

10 THE WITNESS: Well, as I discussed with
11 this Board, our opinion as architects in Minervini
12 Vandermark is that a building should be of its day.
13 It shouldn't be -- it should be a modern building.
14 so therefore, that tends to move us away from pure
15 masonry, and I think that the actual ordinance was
16 designed with that in mind.

17 So what we have done is we have used
18 modern materials. We still use brick to tie it back
19 in a particular way, in a small way, to what the
20 tradition is in residential construction, but we
21 really require in the variance for this portion that
22 is that set back, aluminum --

23 COMMISSIONER GRANA: Do you believe --
24 thank you.

25 Do you believe there is any consistent

1 architectural theme in that block or neighborhood as
2 it exists today?

3 THE WITNESS: My opinion is no. The
4 other new building is one we designed, which is
5 consistent with this.

6 COMMISSIONER GRANA: Thank you, Chair.

7 CHAIRMAN AIBEL: Let me open it up to
8 the public. Questions for Mr. Minervini.

9 Anybody wish to question the architect,
10 please come forward and state your name and address.

11 MR. TURNER: Clay Turner, 711 Jefferson
12 Street.

13 CHAIRMAN AIBEL: Thank you.

14 MR. TURNER: Is the setback for the
15 fifth floor, that is going to result in ten feet of
16 space?

17 THE WITNESS: Yes.

18 MR. TURNER: Will that be accessible as
19 a deck to the fifth floor resident?

20 THE WITNESS: I will pull the plan to
21 describe it to you.

22 MR. TURNER: You will be able to see
23 those people down the street.

24 THE WITNESS: We are proposing that to
25 be outdoor space accessible from these two

1 apartments.

2 MR. TURNER: So that's living space?

3 THE WITNESS: Living space, and this is
4 outdoor space.

5 There is, and I will go back to the
6 sight line diagram, a parapet there, which would be
7 of railing height.

8 Just a second -- here.

9 So from across the street at ground
10 level, and this is the drawing that I just discussed
11 with Mr. Branciforte, there is a four-foot parapet,
12 so if somebody is standing here, you would see just
13 this section of it. It is --

14 MR. TURNER: A good thing --

15 THE WITNESS: -- a portion concealed.

16 MR. TURNER: Okay. I like your green
17 Magic Marker. That's perfect for St. Patrick's Day.

18 (Laughter)

19 THE WITNESS: On which we will be here.

20 MR. TURNER: Yes. It will be great.

21 CHAIRMAN AIBEL: Thank you.

22 Anybody else?

23 Please come forward.

24 MS. LAWRENCE: My name is Susan

25 Lawrence. I live at 716 Jefferson, and my house is

1 a two-story. It's a single-family home.

2 I have lived in Hoboken 30 years, been
3 a resident and paid property taxes for 30 years.

4 It was my understanding that ordinances
5 were part of the plan. They were good for the
6 public benefit and not to be changed based on
7 esthetics.

8 So this is my first meeting, but I
9 understood that in the master plan that these
10 ordinances were set for our benefit, and in order to
11 apply for a variance, you had to show hardship and
12 reasonable return on your investment, but I have not
13 heard that tonight, and I am so surprised. It is my
14 first meeting and --

15 THE WITNESS: Which is three stories by
16 the way, not two --

17 MS. LAWRENCE: -- but, you know --

18 (People talking at once.)

19 CHAIRMAN AIBEL: Okay. But we need --

20 MS. LAWRENCE: -- and all of this work,
21 so -- I'm sorry --

22 CHAIRMAN AIBEL: -- that is good
23 commentary for later on, but ask a question.

24 MS. LAWRENCE: I am.

25 So I am learning.

1 It's just that the bays are in public
2 right-of-way and the canopy is projecting 24 feet --

3 THE WITNESS: Inches.

4 MS. LAWRENCE: -- inches? Oh, my God.
5 Okay.

6 (Laughter)

7 MS. LAWRENCE: I was like how can it be
8 24 feet, so that goes to City Council.

9 THE WITNESS: Yes.

10 MS. LAWRENCE: Is this correct, that
11 Unit 5 has three balconies and a staircase to a
12 private roof deck -- oh, you meant Unit 5C --

13 THE WITNESS: I think that is just the
14 way the graphics are shown --

15 MS. LAWRENCE: I am having a hard time.

16 THE WITNESS: -- the intention is not
17 to have that. Let me go back to the property floor
18 plan.

19 Yes. What that should show is the
20 balcony below. That's not -- we are only
21 proposing -- I'm sorry, you're correct, that is a
22 drafting error. These two small ones should not be
23 there.

24 MS. LAWRENCE: Yeah.

25 THE WITNESS: What the plan is meant to

1 show are below it, but the note should have read
2 "balconies below," and I would absolutely correct
3 that.

4 MS. LAWRENCE: And the planner is not
5 here?

6 CHAIRMAN AIBEL: The planner will be
7 next. You will have a chance for him.

8 MS. LAWRENCE: Okay.

9 CHAIRMAN AIBEL: Thank you.

10 Anybody else from the public?

11 Please come forward, state your name
12 and address for the record.

13 MR. CHITTUM: David Chittum, 725
14 Jefferson.

15 THE REPORTER: I'm sorry. How do you
16 spell your last name?

17 MR. CHITTUM: C-h-i-t-t-u-m.

18 I just wanted to point out, you were
19 saying that the building across the street was less
20 than ten years old. I don't know how that affects
21 the zoning, because you guys were saying certain
22 things happened. It is a 2002 building, so I just
23 wanted to bring that out.

24 THE WITNESS: More than 13 years old,
25 but that wouldn't change the ordinance I don't

1 think.

2 MR. CHITTUM: Okay. Then you mentioned
3 a double corridor or something doubled, and you said
4 it very quickly about four or five times, doubled
5 what?

6 THE WITNESS: Double-loaded corridor,
7 and in planning --

8 MR. CHITTUM: And the second word --

9 THE WITNESS: -- double-loaded
10 corridor --

11 MR. CHITTUM: -- double-loaded
12 corridor?

13 THE WITNESS: What that simply means --

14 MR. CHITTUM: You're talking about
15 walkways or you're talking about --

16 THE WITNESS: I will explain it to you
17 more easily --

18 MR. CHITTUM: The garage --

19 THE WITNESS: -- no, not the garage.

20 The garage, that same context applies,
21 but I was speaking specifically as it relates to the
22 depth of the building at 60 feet. So a
23 double-loaded corridor simply is, this is the
24 essential spine of the building, and because our
25 property is in this case longitudinal, it is wider

1 than it is deeper, the buildings are oriented this
2 way, our corridor which serves all of the
3 requirements is at this axis. That is our
4 double-loaded corridor meaning it is loaded from
5 that side to access and this side.

6 My point was for that to work, 60 feet
7 is your minimum dimension.

8 MR. CHITTUM: When you were saying 60
9 feet on 75 foot lots, that is 60 feet at the base or
10 that is 60 feet above the garage?

11 THE WITNESS: 75 feet at the ground
12 level. Our thought there is that there is a blank
13 wall anyway, so our ground floor would meet that
14 blank wall, which is the building on the corner of
15 Madison and 8th. The one that I described was a
16 rehab, or actually a conversion of an industrial
17 building.

18 Once you get to floors two, three, four
19 and five, this applies, the 60 feet. There is a 15
20 foot dimension between the edge of our building and
21 the blank wall.

22 MR. CHITTUM: So parking is full lot
23 coverage --

24 THE WITNESS: In that area.

25 MR. CHITTUM: -- and that 15 foot

1 setback, which is X --

2 THE WITNESS: Yes.

3 MR. CHITTUM: Outdoor space.

4 THE WITNESS: Outdoor space.

5 UNIDENTIFIED VOICE FROM THE AUDIENCE:

6 It's a one-story, not for each floor.

7 CHAIRMAN AIBEL: Well, you have to come
8 up and talk to us.

9 Anybody else?

10 COMMISSIONER COHEN: Motion to close
11 the public portion for this witness.

12 CHAIRMAN AIBEL: Can I have a second?

13 COMMISSIONER MC ANUFF: Second.

14 COMMISSIONER GRANA: Second.

15 CHAIRMAN AIBEL: All in favor?

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

18 CHAIRMAN AIBEL: Thank you.

19 MR. MATULE: All right, Mr. Kolling.

20 MR. GLEASON: Do you swear or affirm
21 that the testimony you're about to give is the
22 truth, the whole truth, and nothing but the truth?

23 MR. KOLLING: Yes, I do.

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

1 MR. GLEASON: Can you please state your
2 full name and spell your last name for the record?

3 THE WITNESS: Edward Kolling,
4 K-o-l-l-i-n-g.

5 MR. GLEASON: I take it, we accept Mr.
6 Kolling's credentials?

7 CHAIRMAN AIBEL: We do.

8 THE WITNESS: Thank you.

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

10 Mr. Kolling, you are familiar with the
11 zoning ordinance and the master plan of the City of
12 Hoboken?

13 THE WITNESS: Yes, I am.

14 MR. MATULE: You are familiar with the
15 site and the surrounding area?

16 THE WITNESS: Yes.

17 MR. MATULE: And you prepared a
18 planner's report, dated August 22nd.

19 Just for the record, I think it is
20 dated August 22nd, 2012, but it really was prepared
21 on August 22nd, 2014, correct?

22 THE WITNESS: 2014, yes.

23 MR. MATULE: And in support of the
24 requested variance relief?

25 THE WITNESS: Yes.

1 MR. MATULE: Could you go through your
2 report for the benefit of the Board and the members
3 of the public, who might be here, and give us your
4 professional opinion regarding the requested
5 variance relief?

6 THE WITNESS: Well, I think Frank's
7 already presented the property's location. We know
8 where it lies along Jefferson Street and the
9 property description. It is somewhat irregular and
10 somewhat unique in that a portion of the property is
11 only 75 feet deep, and a portion is a hundred feet
12 deep.

13 The portion that is 75 feet adjoins an
14 existing building that has been there for a long
15 time. As Frank mentioned, it was a conversion from
16 an industrial structure, so it is impossible really
17 to extend those 75 foot lots any deeper, because it
18 is not just that one building, or that portion of
19 the building. It is actually connected with the
20 whole corner. I think there's something like 30
21 units in that structure.

22 The proposed development will demolish
23 the existing structures that are on there, on the
24 site now, and replace it with a five-story building,
25 as Frank has described.

1 The buildings that are on there are
2 nonconforming. They are commercial structures, a
3 warehouse, there is a house of worship, although in
4 the tax records, I believe it is listed as a shed,
5 and it is commercial, so at somewhere along the line
6 it got converted, so those are all going to be taken
7 out, and it is pretty much a hundred percent paved
8 as well.

9 And, as you know, as Frank was just
10 describing, the proposed development will replace
11 some of that pavement with a landscaped rear yard,
12 and he mentioned that the portion on the hundred
13 foot lots will actually be extended to 40 feet deep,
14 so that really sort of recreates that portion of the
15 donut.

16 On the 75 foot portion, we are seeking
17 the hundred percent coverage at the ground or the
18 first level only, and that is because to leave just
19 a small area back there really would be dead space
20 anyway.

21 The idea is that even the extra
22 drainage that is there would not have to go into say
23 ground water recharge, but also go into the
24 detention basin, so there really should be no
25 detriment for the coverage especially considering

1 the site is a hundred percent cover today.

2 The surrounding area, you heard Frank
3 describe it. There are a lot of buildings that are
4 four, five, six stories, even the four-story
5 buildings like adjacent to us are even taller than
6 what we are proposing, so again, I would agree we
7 are not out of context with what is in the area.

8 We are in the R2 district, and the
9 purposes of the district is to facilitate the
10 conversion of nonresidential to residential space
11 and to otherwise reinforce the residential
12 characteristics of this district by restricting uses
13 and structures not compatible with district
14 objectives, so what we are actually proposing here
15 is completely consistent with that.

16 We are taking out vacant land, and
17 we're taking out commercial structures. We're
18 taking out a warehouse, which are nonresidential and
19 nonconforming and replacing them with a residential
20 use, so I think we meet the intent and purpose of
21 the zone plan in that regard.

22 Our variances, as you heard, are for
23 height. We are going 50 feet and five stories
24 versus the 40 feet and four stories.

25 I will get into the rationale for these

1 variances later.

2 Lot coverage, as you know, is 60
3 percent. We are looking at 70 percent for the upper
4 floors. We did have 88 percent. I don't know what
5 the new lot coverage will be, but it certainly will
6 be reduced from that based on Frank's suggestion of
7 making the modifications.

8 The rear yard, we will now conform on
9 the two lots to the south, and on the lots to the
10 north, of course, we have zero for the ground floor
11 and 15 feet for the upper floors versus 30 feet
12 proposed. So at 40 feet on the other two lots, the
13 hundred feet deep lots, and zero on the three
14 northern lots above the ground floor, we are at 15
15 feet on those upper lots as well.

16 Roof coverage, you have I think close
17 to 50 percent lot coverage, and then, of course,
18 there's the facade material variance.

19 In terms of the master plan, and where
20 I think that we do conform talks about promoting
21 capability in scale, density and in orientation
22 between the new and existing development.

23 I think a five-story building is a
24 comparable scale to the other buildings in the area.
25 Certainly this building is smaller. There are also

1 some that are taller, and we are within the
2 permitted density, so we are certainly compatible
3 with the required or permitted density.

4 One of the other requirements or
5 suggestions is to continue to hide parking on the
6 ground level of buildings by allowing us to extend
7 the ground floor. We are able to also hide the
8 parking under there, and I think we can do that
9 without having any detrimental impact because of the
10 unique situation of having this five-story blank
11 wall directly behind us, so I think we can meet that
12 recommendation as well.

13 Another one is to provide open space on
14 the interior blocks by providing and protecting rear
15 yards.

16 The current uses really don't have any
17 real rear yard. They are not set all the way to the
18 back, but it's used for parking and paving and et
19 cetera. So by creating that 40 by 50 foot area in
20 our southern lots, I think we are beginning to
21 recreate the green donut, as we call it, in that
22 area, and not providing it in that other narrow
23 strip I don't think creates any detriment because of
24 the unique situation of the way that larger building
25 kind of juts into where our lot would have been, had

1 that building not been there, and then require rear
2 yard trees where possible.

3 We will be able to provide landscaping
4 and trees in that new area.

5 We are also providing additional street
6 trees, which comes under the street scape design
7 section.

8 In the housing element of the master
9 plan, we all have seen many times the discussion of
10 providing larger units for family housing,
11 family-friendly type of units, providing a quality
12 housing model, which would suggest providing larger
13 units as well, and that sort of thing, and that is
14 what these 15 units are.

15 They are all three-bedroom units, and
16 that also goes to the rationale for the added floor.
17 By adding the floor, we can provide the larger units
18 because of the additional floor area.

19 As I mentioned, we do meet the density,
20 so the larger added floor doesn't provide any
21 additional density or intensity of development in
22 essence, so I think in that case you would have a
23 benefit without really any substantial detriment
24 based on the way that Frank has described the
25 setbacks and how the building has been designed.

1 Also, the building is a green building.
2 There are car chargers in place. There's storage
3 for bicycles. There's a green roof. There's ground
4 water detention. There is all of the other high
5 efficiency appliances and things like that, that you
6 heard discussed by Mr. Minervini.

7 So I think, in essence, we have met
8 many of the recommendations of the master plan, and
9 that we can do it without any substantial detriment.

10 The uses are permitted within the R2
11 zoning district. The uses are residential,
12 permitted use, and parking as a permitted accessory
13 use, so we don't need really a use variance either.

14 So in terms of the height variance, I
15 think that we -- the height variance is justified
16 because it allows for the provision of the larger
17 units, which is part of the recommendations of the
18 master plan. I think it is justified in the overall
19 impact of this project, which removes these
20 nonconforming, nonresidential uses and provides
21 residential housing in a residential area, which is
22 consistent with the R2 zone's intent and purpose.

23 I think that there is really no
24 detriment to providing this additional floor because
25 of the character of the area, the five and six-story

1 buildings across the street, the taller buildings
2 directly behind us and adjacent to us.

3 Directly across, I guess that is 8th
4 Street to the north, there are six-story buildings,
5 which I believe are in the Northwest Redevelopment
6 Plan. They are there because they are permitted.

7 So I think in terms of their character,
8 we are consistent with that, and therefore, would
9 not have any substantial detriment to the general
10 welfare or public good or the character of the area.

11 Also, I think we are consistent with
12 the master plan in terms of promoting compatibility
13 in scale, density and design in that regard.

14 Lot coverage, we have a situation here,
15 where we have a hardship in that this is a
16 preexisting lot that cannot be expanded because of
17 the character or the use of the adjacent property.

18 So as Frank was describing, when you
19 develop a pretty standard 60 foot wide 50 foot deep
20 building, which would conform on any other lot, we
21 automatically go over the coverage requirement, so
22 there is a hardship in that regard.

23 There is also I think a benefit in
24 granting the variance, because what we will be doing
25 is removing some other lot coverage, some other

1 impervious surface, so that now the area by the
2 hundred foot lot that will have a 40 foot depth,
3 that will no longer be covered either by buildings
4 or impervious surface, so I think you both have the
5 hardship and benefit granting the lot coverage.

6 Also, it does permit us to meet the
7 recommendation of the master plan to hide the
8 parking within the structure, and the deck over the
9 structure will therefore be used as a terrace, which
10 could be landscaped, and it could be really an
11 esthetic improvement in the area as well.

12 In terms of the front yard, the current
13 front yard for the existing buildings is zero. Just
14 about every building on that block except for the
15 smaller home that sets further back along the
16 property lines is consistent with many sections of
17 Hoboken, so I think in providing the zero front
18 yard, I think it is a better approach to design.

19 I think again in general, the benefits
20 of this project in removing those nonconforming uses
21 and replacing it with this much more esthetically
22 pleasing residential building has a substantial
23 benefit, and again, in that regard then the benefits
24 outweigh the detriments.

25 The rear yard is very similar in terms

1 of the lot coverage in terms of the arguments.

2 We actually conform with the lots and
3 exceed the requirements in terms of the locations,
4 where the lots are a hundred feet deep, but we are
5 at 75 feet deep. That depth requires therefore a
6 variance because we are keeping the building of a
7 consistent depth. This provides for a more
8 efficient use of the land, and I think is a more
9 practical and appropriate approach to development,
10 so I think the rear yard variance can be granted for
11 that hardship, and I think also we do have, again,
12 the benefits that come inherent with the overall
13 development.

14 There is one of the purposes of zoning
15 in the Municipal Land Use Law, Sub Paragraph M,
16 which says one of the purposes is to encourage the
17 coordination of various public and private
18 procedures and activities, shaping land development
19 with a view of lessening the cost of such
20 development and to the more efficient use of the
21 land.

22 As Frank pointed out, it would be a
23 very inefficient development to try to shrink the
24 building to less than 60 feet. Double-loaded
25 corridors are really the way to construct

1 efficiently and effectively, so I think this is a
2 better approach.

3 Roof coverage: The primary cause is
4 the need for this variance is the outdoor living
5 space. As Frank mentioned, it has been set toward
6 the end center of the building. It is distant from
7 the edges. It should have very little impact. It
8 also provides for outdoor living space, which
9 enhances the family-friendly aspects of the units,
10 so I think that variance can be granted because it
11 promotes those recommendations of the master plan,
12 and without really any detriment, so we are in that
13 C2 criteria again.

14 Then in terms of facade materials, the
15 zoning code states that the purpose of that section
16 is to encourage development of residential
17 buildings, which are sympathetic and compatible with
18 the dominant Hoboken look in housing, which has been
19 identified as a mix of brick and brownstone,
20 characteristic townhouses with small apartment
21 buildings built in the late 19th and early 20th
22 centuries.

23 Those building often had stoops, fences
24 and bays, bay windows, et cetera. That is not the
25 character of this block. It is rather disparate.

1 Again, a lot of the properties on these particular
2 lots anyway are commercial properties. There's a
3 commercial one on the corner, so you don't have that
4 same characteristic.

5 Also, it is difficult in trying to
6 incorporate stoops into an area like this, because,
7 especially post Sandy, all of the flood proofing and
8 things that have to occur. These properties are at
9 elevation five, so you have a stoop that would have
10 to go up to elevation 13. That is eight feet, and
11 it would be very difficult to do that.

12 So given the character, the disparate
13 character of this block and those hardships caused
14 by topography, I don't think we would fit into that.
15 This is more for in-fill on a more consistent block,
16 and in fact, the master plan in other areas does
17 talk about encouraging contemporary building designs
18 for new construction that compliment Hoboken's
19 historic buildings without mimicking them, and I
20 think that is what Frank was trying to accomplish
21 here.

22 So in conclusion, I think that we have
23 met the proofs for both the D6 variances and the C
24 variances under the C2 criteria. I think we also
25 advance other purposes of the Municipal Land Use

1 Law, including 2A, which talks about granting the
2 requested variance will guide the appropriate use
3 and development of this site in a manner to promote
4 the general welfare, the revision of quality housing
5 for family, as well as ADA accessible units and
6 replacing the commercial structures with
7 residential.

8 The project has a density that is
9 suitable for its location, consistent with the
10 zoning code, so that would go 40:55D-2(e).

11 The property has sufficient space in an
12 appropriate location for this kind of use, which is
13 2(g), and also the project promotes a desirable and
14 visual environment by removing these rather
15 dilapidated and unsightly structures and replacing
16 them with a very attractive contemporary building,
17 which goes to Paragraph 2(i).

18 So, again, in summary, I think we have
19 met the proofs for both the height and the C
20 variances.

21 MR. MATULE: Mr. Kolling, one question.

22 If Mr. Minervini were to testify that
23 the lot coverage for the ground floor was reduced to
24 from 88.2 percent to 81.1 percent, would your
25 opinion or testimony be any different?

1 THE WITNESS: Well, I think I tried to
2 incorporate that into the testimony.

3 No. I think that is one of the
4 improvements that we were able to make tonight in
5 the presentation.

6 MR. MATULE: Thank you.

7 CHAIRMAN AIBEL: Board members?

8 Mr. Grana?

9 COMMISSIONER GRANA: I just want to be
10 clear. I should probably direct the question to Mr.
11 Kolling or maybe Mr. Matule.

12 You testified that there is a hardship
13 relative to the irregular lot.

14 THE WITNESS: Yes.

15 COMMISSIONER GRANA: That condition
16 exists on Lots 20, 21 and 22 because they are not a
17 standard lot and depth?

18 THE WITNESS: Correct.

19 COMMISSIONER GRANA: And there was also
20 a 50 foot wall, and that creates a hardship, and
21 therefore, we should grant what we will call a
22 hundred percent of that lot coverage, and that is
23 due specifically to the hardship?

24 THE WITNESS: Well, I think in terms of
25 the lot coverage, the hundred percent -- the

1 rationale for the hundred percent is both. It is
2 partly that, but of course, you could have a simply
3 60 foot depth at that level, and you would have 15
4 feet behind.

5 So the other aspect of it is that the
6 15 feet left behind really doesn't serve any real
7 purpose, so therefore, it is not really serving the
8 purpose that it was intended to, and really would be
9 a better approach to allow us the construction of
10 the terraces there, because the ground level would
11 be useless anyway, and you get the benefit then of
12 providing a little additional parking and being able
13 to provide that amenity and provide some esthetics
14 at the upper level, so it is sort of a combination
15 of the hardship and then the benefit outweighing the
16 detriment for the ground floor only.

17 COMMISSIONER GRANA: Okay. Fair
18 enough.

19 Then for Lots 23 and 24, we are talking
20 about a hundred feet, and we're saying that hardship
21 does or doesn't exist?

22 THE WITNESS: That hardship does not
23 exist, and with this modification that we made
24 today, we actually kind of added some space that
25 maybe makes up a little bit or mitigates a bit for

1 the space that we are asking you to grant a variance
2 for on the other lots.

3 COMMISSIONER GRANA: Thank you.

4 Mr. Matule, you are suggesting that we
5 would actually change the depth of Lots 23 and 24 to
6 60 feet versus 75, is that correct?

7 MR. MATULE: Correct. All of the way
8 up, top to bottom, which would reduce the lot
9 coverage for the base of the building to 81.1
10 percent as Mr. Minervini calculated while Mr.
11 Kolling was testifying.

12 COMMISSIONER GRANA: Thank you, Mr.
13 Matule.

14 Thank you, Chair.

15 CHAIRMAN AIBEL: Let me just quickly
16 comment on the issue of that alleyway, because I am
17 inclined to understand it as a hardship in this
18 case, but I am not sure I agree that there is
19 anything that is per se bad about creating a green
20 alley, and we have had other applications in which
21 we refused to allow a hundred percent lot coverage
22 because we prefer a donut.

23 So, you know, the hardship is something
24 that I think is a more appealing ground for me.

25 Anybody else want to make a question

1 before I continue my comment?

2 COMMISSIONER BRANCIFORTE: I have a
3 question, but you can go ahead.

4 CHAIRMAN AIBEL: I will just finish up.

5 My other comment, and I will make it a
6 question, but, you know, I am having trouble, and we
7 hear it all of the time that larger units, or the
8 master plan's comment about larger units is just not
9 a justification for gross adjustments. You know, we
10 are here to adjust, not to make gross changes in the
11 zoning, so I am not sure. That to me is the tail
12 wagging the dog.

13 I wish there was a better connection
14 between the multiple variances that are being
15 requested than just the desire for larger
16 apartments, because at the end of the day, you
17 create larger apartments in a conforming building.
18 Is that correct?

19 THE WITNESS: You could. You could be
20 significantly under the density.

21 I think what you look at in terms of
22 the zoning code is that there is a certain permitted
23 amount of units that can be on the site.

24 So the assumption is or the presumption
25 is that that is the amount of units that the town

1 would be looking for.

2 So if you were going to achieve the
3 full density or something close to it in a lesser
4 floor area, the units would therefore have to
5 shrink. So there is a bit of a disconnect between
6 the master plan and the zoning code, and I know that
7 the zoning code has gone through some modifications,
8 but usually not in response to a master plan
9 recommendation. In fact, I don't think it has ever
10 come through a response for a recommendation in my
11 memory. So it would be good, if that disconnect
12 would be taken out.

13 COMMISSIONER FISHER: Just following up
14 with the Chairman's comments and what you just said,
15 if you look at this floor plan and say you were to
16 just take the top floor off, isn't there potentially
17 still a solution that involves at least some large
18 units?

19 Right now you are presenting all large
20 units and asking for a height variance. So looking
21 at it and doing the quick math, is there, you know,
22 an opportunity to have just a few less really large
23 units, but still have a few large units and not
24 require a height variance?

25 THE WITNESS: I don't think I could do

1 that calculation on the fly myself. It is probably
2 also more of an architectural question.

3 COMMISSIONER BRANCIFORTE: My question
4 is actually more for Ms. Banyra. Is that all right?

5 CHAIRMAN AIBEL: Yes.

6 COMMISSIONER BRANCIFORTE: I was
7 looking through the master plan right now, and I
8 thought I had seen somewhere in the master plan that
9 it encourages mixed unit sizes in buildings.

10 Am I wrong on that?

11 MS. BANYRA: I don't remember that,
12 John. At this moment in time, I can't say that.

13 Did I include that in my report?

14 COMMISSIONER BRANCIFORTE: No. I
15 didn't see it in your report.

16 MS. BANYRA: I can't remember that off
17 the top of my head.

18 COMMISSIONER BRANCIFORTE: Do you have
19 Ms. Banyra's report in front of you?

20 MS. BANYRA: Just a comment relative to
21 the number of units that are permissible.

22 So, you know, I think, you know, when
23 we look at density, you have to remember the density
24 used to be divided by 550 -- 500 feet.

25 Then as the zoning changed and the

1 stories changed, the area increases, so basically
2 when you read the density requirements, it is a
3 minimum of 660 feet divided by lot area. It's not
4 like the maximum.

5 So I think you have to take the density
6 thing. It is not mandating a certain number of
7 units. It's trying to -- I think it was trying to
8 bridge what was and what was happening in changes.

9 So, you know, when Mr. Kolling's
10 testimony was, you know, that it is below the
11 density, and, you know, we are encouraging a certain
12 density, I think like there is a maximum that they
13 really want, and then there's a minimum lot area, so
14 I don't think you look at that density and say, you
15 know, the town was trying to encourage -- you know,
16 we are allowed 16, so we're not meeting, so there's
17 a disconnect. I don't think that that is
18 necessarily true.

19 You know, I think that you are looking
20 at this as a minimum lot area per unit, and you're
21 bridging what was and what's going to be, so I
22 somewhat disagree, you know, with his comment.

23 COMMISSIONER BRANCIFORTE: So on Page 4
24 of the report about halfway down, there is a
25 quotation there, "Special reasons necessary."

1 THE WITNESS: Yes.

2 COMMISSIONER BRANCIFORTE: Can you read
3 that?

4 THE WITNESS: The paragraph below that?

5 COMMISSIONER BRANCIFORTE: No. The
6 "Special reasons necessary."

7 THE WITNESS: Special reasons necessary
8 to establish a height variance must be tailored to
9 the purposes of imposing height restrictions in the
10 zoning ordinance.

11 COMMISSIONER BRANCIFORTE: I mean, can
12 you give us an explanation of that, and explain why
13 the fifth story fits into your special reasons?

14 THE WITNESS: Yes.

15 As I was saying before, in terms of
16 density and in terms of the suggestion of the master
17 plan, one of the purposes of imposing a height
18 restriction is to have a certain floor area.

19 Obviously, if you have a building that
20 is 60 by a hundred, you are going to have a certain
21 floor area. Four stories is going to give you a
22 certain total floor area. That is going to give you
23 a certain floor area to be dedicated to unit count,
24 so you can control intensity of the development,
25 i.e., density, along with the floor area by limiting

1 the height.

2 In this case there is also the
3 recommendation of the master plan for allowing or
4 suggesting the larger units, so I think you can vary
5 the height in this regard, and still in this
6 particular application achieve that purpose of
7 height because the unit count is still remaining
8 below the maximum permitted.

9 COMMISSIONER BRANCIFORTE: But it's
10 talking about sort of what Ms. Fisher was saying.
11 You know, you get rid of the fifth floor, the three
12 units on the fifth floor, can't you just incorporate
13 them on the second, third and fourth floors?

14 THE WITNESS: I guess you have to put
15 another unit on every floor, and they are all going
16 to shrink.

17 COMMISSIONER BRANCIFORTE: I mean, is
18 that the worst thing in the world?

19 I mean, you could still have decent
20 sized apartments.

21 What is the detriment of having
22 three-bedroom units on the second floor, and
23 three-bedroom units on the third floor, and then
24 having a mix of say two-bedroom units on the fourth
25 floor?

1 THE WITNESS: I don't know that you
2 would have those unit sizes. I can't really testify
3 to that, but the recommendation in the master
4 plan --

5 COMMISSIONER BRANCIFORTE: Is the
6 neighborhood going to be hurt if you don't have
7 three-story -- three-bedroom units on every floor,
8 including the fifth floor?

9 I mean, is it going to be a detriment
10 to the neighborhood?

11 THE WITNESS: I don't know if that is
12 part of the rationale or the proofs. There is
13 not -- it is not a detriment. Some other use might
14 not be a detriment, but that doesn't mean this use
15 is not a benefit.

16 COMMISSIONER BRANCIFORTE: Gotcha.

17 COMMISSIONER COHEN: I have a question.

18 CHAIRMAN AIBEL: Go ahead.

19 COMMISSIONER COHEN: Just in terms -- I
20 mean, in addition to the size of the units, isn't
21 there also context with respect to what is across
22 the street and on the neighboring property and the
23 height of those buildings?

24 THE WITNESS: Right. You especially
25 look at that to see if there would be any

1 detrimental impact caused by it. In the context
2 across the street, it's six stories and five
3 stories. The context directly behind us is very
4 tall four-stories over 50 feet.

5 The context across 8th Street is six
6 stories, so I think we fit in the context, and I
7 think another thing that supports the height
8 variance is the size of this property. It's a large
9 property, so you can accommodate any of the negative
10 impacts of height, which would be -- could be the
11 unit count or whatever, or the additional cars that
12 might be accommodating larger units, because you
13 have a large site to develop more efficiently and
14 effectively.

15 COMMISSIONER COHEN: Now, the other
16 thing is, the property to the west that you said was
17 a four-story 50 foot height, that is built right up
18 to the property line that's sharing a property line
19 with this development --

20 THE WITNESS: The one directly to our
21 west, yes.

22 COMMISSIONER COHEN: Right.

23 So I mean, if you were a story lower
24 than that, you basically would be looking right at
25 the white wall that is right behind that property,

1 right?

2 THE WITNESS: That's a very large blank
3 wall right now. It's totally exposed, but, yes.

4 COMMISSIONER COHEN: And it's right on
5 the hundred percent lot line?

6 THE WITNESS: Yes.

7 COMMISSIONER COHEN: Okay.

8 COMMISSIONER GRANA: I just have one
9 more question. I just want to clarify, so I
10 understand your testimony.

11 You were indicating that reducing
12 height is a tool from a master plan perspective to
13 potentially cap or reduce density, and since we are
14 actually lowering density in the property that
15 allows us to, in fact, add a fifth floor without any
16 negative impact.

17 Did I understand the testimony
18 correctly?

19 THE WITNESS: Because in this
20 application, they are not asking for additional
21 density from that floor area. Rather, they are
22 going to take that floor area and incorporate it
23 into actually a slightly lesser number of units,
24 which helps to achieve the purpose or the
25 recommendation of the master plan for the

1 family-friendly units.

2 COMMISSIONER BRANCIFORTE: Thank you.

3 COMMISSIONER FISHER: Hum, two
4 questions.

5 CHAIRMAN AIBEL: Go ahead.

6 COMMISSIONER FISHER: One is you talked
7 about how the area can -- the context of the area
8 supports a five-story, and you pointed to various
9 across the street, but everything to the south and
10 just to the north, and everything to the south is
11 significantly lower, and the southwest is lower, so
12 can you just talk about bridging that?

13 I mean, we recognize that there are
14 some existing tall buildings, but there's also a
15 really lot of low buildings.

16 THE WITNESS: Yes, and they seem to
17 occur on this side of the block as you go to the
18 south.

19 COMMISSIONER FISHER: Yes.

20 THE WITNESS: To the west behind the
21 property, things are tall to the east in front of
22 the property, things are tall to the north, things
23 are tall,

24 So the other end of the block is really
25 more the aberration than the norm. When you get to

1 the far south end of the block, there is one other
2 five-story building and then the church, but
3 everything in between, and I have to agree, they are
4 smaller buildings, but they are more the aberration.

5 COMMISSIONER FISHER: And I recognize
6 the lot is bigger, but with that in mind with kind
7 of -- when you look at the street scape and you look
8 at the lower buildings, this is going to be kind of
9 just this big giant island in the middle -- mostly
10 low, although it will -- and even actually just kind
11 of commenting on what Commissioner Cohen mentioned,
12 this isn't going to abut that actual blank wall.

13 We are accepting the fact that this --
14 we are creating a gap between -- a 15 foot gap
15 except for the ground floor between the back of this
16 building and that wall, so we already accepted the
17 fact that someone is going to be looking at that
18 flat gray wall. This isn't going to abut it.

19 So whether it's four or five stories,
20 and there is an extra strip at the top, that nobody
21 will directly look at it. It is so high out of
22 vision anyway, I almost think it doesn't matter.

23 So you just have kind of this
24 freestanding island amongst all of these low
25 buildings.

1 How does -- from a planning standpoint,
2 how does that -- how does that -- how does that feel
3 to you?

4 THE WITNESS: Well, this property is
5 really, I would think, is the first one on that side
6 of the street that's really being redeveloped, so
7 even if it were a four-story building, it would be
8 the only one that would be there.

9 I think you have to anticipate that
10 given the zoning and development that is now
11 occurring in the area, that over time, that corner
12 property will be redeveloped with a building of
13 similar scale, and then moving down the street
14 probably the same things, because as I said, that
15 one block seems to be the aberration in the area.

16 COMMISSIONER FISHER: Just so you know,
17 you are arguing against yourself right now, because
18 what you are saying is we approve a five-story now,
19 and everything on that block turns five-story, which
20 is definitely what the --

21 THE WITNESS: I'm just saying if you
22 were to develop with four-story buildings, they're
23 not going to be -- the two-story building is not
24 going to be forever.

25 COMMISSIONER FISHER: Yeah, of course.

1 But the four-story is what the zoning is for the
2 area.

3 So the question I think, as the
4 Chairman pointed out, are we approving something
5 that somehow is consistently directionally changing
6 the fact of the zoning in the area, and that is a
7 concern.

8 CHAIRMAN AIBEL: Well said.

9 COMMISSIONER BRANCIFORTE: I'm sorry --

10 COMMISSIONER FISHER: No. It's okay.
11 I'm done.

12 COMMISSIONER BRANCIFORTE: -- but that
13 goes along with what we always said about height
14 creep.

15 You approve -- the Zoning Board, you
16 know, in 2008 approves a five-story building, and
17 then in 2015, someone comes up in front of the Board
18 and says, Hey, that building next door is five
19 stories, you got to -- you got to let us be at five
20 stories, too, or it's just not going to look right.

21 You know, it fits in with the
22 neighborhood, because across the street there's a
23 five-story building that the Zoning Board approved
24 ten years ago or five or seven years ago, and that
25 is what I call height creep, where eventually every

1 building on the block is the same height because the
2 Zoning Board gave a variance ten or 15 years ago to
3 a few other buildings.

4 Now, is that true or not true, is it
5 height creep?

6 THE WITNESS: I think you have to look
7 at the context, and the context goes to the negative
8 criteria. So I think in that regard, yes, that is
9 part of what goes on.

10 But I think you also have to look at
11 what the recommendations are in the master plan and
12 what in terms of the larger family units, and that
13 is probably the reason why, you know, the zoning
14 code and, you know, and the -- have a disconnect to
15 that --

16 COMMISSIONER BRANCIFORTE: But you
17 still have the family-friendly units without the
18 fifth floor.

19 And why does a family-friendly unit
20 have to be three stories anyway?

21 THE WITNESS: I don't know that you
22 would have family-friendly units without the fifth
23 floor. I can't testify to that.

24 MS. BANYRA: I think for the Board, you
25 know, family-friendly units are one aspect of the

1 master plan, so I think to hang your hat on that as
2 the sole reason, you know, that is not. That is one
3 of the things that you consider, but you consider it
4 in an entire package, and if somebody is providing
5 family-friendly, that is great, but there are other
6 elements to that, so I think you have to weigh all
7 of that in.

8 THE WITNESS: If I could address that,
9 I think we are discussing simply family-friendly
10 units now, but we are also talking about taking a
11 piece of property that has three nonconforming
12 structures on it that are nonresidential structures,
13 removing those, and replacing them with residential
14 units and the permitted accessory parking, so there
15 are other aspects of this that are going to advance
16 the purposes of the R2 district, as well as the
17 master plan, so that is not the sole reason.

18 COMMISSIONER BRANCIFORTE: But I don't
19 know if I heard anyone here object to the idea that
20 we should make this residential, so I agree -- I --
21 you know --

22 THE WITNESS: But that is all part of
23 the one application. That is the application.

24 COMMISSIONER MARSH: Right.
25 Residential is sort of a given. You would be here

1 for another variance, if you weren't building
2 residential.

3 THE WITNESS: Right --

4 COMMISSIONER MARSH: Right.

5 So you're -- you're -- I mean
6 residential is the rule. You don't necessarily get
7 extra points for following the rule.

8 THE WITNESS: No. But it is one of the
9 benefits. The advantage of this application or the
10 benefit of this application is that it is taking out
11 the nonresidential uses and putting the residential
12 in.

13 COMMISSIONER MARSH: Right, for which
14 you get the zoning law --

15 MR. MATULE: But you do get benefits
16 from that. You do get points for that. You do get
17 credit for that. That's the point --

18 COMMISSIONER MARSH: Okay.

19 MR. MATULE: -- you are coming up --

20 COMMISSIONER MARSH: Fair enough.

21 MR. MATULE: -- with a better zoning
22 alternative for the site than what is currently
23 there.

24 Is it, in your opinion, the best
25 alternative?

1 Perhaps not, but it is the alternative
2 that is being presented to the Board.

3 COMMISSIONER MARSH: Fair enough. That
4 was not the --

5 MS. BANYRA: I have to correct
6 something because I've heard it now three times.

7 Nonconforming uses, I am not sure that
8 we -- Mr. Kolling, I think you said that a few
9 times. Nonconforming structures, certainly a
10 hundred percent is a nonconforming structure, but
11 also permitted in that zone are hospitals, related
12 clinics, places of worship. I think you had
13 testified that there was a place of worship, public
14 buildings, retail businesses are permitted uses, so
15 I don't know what those uses were formerly or
16 whatever. But nonconforming structures, maybe I
17 will go with that -- nonconforming uses, I'm not
18 sure.

19 THE WITNESS: I testified that they are
20 listed in the tax records as a commercial garage,
21 warehouse, and I think the other one is called a
22 shed.

23 MS. BANYRA: So it could -- I mean, one
24 of them could be an accessory. The warehouse,
25 granted, nonconforming use. But if one was a former

1 retail business, I think you indicated one was maybe
2 a shed, retail or something, I don't know -- yeah --
3 and they clearly are dilapidated and clearly there
4 is other things going on. But nonconforming uses,
5 you know, I think the warehouse, I will give you
6 that one, but commercial is permitted in this zone.
7 It's not just residential.

8 Commercial is permitted. Hospitals,
9 clinics, you know, there's other things that are
10 permitted in here. Garages are permitted as an
11 accessory use, you know. You know, when you use
12 nonconforming uses, particularly that becomes a
13 special reason to grant a variance --

14 MR. MATULE: Would a surface parking
15 lot be considered a conforming use?

16 MS. BANYRA: Parking is permitted --

17 MR. MATULE: A surface parking lot.

18 MS. BANYRA: If it's preexisting, then
19 that was permitted. Public parking garages,
20 ancillary to hospitals, garages are -- so a surface
21 parking lot might have been a preexisting
22 nonconforming use, so public parking garages are
23 permitted relative to hospitals.

24 MR. MATULE: I mean, the current site
25 is a surface parking lot.

1 MS. BANYRA: No. I didn't hear that
2 there was a public parking garage -- parking --

3 MR. MATULE: That is what the survey
4 says, paved parking area.

5 MS. BANYRA: Okay. So I want everybody
6 to be -- when you are looking at that, commercial is
7 permitted in that zone. A parking lot may be -- it
8 doesn't appear to --

9 THE WITNESS: So the purpose is to
10 facilitate conversion of nonresidential to
11 residential space and to otherwise reinforce
12 residential characteristics.

13 MS. BANYRA: Understood. But it does
14 introduce other uses that are permitted in there as
15 well as conditional uses.

16 COMMISSIONER BRANCIFORTE: Okay. Then
17 let me ask this.

18 Without the lot coverage and without
19 the fifth story, can you still, you know, build
20 residential there?

21 Would you necessarily need the height
22 to build residential?

23 THE WITNESS: I can't answer that. I
24 don't if you could.

25 COMMISSIONER BRANCIFORTE: What's that?

1 THE WITNESS: I don't know that you
2 could. I don't know. I can't answer it.

3 COMMISSIONER BRANCIFORTE: It would be
4 impossible to build three stories of residential
5 over one parking on this?

6 THE WITNESS: Do you mean to go out
7 there and hammer boards together and make a
8 three-story building, I guess you could, but that
9 is -- laying a brick on top of a brick is different
10 than also financing it and getting it constructed.

11 So is it possible?

12 I don't know.

13 COMMISSIONER BRANCIFORTE: The
14 financing is none of our business.

15 THE WITNESS: Well, that goes to
16 whether or not it is possible.

17 COMMISSIONER FISHER: No. It goes to
18 whether or not it is feasible for this developer,
19 not possible for clarity.

20 CHAIRMAN AIBEL: Any other questions
21 for Mr. Kolling?

22 COMMISSIONER MARSH: I mean, are we
23 only allowed to ask questions now because people
24 were commenting --

25 (All Commissioners talking at once.)

1 CHAIRMAN AIBEL: Do you have a
2 question?

3 COMMISSIONER MARSH: Let me ask a
4 question. I am a little confused about the term
5 "hardship" because if you buy a piece of land, it is
6 zoned for -- you are buying a piece of land --

7 THE WITNESS: It is not --

8 COMMISSIONER MARSH: -- the cost of the
9 land is what it is based on what its zoning is and
10 what the -- I don't see how you buy a piece of land
11 and --

12 MR. MATULE: I don't know what the
13 relevance of this is, and I think we are really
14 going far afield.

15 THE WITNESS: I don't think anybody
16 brought up the cost of the land as being a hardship.

17 COMMISSIONER MARSH: No, no. But
18 somebody said -- you said hardship because it's this
19 narrow lot --

20 THE WITNESS: Lot depth.

21 COMMISSIONER MARSH: -- but the lot
22 depth is part of the value of the land.

23 THE WITNESS: No. The lot depth is the
24 physical dimensions. Actually looking at the
25 Municipal Land Use Law, under hardship, it talks

1 specifically about the shallowness of a particular
2 piece of property. That is where it comes from.

3 COMMISSIONER DE FUSCO: Mr. Chairman, I
4 suggest or proffer this, that once we finish up with
5 this, we can go into deliberations and talk about
6 this.

7 CHAIRMAN AIBEL: So let me open it up
8 to the public.

9 Does anybody have questions for Mr.
10 Kolling?

11 Please come forward.

12 MS. LAWRENCE: Susan Lawrence, 716
13 Jefferson Street.

14 I have a question. Again, it's about
15 the family-friendly.

16 Right across the street from us, there
17 are a lot of three-bedroom apartments.

18 Did you do any studies on those and who
19 lives there?

20 Are they families or are they Stevens'
21 college students?

22 THE WITNESS: I didn't do a survey.

23 MS. LAWRENCE: Because I've never see
24 any families, but there's been six condo buildings
25 built up around my house and --

1 CHAIRMAN AIBEL: Ms. Lawrence --

2 MS. LAWRENCE: -- next door to my
3 house --

4 CHAIRMAN AIBEL: -- we need a question.
5 You can comment in just a couple of minutes. Ask
6 questions.

7 MS. LAWRENCE: Okay.

8 When you are planning, do you plan for
9 any public space for public service to be able to
10 access behind these houses, because right now we can
11 go through the lot and get behind the houses. Cable
12 companies, people can do that, telephone companies.

13 I have a telephone pole in my backyard.
14 The only way to get to that was through Jimmy's lot.

15 I never thought that little part of the
16 land was even my land, but I guess it is. Maybe
17 not. But the telephone pole is mine, though.

18 (Laughter)

19 THE WITNESS: I don't know, but I think
20 what was offered before was that the access to that
21 lot was by licensing on that easement. That is up
22 to the property owner.

23 MS. LAWRENCE: So that's it. Like once
24 that closes, there will be no more access.

25 MR. MATULE: Well, if I might, I don't

1 know if you looked at the plan --

2 MS. LAWRENCE: I did.

3 MR. MATULE: -- but if somebody wants
4 to get into the backyard, they go through this door
5 to get into the backyard.

6 MS. LAWRENCE: No. I meant all of our
7 buildings down here, we have access. We go through
8 the lot, and we go behind all of our houses, and we
9 can access the telephone pole --

10 MR. MATULE: Okay. But unless you have
11 something called an easement to do that --

12 MS. LAWRENCE: I might --

13 MR. MATULE: -- it has been very nice
14 when you have been able to walk across your
15 neighbor's property all of these years to do that,
16 but --

17 MS. LAWRENCE: So when you are going a
18 plan, how do you research the easements, and we are
19 talking about tide lines, how did that come into
20 play in the plan?

21 THE WITNESS: That wouldn't be someone
22 In my profession. It would be the land surveyor
23 more than likely, who would identify where the
24 easements were, or if there were any riparian rights
25 or anything like that, and that is what happened in

1 this instance.

2 The surveyor identified those things
3 and then through a legal process, the property owner
4 went to the State to get the riparian grant removed.

5 MS. LAWRENCE: And it was just removed.

6 Thank you. That's it.

7 CHAIRMAN AIBEL: You will get a chance
8 to comment in a couple of minutes.

9 Anybody else in the public?

10 Seeing nothing --

11 COMMISSIONER GRANA: Motion to close
12 the public portion.

13 CHAIRMAN AIBEL: Thank you.

14 COMMISSIONER COHEN: Second.

15 CHAIRMAN AIBEL: All in favor?

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

18 CHAIRMAN AIBEL: I guess we are
19 ready -- do you want to hear the public, or do you
20 want to close --

21 MR. MATULE: Yes. I think we will hear
22 the public before I make my closing remarks, if that
23 is okay with the Board.

24 CHAIRMAN AIBEL: So now is the time if
25 anybody wants to comment on the merits of the

1 application, please come forward.

2 MR. BAJAJ: Chris Bajaj, B-a-j-a-j. I
3 own the property at 900 Garden Street.

4 MR. GLEASON: Before you get started, I
5 am going to have to put you under oath, so raise
6 your right hand.

7 Do you swear or affirm that the
8 testimony you're about to give is the truth, the
9 whole truth, and nothing but the truth?

10 MR. BAJAJ: Yes, I do.

11 CHAIRMAN AIBEL: Thank you.

12 MR. GLEASON: Thank you.

13 MR. BAJAJ: What I know of zoning does
14 allow 40 feet above the flood elevation, and the
15 flood elevation in this town recently has been about
16 12 to 13 feet, which gives up the total height from
17 the ground floor to the top of building about 50
18 feet, and I think the applicant is asking for four
19 stories above the parking, which will be around that
20 height, and I don't see anything wrong with it.

21 That's all I have to say.

22 CHAIRMAN AIBEL: Thank you.

23 Anybody else wish to comment, please
24 come forward.

25 MR. GLEASON: Do you swear or affirm

1 that the testimony you're about to give is the
2 truth, the whole truth, and nothing but the truth?

3 MS. SHIPLEY: I do.

4 MR. GLEASON: Please state your full
5 name and spell your last name for the record.

6 MS. SHIPLEY: Pamela Shipley. Address
7 is 711 Jefferson.

8 THE REPORTER: How do you spell your
9 last name?

10 MS. SHIPLEY: S-h-i-p-l-e-y.

11 And I just want to comment that I
12 appreciated the context of the rest of the block
13 because it seems like the testimony was mostly about
14 the north and the west and across the street, but
15 the block itself is a really -- it is different, and
16 that idea of creep is definitely this is a precedent
17 setting moment, and there is precedent that happened
18 before you all were part of this committee. And if
19 we go forward with that precedent, it's definitely a
20 creep, so I just support that idea that let's look
21 at the context.

22 And is it really an improvement to have
23 a fifth story?

24 That is it.

25 CHAIRMAN AIBEL: Thank you.

1 Anybody else wish to comment?

2 Okay, Mr. Matule?

3 MR. MATULE: I thought there were more
4 comments.

5 (Laughter)

6 MR. MATULE: Well, you know, we
7 certainly had an interesting colloquy this evening,
8 but the context of the property is very specific,
9 and this is a very unique site in this application.

10 We do have the undersized lot for the
11 75 foot depth for several lots, and the fact that it
12 does have that 50 foot high wall behind them does
13 create an unusual context for this site and for this
14 application, and I think Mr. Minervini has tried to
15 design a building with that in mind.

16 I think the points Mr. Bajaj just made
17 is probably a good one. You know, if this
18 application is denied, maybe somebody down the road
19 will split the lots up and just build houses without
20 parking, all of which will be around the same height
21 based on current flood regulations.

22 I think the real issue is not what
23 might be or what could be or what would be a better
24 alternative, but what you have in front of you
25 versus what is there now and how it fits into the

1 neighborhood.

2 Mr. Kolling, you know, gave his expert
3 opinion, but, you know, the height variance is
4 certainly a lesser burden of proof than you would
5 have if we were here asking for a D1 use variance.

6 You know, it is can a negative impact
7 be generated by that additional height, you know, be
8 absorbed into the area, and I think the fact that we
9 have this 50 foot high wall for 75 feet or so behind
10 us, you know, speaks to that, and I think the fact
11 that the applicant has agreed to now create a rear
12 yard that is ten feet even deeper than the ordinance
13 requires also goes to the fact that they are trying
14 to create a better situation where the property is a
15 full hundred feet deep.

16 You know, right now it is a surface
17 parking lot with some dilapidated buildings on it.
18 I am sure the south end of the block is going to get
19 renovated over time, and this really is a good
20 zoning alternative for that site, and I would ask
21 that the Board grant the requested variance relief.

22 CHAIRMAN AIBEL: Thank you, Mr. Matule.

23 Board members, anybody want to kick
24 off?

25 COMMISSIONER BRANCIFORTE: Well,

1 obviously my main objection to it is the height, and
2 I didn't hear any compelling testimony from either
3 the architect or the planner to justify the extra
4 story, so you know, that is how I feel about it now.

5 The fact that it is an odd-shaped lot
6 certainly, you know, lends itself to other -- to me
7 being flexible on the lot coverage because it is an
8 odd-shaped lot, and I understand that.

9 But, you know, the church down the
10 street and all of the other buildings on the block
11 being a smaller scale, I think this is the beginning
12 of height creep and a continuation of height creep
13 and across the street, and you know, if we approve
14 it now, we may be setting a precedent.

15 That is all I have to say.

16 CHAIRMAN AIBEL: Thanks, John.

17 Anybody else?

18 COMMISSIONER MARSH: I --

19 CHAIRMAN AIBEL: Ms. Marsh?

20 COMMISSIONER MARSH: I'm -- I have the
21 same concern about the height creep. I also do get
22 the 50 foot wall thing. I mean, that is a big wall.

23 Could you drop -- I mean, the 50 foot
24 wall applies to the part that's next to the 50 foot
25 wall. If you want to avoid creep, you could drop

1 down ten feet on the part that's not next to the 50
2 foot wall, and that would set the -- wouldn't it --
3 the precedent for the rest of the block?

4 COMMISSIONER FISHER: Like take half of
5 the fifth floor off instead of the --

6 COMMISSIONER MARSH: It would be a
7 really nice outdoor space for the apartments.
8 Personally, if I could afford it, I would love that.

9 CHAIRMAN AIBEL: You made your point.

10 So basically on two southern lots, you
11 would reduce it to 40 feet --

12 COMMISSIONER MARSH: Right.

13 CHAIRMAN AIBEL: -- and grant the 50
14 feet on the three northern lots --

15 COMMISSIONER MURPHY: The top would
16 have to be reconfigured.

17 COMMISSIONER DE FUSCO: Personally I
18 live on Park between First and Second, a block that
19 has come under great building at the hands of this
20 Board primarily -- it has been built over the past
21 couple of years at the hands of this Board.

22 Those units, those buildings, are very
23 similar to the ones being proposed here, and the top
24 floor setback is definitely visible. But I will
25 tell you from a visual perspective, I live right

1 across the street, I look at it every day. I see it
2 there. It just doesn't feel like a wall that's
3 facing you.

4 So I agree with height creep, John,
5 just as I believe that infringing into the green
6 donut sets a bad precedent.

7 I don't think that the fifth floor
8 visibility -- the top floor of this building is
9 going to do the things that everyone is concerned
10 about.

11 I do, however, think that we have an
12 opportunity to set a precedent in this green donut,
13 a green donut that has a hundred percent lot
14 coverages in it, that has ancillary buildings that
15 wouldn't be permitted in the zoning right now. We
16 have a great opportunity in front of us to set the
17 right precedent for this green donut, and I think it
18 would be a loss, if we didn't understand what they
19 were trying to do here.

20 We can debate the hardship I think, you
21 know, both ways, but they have a wall back there.
22 They have to deal with it, and it is an odd lot, as
23 John also mentioned, so I think there is a hardship
24 there.

25 I think the top floor is not going to

1 impact the neighborhood as badly as everybody is
2 expecting it to. I speak from experience. The
3 Board has approved similar buildings in the past,
4 and I am curious to see what the rest of the Board
5 has to say, though, because I think this is a good
6 conversation.

7 CHAIRMAN AIBEL: Anybody else want to
8 weigh in?

9 Mr. Cohen?

10 COMMISSIONER COHEN: Yes.

11 Just in terms of the front of the
12 building, the part that is not directly abutting up
13 against 50 feet, although there is 50 feet directly
14 across the street from me.

15 I think it is significant the fact that
16 it is at 40 feet, and that is ten feet reduced, and
17 going back ten feet into the property. So when you
18 are going down the street, you are not going to have
19 that monolithic 50-foot structure right up at the
20 street level, and I think that that softens the
21 front significantly, and that is what they came in
22 with on the front side.

23 So, you know, if you look down the
24 block that, you know, Commissioner Fisher was
25 talking about, 40 feet, which is what is going to be

1 at the front of the building is very consistent with
2 what is there, and the church is at 50 feet, it's
3 even higher than that, but it is not that out of
4 whack. You know, it is sort of, just to follow on
5 Commissioner DeFusco's comment, I don't think it is
6 going to be that shocking particularly where you
7 have -- with the exception of the one property
8 across the street at 25 feet. Everything's at 50
9 feet across the street.

10 So you put in the fact that you have a
11 completely impervious lot, where there's a parking
12 lot now, you are going to have extensive green
13 roofing on this. You are creating a donut where
14 there wasn't one.

15 I think that the benefits of this, in
16 addition to the family-friendly units, which are a
17 legitimate benefit are significant.

18 CHAIRMAN AIBEL: Mr. Grana?

19 COMMISSIONER GRANA: So I am going to
20 generally take the position to support this
21 application from a slightly -- including some of the
22 comments that Commissioner DeFusco and Commissioner
23 Cohen had.

24 I actually think there is a hardship on
25 Lots 20, 21, 22, and that is -- the green space at

1 the bottom of that well doesn't really represent a
2 significant improvement for the lot.

3 I think that they have to contend with
4 the 50 foot -- I'm sorry -- excuse me -- I think
5 that they do have to contend with the 50 foot wall
6 that's directly behind them. That is either going
7 to be a blank wall that is visible in some flavor
8 from the main street or you're going to see a
9 structure.

10 With regard to the height, I do
11 understand height creep is a concern. I think we
12 have to look at all of these applications.

13 I somewhat agree with Mr. Kolling's
14 testimony about context. I mean, in my rough
15 estimate on Z-1, there are already 80 lots -- excuse
16 me -- there are approximately 30 lots in this
17 immediate vicinity of this building that are 50 feet
18 and higher. So I think the context is appropriate
19 especially since we are only asking for 50 percent
20 roof coverage on the top floor, I don't think it is
21 going to be that negative of an impact.

22 The fact that the applicant has agreed,
23 I guess, to return Lots 23 and 24, to what they
24 should be, which is 50 percent lot coverage over the
25 whole structure, I think, lends me to support the

1 project.

2 CHAIRMAN AIBEL: Thank you.

3 COMMISSIONER MC ANUFF: I am not voting
4 tonight, but I would say I would support the
5 project.

6 Normally when a project comes in as new
7 construction with a blank canvas, I probably
8 wouldn't go for it. But in this case given the
9 hardship of the other building, the 50 foot wall,
10 the Commissioners have said, and the context of the
11 neighborhood, I don't think this is going to be an
12 obtrusive building or in any way offensive, so I
13 would support it in this case.

14 CHAIRMAN AIBEL: Anybody else?

15 COMMISSIONER MURPHY: I like Carol's
16 idea that, hum -- yeah -- the top floor for the
17 building that's not against the 75 foot wall, you
18 know, the idea of keeping that at four feet --

19 COMMISSIONER MARSH: 40.

20 COMMISSIONER MURPHY: -- 40 feet
21 rather -- but, hum, I do think that this is a
22 hardship against this wall.

23 I am not sure that you gain a total
24 benefit if we didn't have a hundred percent lot
25 coverage on the bottom floor of that, especially

1 since I am thinking that, you know, they are going
2 to make it a deck and somewhat of an outdoor space
3 as we continue up,

4 I am a little bit torn as to how to
5 vote for this right now.

6 I do think that the height creep is a
7 major issue. If you go to that area of town, it is
8 just like, whoa, big, big buildings, and I know that
9 the south part of that will probably change over
10 time, but it doesn't mean that we have to keep it
11 all that high, so at the moment I am undecided.

12 CHAIRMAN AIBEL: Anybody else?

13 I will add some parting comments I
14 guess before we go to a vote.

15 I think the one thing that I have not
16 heard from the Board members is in effect the mass
17 of this building. It is five lots. It's a 125 foot
18 building. We are not talking about a single fifth
19 floor or a medium-sized building. We are talking
20 about a very, very large structure.

21 I think there will be impacts on the
22 south and from the north, where at this point they
23 are going to be open, so we are going to have 50
24 foot high, 50 foot deep at a minimum on the top
25 floor, walls on the north and south sides of the

1 property. I don't have a problem with the lot
2 coverage issue in the back of the, I'll call it the
3 dead area.

4 You know, the excessive lot coverage
5 there is something I could live with because of the
6 conditions.

7 I could live actually with a larger
8 height with the 50 foot adjacent building on the
9 other side, but I am struggling as a principal
10 matter with what our zoning provides, and I am not
11 sure I heard the reasons why we should, you know,
12 provide the major adjustments that are being
13 requested tonight, but it is an interesting project.
14 It's well presented, and I guess we are ready for a
15 vote. I think we need five affirmative votes.

16 MR. MATULE: That is correct.

17 CHAIRMAN AIBEL: I guess we will hear
18 the conditions, and then I will ask for a motion.

19 MR. GLEASON: Condition 1: Applicant
20 shall obtain any necessary approvals from City
21 Council for any encroachments into the public
22 right-of-way.

23 Condition 2: The plan shall be revised
24 to move the rear building line of the two southern
25 most lots to a depth of 60 feet. Plan shall be

1 reviewed and approved by the Board's professionals
2 prior to the issuance of any permit.

3 Condition 3: Applicant shall revise
4 plans to add more green space to the proposed
5 terraces.

6 Condition 4: The handicapped parking
7 space shall be moved to the location closest to the
8 residential entrance.

9 Condition 5: Applicant shall provide
10 documentation of any riparian claims and access
11 agreements or licenses to the Board Attorney for his
12 review and approval prior to the issuance of any
13 permits.

14 Condition 6: Applicant shall draft and
15 record a cross-access easement agreement. The
16 agreement shall be reviewed and approved by the
17 Board Attorney prior to recordation.

18 Condition 7: The southern most
19 stairway bulkhead shall be reduced in height.

20 MR. MATULE: I'm not understanding the
21 cross-access easement.

22 MR. GLEASON: Okay. Then we can --

23 MS. BANYRA: I think that one is out.

24 There was no testimony --I had just asked a
25 question. I don't think there was. They are going

1 to provide information indicating that there is no
2 easement on that. I think that's what it was.

3 MR. MATULE: Right. That is what the
4 lawyer testified, but I will get something in
5 writing.

6 COMMISSIONER COHEN: Wasn't there an
7 agreement to provide LED lighting at the exit of the
8 garage?

9 MR. MATULE: Yes. Mr. Minervini
10 testified to it.

11 COMMISSIONER MURPHY: Agreement to go to
12 City Council for it.

13 COMMISSIONER BRANCIFORTE: Yes. To
14 apply to the City Council for permission to install
15 LED lights across the sidewalk.

16 MS. BANYRA: No. I think that the
17 decks over the new green space to be removed I
18 think -- to be removed over the green space, the
19 decks above?

20 MR. MATULE: Sure, on the south side of
21 the building, yes.

22 MS. BANYRA: Yeah.

23 COMMISSIONER DE FUSCO: Was there a
24 condition on LEED certification?

25 MS. BANYRA: They testified it is going

1 to be LEED certified.

2 MR. GLEASON: Okay.

3 COMMISSIONER DE FUSCO: I wonder, Mr.
4 Matule, if we can -- as I figure out this retention
5 basin thing, if we can't enlarge the retention basin
6 above what North Hudson requires --

7 MR. MATULE: I suppose we can. I mean,
8 maybe it is a conversation we have to have with the
9 Board Engineer, because the reality is, as I
10 understand how these things work, you know, you have
11 a big pipe coming in, and a little pipe going out,
12 and they are built to contain a hundred-year flood
13 or a 500-year flood.

14 So if we have a bigger cavern
15 underground, it is really not going to change the
16 rate that the water is going into the system, other
17 than it may go in over a longer period of time, but
18 it's certainly something that we can look at. But,
19 you know, I think on one level we are sort of
20 stepping on North Hudson's toes here --

21 COMMISSIONER DE FUSCO: I think just
22 any opportunity --

23 MR. MATULE: -- but we will happy to
24 look at it.

25 COMMISSIONER DE FUSCO: Yeah. I mean,

1 if we can put a condition in there, you know, that
2 maybe puts it in the hands of our Board Engineer for
3 consideration, I think that would make me feel good
4 only because any sized building in Hoboken really
5 should be flood proofed as much to the extent as
6 possible.

7 MR. MATULE: If I may, I don't want to
8 beat it to death, but this application is for
9 preliminary site plan approval, and one of the
10 things that we would have to do as part of final is
11 get our sewer hookup permit from North Hudson, which
12 would include a stormwater management report, which
13 has to be filed by our engineer with them, and
14 typically we give Mr. Marsden a copy of that, so we
15 have no objections to doing that, assuming we have a
16 favorable vote.

17 COMMISSIONER DE FUSCO: That's fair.

18 COMMISSIONER COHEN: Just one other
19 thing.

20 On the reduction of the stair bulkhead,
21 I believe the testimony was that it would be reduced
22 to the height of seven feet --

23 MR. MATULE: Seven and a half feet.

24 COMMISSIONER COHEN: -- six inches from
25 nine feet, yes.

1 CHAIRMAN AIBEL: Is everybody satisfied
2 with the conditions?

3 Entertain a motion.

4 COMMISSIONER GRANA: I would like to
5 make a motion to approve 722-730 Jefferson with said
6 conditions.

7 CHAIRMAN AIBEL: Second?

8 COMMISSIONER DE FUSCO: I'll second it.

9 CHAIRMAN AIBEL: Okay. We have Mr.
10 Branciforte voting as the first alternate.

11 MS. CARCONE: Yes.

12 CHAIRMAN AIBEL: Thank you.

13 MS. CARCONE: Mr. Cohen?

14 COMMISSIONER COHEN: Yes.

15 MS. CARCONE: Mr. DeFusco?

16 COMMISSIONER DE FUSCO: Yes.

17 MS. CARCONE: Mr. Grana?

18 COMMISSIONER GRANA: Yes.

19 MS. CARCONE: Ms. Marsh?

20 COMMISSIONER MARSH: No.

21 MS. CARCONE: Commissioner Murphy?

22 COMMISSIONER MURPHY: No.

23 MS. CARCONE: Commissioner Branciforte?

24 COMMISSIONER BRANCIFORTE: No.

25 MS. CARCONE: Commissioner Aibel?

1 CHAIRMAN AIBEL: No.

2 MR. MATULE: Thank you.

3 (The matter concluded at 10:45 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, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.
Dated: 2/11/15
This transcript was prepared in accordance with
NJAC 13:43-5.9.

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
SPECIAL MEETING OF THE HOBOKEN :February 4, 2015
ZONING BOARD OF ADJUSTMENT :Wednesday 10:50
pm ----- X Executive
Session

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff

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

Patricia Carcone, Board Secretary

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

2 LAW OFFICE OF DENNIS M. GALVIN
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5 (732) 364-3011
6 BY: STEVEN M. GLEASON, ESQUIRE
7 Attorney for the Board.

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

3 I am going to suggest, Steve, and tell
4 us if it is okay, that we continue the Executive
5 Session that we were in a week and a half or two
6 weeks ago, or do you have a resolution?

7 MR. GLEASON: Yes. We're going to do
8 it.

9 CHAIRMAN AIBEL: Always prepared.

10 MR. GLEASON: Yes.

11 We are going to do a resolution to move
12 into Executive Session.

13 "WHEREAS, NJSA 10:4-12
14 of the Open Public Meetings Act permits the
15 exclusion of the public from a meeting in certain
16 circumstances set forth in paragraph (b); and

17 "WHEREAS, this public body is of the
18 opinion that such circumstances presently exist.

19 "NOW, THEREFORE BE IT RESOLVED by the
20 Zoning Board of Adjustment, City of Hoboken, County
21 of Hudson, State of New Jersey as follows:

22 "The public shall be excluded from the
23 Board's discussion of the hereinafter specified
24 matters.

25 "The general nature of the subject

1 matter to be discussed is as follows: Matters
2 involving employment, termination, appointment or
3 related employment matters regarding all of the
4 Board's professional staff for the year 2015
5 pursuant to NJSA 10:4-12(b)(8).

6 "It is anticipated at this time that
7 the above matter will be made public within 90 days.
8 This resolution shall take effect immediately."

9 CHAIRMAN AIBEL: Can we go off the
10 record for a second?

11 (Discussion held off the record from
12 10:55 p.m. until 11:25 p.m.)

13 CHAIRMAN AIBEL: Do we have a motion to
14 approve the resolution?

15 COMMISSIONER COHEN: Motion to approve
16 the resolution.

17 COMMISSIONER GRANA: With the comments
18 off the record, is that correct?

19 CHAIRMAN AIBEL: Yes.

20 COMMISSIONER GRANA: Second.

21 CHAIRMAN AIBEL: All in favor?

22 (All Board members voted in the
23 affirmative.)

24 (Discussion held off the record.)

25 MR. GLEASON: Back on the record.

1 COMMISSIONER GRANA: We have a motion
2 to approve. John motioned, and Diane seconded.

3 MS. CARCONE: Wait. Who did the
4 motion?

5 COMMISSIONER GRANA: John motioned, and
6 Diane seconded.

7 (Discussion held off the record.)

8 (Ms. Carcone excused.)

9 COMMISSIONER MARSH: Could you have
10 the attorney take the roll here, please?

11 CHAIRMAN AIBEL: Yes. Actually Pat
12 should do this.

13 (All Commissioners talking at once.)

14 MR. GLEASON: Mr. Cohen?

15 COMMISSIONER COHEN: Yes.

16 MR. GLEASON: Mr. DeFusco?

17 COMMISSIONER DE FUSCO: Yes.

18 MR. GLEASON: Mr. Grana?

19 COMMISSIONER GRANA: Yes.

20 MR. GLEASON: Ms. Marsh?

21 COMMISSIONER MARSH: Yes.

22 MR. GLEASON: Ms. Murphy?

23 COMMISSIONER MURPHY: Yes.

24 MR. GLEASON: Mr. Branciforte?

25 COMMISSIONER BRANCIFORTE: Yes.

1 MR. GLEASON: Ms. Fisher?

2 COMMISSIONER FISHER: Abstaining.

3 MR. GLEASON: Well, it is just roll
4 call.

5 CHAIRMAN AIBEL: No, but I think --

6 COMMISSIONER GRANA: No, this is the
7 vote.

8 MR. GLEASON: Oh, this is the vote?

9 COMMISSIONER MARSH: It's a vote.

10 MR. GLEASON: Okay. All right.

11 CHAIRMAN AIBEL: And you forgot me, and
12 I vote yes.

13 MR. GLEASON: Then we are voting on the
14 motion to appoint Eileen Banyra as planner.

15 CHAIRMAN AIBEL: Yes.

16 COMMISSIONER GRANA: That was it.

17 COMMISSIONER FISHER: So everyone said
18 yes, except me.

19 COMMISSIONER GRANA: That is what we
20 just voted on.

21 I will make a secondary motion. I'll
22 make a motion to extend H2M for 90 days upon which
23 the contract will be reviewed and extended or not --

24 COMMISSIONER COHEN: Reconsidered.

25 COMMISSIONER GRANA: -- reconsidered.

1 There you go.

2 MR. GLEASON: Reconsidered at the first
3 May meeting.

4 COMMISSIONER COHEN: I'll second that.

5 COMMISSIONER GRANA: I motioned, and
6 Phil seconded.

7 MR. GLEASON: Mr. Cohen?

8 COMMISSIONER COHEN: Yes.

9 MR. GLEASON: Mr. DeFusco?

10 COMMISSIONER DE FUSCO: Yes.

11 MR. GLEASON: Mr. Grana?

12 COMMISSIONER GRANA: Yes.

13 MR. GLEASON: Ms. Marsh?

14 COMMISSIONER MARSH: Yes.

15 MR. GLEASON: Ms. Murphy?

16 COMMISSIONER MURPHY: Yes.

17 MR. GLEASON: Mr. Branciforte?

18 COMMISSIONER BRANCIFORTE: Yes.

19 MR. GLEASON: And Chairman Aibel?

20 CHAIRMAN AIBEL: Yes.

21 COMMISSIONER BARNCIFORTE: Motion to
22 close.

23 COMMISSIONER MURPHY: Second.

24 CHAIRMAN AIBEL: All in favor?

25 (All Board members voted in the

1 affirmative.)

2 (The meeting concluded at 11:30 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, CCR, CRCR

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PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
Dated: 2/11/15
My commission expires 11/5/2015.
This transcript was prepared in accordance with
NJAC 13:43-5.9.

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