

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

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SPECIAL MEETING OF THE HOBOKEN : SPECIAL MEETING  
ZONING BOARD OF ADJUSTMENT : April 28, 2015  
----- X Tuesday, 7:15 p.m.

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Philip Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Owen McAnuff
- Commissioner Frank DeGrim

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

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

PHYLLIS T. LEWIS  
CERTIFIED COURT REPORTER  
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1           A P P E A R A N C E S:

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5                   (732) 364-3011  
6                   Attorney for the Board.

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1                   CHAIRMAN AIBEL: Good evening.

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

10                   Would you please join me in saluting  
11 the flag.

12                   (Pledge of Allegiance recited)

13                   CHAIRMAN AIBEL: Good evening,  
14 everybody.

15                   We are at a Special Meeting -- Counsel,  
16 come to order.

17                   MR. GALVIN: I'm sorry. I'll have a  
18 ham and rye.

19                   (Laughter)

20                   CHAIRMAN AIBEL: -- a Special Meeting  
21 of the Hoboken Zoning Board of Adjustment on  
22 Tuesday, April 28th.

23                   Could you do roll call, Pat?

24                   MS. CARCONE: Commissioner Aibel?

25                   CHAIRMAN AIBEL: Here.

1 MS. CARCONE: Commissioner Greene?  
2 VICE CHAIR GREENE: Here.  
3 MS. CARCONE: Commissioner Cohen?  
4 COMMISSIONER COHEN: Here.  
5 MS. CARCONE: Commissioner DeFusco?  
6 COMMISSIONER DE FUSCO: Here.  
7 MS. CARCONE: Commissioner Grana?  
8 COMMISSIONER GRANA: Here.  
9 MS. CARCONE: Commissioner Marsh is  
10 absent.  
11 Commissioner Murphy?  
12 COMMISSIONER MURPHY: Here.  
13 MS. CARCONE: Commissioner Branciforte?  
14 COMMISSIONER BRANCIFORTE: Here.  
15 MS. CARCONE: Commissioner Fisher is  
16 absent.  
17 Commissioner McAnuff?  
18 COMMISSIONER MC ANUFF: Here.  
19 MS. CARCONE: Commissioner DeGrim?  
20 COMMISSIONER DE GRIM: Here.  
21 CHAIRMAN AIBEL: Great.  
22 So we are going to do waivers at the  
23 end of the night, Jeff.  
24 MR. MARSDEN: Yes.  
25 CHAIRMAN AIBEL: Thank you.

1                   We have three resolutions to approve  
2           tonight.

3                   The first is for 528 Jefferson  
4           Street --

5                   MR. GALVIN: 258 8th Street.

6                   MS. CARCONE: 258.

7                   CHAIRMAN AIBEL: My apologies. 258 8th  
8           Street.

9                   Thank you.

10                  MR. GALVIN: All right. Mr. Cohen, Mr.  
11           DeFusco, Mr. Grana, Mr. Aibel are all eligible to  
12           vote on this.

13                  Is there a motion?

14                  Mr. DeGrim is eligible to vote.

15                  COMMISSIONER COHEN: Motion to approve.

16                  MR. GALVIN: Is there a second?

17                  COMMISSIONER GRANA: Second.

18                  MR. GALVIN: All right. Mr. Cohen?

19                  COMMISSIONER COHEN: Yes.

20                  MR. GALVIN: Mr. DeFusco?

21                  COMMISSIONER DE FUSCO: Yes.

22                  MR. GALVIN: Mr. Grana?

23                  COMMISSIONER GRANA: Yes.

24                  MR. GALVIN: Mr. DeGrim?

25                  COMMISSIONER DE GRIM: Yes.

1 MR. GALVIN: Chairman Aibel?

2 CHAIRMAN AIBEL: Yes.

3 MR. GALVIN: That is the first one.

4 CHAIRMAN AIBEL: The next one is  
5 108-100 Jefferson Street.

6 MR. GALVIN: All right.

7 CHAIRMAN AIBEL: I am not sure that is  
8 the address, but...

9 MR. GALVIN: Mr. Greene, Mr. Grana and  
10 Chairman Aibel.

11 COMMISSIONER GRANA: Motion to approve.

12 MR. GALVIN: Is there a second?

13 VICE CHAIR GREENE: Second.

14 MR. GALVIN: All right. Mr. Greene?

15 VICE CHAIR GREENE: Yes.

16 MR. GALVIN: Mr. Grana?

17 COMMISSIONER GRANA: Yes.

18 MR. GALVIN: And Chairman Aibel?

19 CHAIRMAN AIBEL: Yes.

20 We have a resolution of denial for 409  
21 Jefferson Street.

22 MR. GALVIN: Wait a minute. I think --  
23 (Board members confer.)

24 MS. CARCONE: Do you have 409?

25 MR. GALVIN: Yes, I do.

1                   On 409 it's Mr. Greene, Ms. Murphy, Mr.  
2           Branciforte and Chairman Aibel.

3                   COMMISSIONER BRANCIFORTE:   Motion to  
4           accept.

5                   COMMISSIONER GRANA:   I think it's a  
6           motion to deny.

7                   CHAIRMAN AIBEL:   Yes.

8                   MR. GALVIN:   Yes.  It's a motion to  
9           deny.

10                  COMMISSIONER BRANCIFORTE:   Motion to  
11           deny.

12                  MR. GALVIN:   Right.

13                  Mr. Greene?

14                  VICE CHAIR GREENE:   Yes.

15                  Was there a second?

16                  I will second it.

17                  MR. GALVIN:   Okay.  Thank you.

18                  Mr. Greene?

19                  VICE CHAIR GREENE:   Yes.

20                  MR. GALVIN:   Ms. Murphy?

21                  COMMISSIONER MURPHY:   Yes.

22                  MR. GALVIN:   Mr. Branciforte?

23                  COMMISSIONER BRANCIFORTE:   Yes.

24                  MR. GALVIN:   And Chairman Aibel?

25                  CHAIRMAN AIBEL:   Yes.

1 MR. GALVIN: Thank you.

2 On 108 Jefferson, did we resolve the  
3 D-6 condition?

4 MS. CARCONE: I didn't hear of a  
5 problem.

6 (Board members confer.)

7 CHAIRMAN AIBEL: We can do this offline  
8 then.

9 MS. CARCONE: Okay.

10 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

- - - - - X  
 RE: 1410 Grand Street/1405-1411 : SPECIAL MEETING  
 Adams Street (Carried from 3-24-15) :  
 APPLICANT: 1410 Adams Street, LLC :April 28, 2015  
 Preliminary Site Plan Review and :Tuesday 7:20 pm  
 C & D Variances :  
 - - - - - X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel (Recused)  
 Acting Chair Elliot H. Greene (Subsequently recused)  
 Acting Chair John Branciforte  
 Commissioner Philip Cohen  
 Commissioner Michael DeFusco  
 Commissioner Antonio Grana  
 Commissioner Diane Fitzmyer Murphy  
 Commissioner Owen McAnuff  
 Commissioner Frank DeGrim

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

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10                   (732) 476-2690  
11                   BY: MERYL A.G. GONCHAR, ESQ.  
12                   Attorneys for the Applicant.

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## E X H I B I T S

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1                   CHAIRMAN AIBEL: Good evening,  
2                   everyone.

3                   We have a very, very heavy agenda this  
4                   evening, as I think all of you know.

5                   First up would be 1410 Grand Street.  
6                   We then have 737 Garden Street, and finally 704  
7                   Madison Street. So if you are here for something  
8                   other than those three applications, you are in the  
9                   wrong room.

10                  What we are going to do this evening is  
11                  divide the time, and so we will start with 1410  
12                  Grand Street and go for an hour or thereabouts,  
13                  maybe a little bit longer, and then we will do the  
14                  same for the following two applications.

15                  I hope everybody is very efficient, and  
16                  maybe we can get some decisions tonight, but if not,  
17                  we will find time on subsequent calendars.

18                  So I guess the first one up is 1410  
19                  Grand.

20                  Mr. Greene is going to preside.

21                  (Chairman Aibel recused)

22                  ACTING CHAIR GREENE: Are we ready,  
23                  Counsel?

24                  MS. GONCHAR: Good evening.

25                  My name is Meryl Gonchar. I'm a member

1 of the firm of Greenbaum, Rowe, Smith & Davis, and  
2 we are the attorneys for 1410 Grand Avenue, LLC, the  
3 applicant this evening.

4 The applicant is seeking preliminary  
5 major site plan approval along with a use variance  
6 to permit development of a six-story mixed-use  
7 building comprised of one story of parking, retail  
8 and a theater use with five stories of residential  
9 use above.

10 The property is identified as Lots 1,  
11 2, 3, 4, 23 and 24 in Block 121, also identified as  
12 1410 Grand Street, and 1405 through 411 Adams.

13 The property comprises 15,000 square  
14 feet and has frontage on Adams, Grand and 14th and  
15 is located in the I-1 industrial zone.

16 The applicant is seeking approval for  
17 1950 square feet of retail commercial space on the  
18 first floor, and 1200 square feet of theater space,  
19 as well as parking to accommodate 44 parking spaces.

20 The upper five floors will comprise 44  
21 residential units and will be arranged in two  
22 separate components that our architect will  
23 describe.

24 The project will be developed to LEED  
25 platinum status and will include a number of green

1 and other sustainable features that will be detailed  
2 this evening.

3 In addition to the D-1 variance for  
4 use, we are also seeking a D-6 variance with regard  
5 to the number of stories, although the height does  
6 not exceed in feet the permitted number of feet in  
7 the zone.

8 There are also a number of C variances,  
9 which are largely subsumed by the D variance, but  
10 our planner will discuss those with you this  
11 evening, and there are also a few existing  
12 nonconforming conditions including the size of the  
13 parcel.

14 This evening we will present the  
15 testimony of Larry Bijou, a member of the applicant  
16 LLC, as well as Matthew Testa, who is the Director  
17 of Construction, and briefly Zabrina Stoffel, who is  
18 the President of the Board of Mile Square Theater,  
19 who is anticipated to be the tenant at the space on  
20 the first floor.

21 Then we will also present Dean  
22 Marchetto, our architect; Sony David, the engineer;  
23 Gary Dean, our professional engineer, traffic  
24 engineer, and Ed Kolling, our planner.

25 I know it is ambitious. We will move

1 as quickly as possible this evening.

2 We have published and served notice in  
3 accordance with the law, and I think we submitted  
4 proof of that prior to the March meeting when we  
5 were going to be heard, but were carried.

6 I have submitted the affidavit of  
7 service and the other proofs, and we simply ask that  
8 the Board confirm - I believe you did this at the  
9 previous meeting - that jurisdiction is properly  
10 before the Board.

11 Is that --

12 MR. GALVIN: Yes, I guess.

13 MS. GONCHAR: Okay. And we also note  
14 that we received review letters from your planner  
15 and your engineer, and we will hopefully address  
16 those comments in our direct testimony, and if not,  
17 we will deal with them after we put in our direct  
18 case.

19 With that, I would like to call Larry  
20 Bijou as our first witness.

21 MR. GALVIN: Raise your right hand.

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

25 MR. BIJOU: I do.

1       L A W R E N C E   B I J O U, having been duly sworn,  
2       testified as follows:

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

5                   THE WITNESS:  My full name is Lawrence  
6       Bijou, B-i-j-o-u, otherwise known as "Larry."

7                   MR. GALVIN:  Your witness, Counsel.

8                   MS. GONCHAR:  Larry, can you please  
9       describe for the Board your company, the  
10      company's -- what you have done in Hoboken, and what  
11      you propose to do at this location?

12                   THE WITNESS:  Well, most people have  
13      some kind of inkling about the type of building that  
14      we do.  We build LEED buildings, and mostly we  
15      started out with a gold certification.  We always  
16      kept that.  This would be our second platinum  
17      building.  We are LEED builders.  We don't do LEED  
18      to gain approvals from the Zoning Board.  They're  
19      all about -- that is all we do.

20                   So our projects are cutting edge.  They  
21      speak to many of the issues that we deal with every  
22      day in Hoboken now, flood issues, water issues, what  
23      have you.  So with that, I would just like to say  
24      this is what we do, and this is the only thing that  
25      we do.

1                   I would like to thank everybody, all of  
2                   you for taking the time to hear this application,  
3                   and I hope not to hold you up, but I would like to  
4                   introduce you to Matt Testa, who worked pretty hard  
5                   to put this slide show together here to give  
6                   everybody an idea as to exactly what this building  
7                   really is.

8                   It is the first of its kind in this  
9                   city. I think it is worth noting, but I will let  
10                  you decide, and Matt is our LEED construction  
11                  manager. He is also -- he is our construction  
12                  manager, and he's also all things about LEED. So if  
13                  you have any questions about LEED in general or  
14                  specifically about the building, Matthew will take  
15                  it from there.

16                  Thank you.

17                  MR. GALVIN: Are there any questions of  
18                  that witness?

19                  COMMISSIONER BRANCIFORTE: Just one.

20                  Did you prepare a schedule or a chart  
21                  of your LEED certifications, what your points are  
22                  going to be?

23                  In the past, you have done that.

24                  THE WITNESS: Oh, sure. I have them.  
25                  I don't have them on me, but I will be glad --

1 COMMISSIONER BRANCIFORTE: Was that  
2 part of the application? I didn't see it.

3 THE WITNESS: It is up here.

4 COMMISSIONER BRANCIFORTE: Okay.

5 THE WITNESS: I don't have all of the  
6 answers.

7 COMMISSIONER GRANA: No questions.

8 ACTING CHAIR GREENE: We have to open  
9 it up to the public.

10 MR. GALVIN: Sure.

11 Does anyone from the public have any  
12 questions of Mr. Bijou?

13 (No response)

14 Do I hear a motion to close public  
15 portion?

16 COMMISSIONER COHEN: Motion to close  
17 public portion for this witness.

18 COMMISSIONER GRANA: Second.

19 MR. GALVIN: Okay. The next thing is  
20 you have a paper version of the slide show we are  
21 about to see?

22 MS. GONCHAR: Yes, we do.

23 MR. GALVIN: Could you mark that as  
24 A-1, please?

25 (Exhibit A-1 marked.)

1                   Who took the pictures and when were  
2           they taken?

3                   MR. TESTA: I took the pictures.

4                   MR. GALVIN: Are you going to be --

5                   MS. GONCHAR: He is going to be sworn.

6           He's our next witness.

7                   MR. GALVIN: Stand up. Raise your  
8           right hand.

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

12                   MR. TESTA: Yes, I do.

13          M A T T H E W   T E S T A, LEED AP, Bijou  
14          Properties, LLC, 1422 Grand Street, Hoboken, New  
15          Jersey, having been duly sworn, testified as  
16          follows:

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

19                   THE WITNESS: Michael Testa, T-e-s-t-a.

20                   MR. GALVIN: And your credentials?

21                   THE WITNESS: Construction Director for  
22          Bijou Properties and LEED accreditation --

23                   MR. GALVIN: That will work. That's  
24          good.

25                   Did you take the pictures that are in

1 this program?

2 THE WITNESS: Yes, I did.

3 MR. GALVIN: Okay.

4 MS. GONCHAR: Do you want the marked  
5 one?

6 MS. CARCONE: I'll take it.

7 MR. GALVIN: There you go. That's the  
8 sheriff.

9 MS. GONCHAR: If you can pass them out.

10 THE WITNESS: I will stand over here.

11 Is it all right if I turn this light  
12 off?

13 ACTING CHAIR GREENE: Sure.

14 MR. GALVIN: No reaching out to the  
15 person next to you.

16 (Laughter)

17 MS. GONCHAR: All right. Just to  
18 confirm for the record, Matt, that you are employed  
19 by whom?

20 THE WITNESS: Bijou Properties.

21 MS. GONCHAR: You have to speak up.

22 THE WITNESS: Bijou Properties.

23 MS. GONCHAR: And do you hold a -- are  
24 you a LEED professional, do you hold any credentials  
25 in that regard?

1 THE WITNESS: That's correct.

2 MS. GONCHAR: Could you tell the Board  
3 what credentials you hold?

4 THE WITNESS: It is a LEED accredited  
5 professional. I received it in 2008.

6 MS. GONCHAR: Thank you.

7 Now, could you describe what you have  
8 on the screen?

9 THE WITNESS: Sure.

10 So this first slide is a map of  
11 northwest Hoboken. It shows locations of our  
12 sustainable developments, including the Hostess  
13 Building, which was rehabilitated by Bijou  
14 Properties in 2005.

15 Just to give you a little more of a  
16 view of our current projects, so on the left is the  
17 Vine. It is a -- it represents our sustainable  
18 living in high-rise form. Both this project and the  
19 Park and Garden project on the right include robotic  
20 parking garages, educational spaces and flexible  
21 retail spaces, and like I said, an automated parking  
22 garage, which was the first of its kind in Hoboken,  
23 actually in North America.

24 The Vine is 135 residential units and  
25 one retail, and one child care facility, 135 vehicle

1 automated parking system.

2 Park and Garden: 212 units, three  
3 retail, K through 8 charter school, and 383 vehicle  
4 automated parking system.

5 Both of these projects are slated to go  
6 online this summer and early fall.

7 Next up, Garden Street Lofts was  
8 completed in 2008. It brought Hoboken its first  
9 LEED certified building. It's an icon of a modern  
10 refined detail as it was an adaptive reuse.

11 In our latest portfolio piece, the Edge  
12 Lofts. It's Hoboken's first LEED platinum certified  
13 mid-rise, and I also currently live here. It is  
14 close to my heart.

15 (Laughter)

16 All right. So here is the location of  
17 the site we are speaking about tonight. It is that  
18 yellow dot, 1410 Grand Street. Here is a photo of  
19 the site looking north.

20 As you can see, we chose this site for  
21 our next development because of its natural beauty  
22 and its potential.

23 (Laughter)

24 You know, the site is situated between  
25 two new residential towers and a newly refurbished

1 public park, all built within the last two years.  
2 We feel strongly that a well-balanced, forward  
3 thinking building would positively activate this  
4 industrial area in many positive ways.

5 So with that said, the concept of the  
6 project is to develop a high performance  
7 multi-family mixed-use building that helps mitigate  
8 urban environmental problems, thus becoming part of  
9 the solution.

10 So what are the problems we are talking  
11 about?

12 Automobiles clog our streets, our  
13 street size and our intersections. Water mains are  
14 rupturing. The combined sewer is antiquated and  
15 frequently -- I'm sorry about that -- the combined  
16 sewer is antiquated and it's frequently charged and  
17 beyond its designed peak capacity, and electrical  
18 substations during the summer hit peak demands  
19 causing power outages and triggering fuel  
20 surcharges.

21 The sewer, I just mentioned, it  
22 routinely discharges untreated sewerage into the  
23 Hudson River and onto sidewalks during rain events.

24 The traffic I touched upon earlier  
25 causes cars to idle for hours within city limits

1 emitting toxic fumes into the city's breathing zone.

2 One of the root causes of urban  
3 flooding is the lack of drainage accentuated by  
4 impervious land coverage.

5 As you can see from the photo, the site  
6 we are planning to develop is currently a hundred  
7 percent impervious.

8 Now, I would like to explain how this  
9 development we are presenting to you is part of the  
10 solution.

11 So each of the development's three  
12 rooftops are designed with intensive and extensive  
13 green roof coverage areas.

14 Extensive green roof areas are  
15 comprised of shallow -- shallower plant medium  
16 systems, usually around three inches thick.  
17 Intensive green roof components take the form of  
18 deep planter areas with larger plants and trees  
19 bringing an increased rain absorption value than the  
20 extensive.

21 These green designs are dynamic, not  
22 only providing rainwater absorption, but also  
23 delivering insulating properties, heating and  
24 cooling equipment, load reduction and a pleasing  
25 esthetic. They also help reduce ambient urban air

1 temperatures, mitigating what is known as "The heat  
2 island effect."

3 The building design will incorporate a  
4 rain harvest system that will provide stormwater  
5 runoff containment while simultaneously storing  
6 water for irrigation.

7 This one is a no brainer: Low flow  
8 plumbing fixtures save water and money. All shower  
9 heads, toilets and faucets in the building will be  
10 water efficient.

11 Rain gardens are essentially deep  
12 planter areas at grade, which allow rainwater runoff  
13 from impervious areas, like sidewalks and driveways  
14 to be absorbed.

15 Rain garden design details will be used  
16 to construct each planter section at grade to hold  
17 back additional stormwater runoff during rain  
18 events.

19 Heat recovery: So this technology  
20 pertains to the ventilation systems that will be  
21 incorporated into the building's mechanical design.  
22 Heat recovery equipment provides filtered fresh air  
23 and improve the climate control indoors to the  
24 living spaces while also saving energy.

25 The south tower roof design integrates

1 a 40 kilowatt array -- solar array that is -- that  
2 will offset common area power supply requirements  
3 from the grid.

4 This on-site renewable energy system  
5 will also serve as a distribution generator during  
6 blackouts to sustain power supply to critical  
7 building systems and common areas.

8 All heating and cooling systems designs  
9 will be processed with mindful attention paid to air  
10 distribution equipment selections that achieve  
11 drastic reductions in energy use.

12 High efficiency water heating equipment  
13 will be coupled with a solar thermal collector for  
14 optimal energy savings.

15 All common areas will be networked with  
16 intelligent lighting controls to provide the right  
17 amount of light where and when it's needed to  
18 satisfy building codes while complying with energy  
19 conservation goals.

20 LED lamps will be integrated throughout  
21 all common areas and residential lighting designs.

22 The development will employ two methods  
23 of modular construction techniques in unison with a  
24 flat plate concrete superstructure. These  
25 techniques include pod bathrooms and prefabricated

1 wall panels.

2 The benefits generated by these  
3 construction methods include construction waste  
4 reduction, accelerated construction phases and an  
5 increased level of building uniformity and quality.

6 The site was selected in part due to  
7 its proximity to the bus, light rail and ferry.

8 A live display of all transportation  
9 options with real time departure information will be  
10 prominently located in the lobby to further promote  
11 the use of public transportation of their residents  
12 and their guests.

13 We have dedicated space for the  
14 residents to safely store their bikes, as well as a  
15 permanent bike repair station.

16 The parking garage will house 44 cars  
17 for tenants and retail employees and visitors.

18 Electrical vehicle charging stations  
19 will be available and provide premier parking for  
20 residents with zero emission vehicles.

21 Smoking will be banned on premise and  
22 within 25 feet of all building entries, air intakes  
23 and windows.

24 Paints, coatings, primers and glues  
25 used during the construction process must contain

1 low level or zero volatile organic compounds.

2 Housekeeping cleaning agent lists will  
3 also be included in every tenant package, which  
4 prohibits the use of cleaning agents that do not  
5 comply with the building's VOC rules.

6 The last of these solutions are  
7 envelope design. Our building envelop design  
8 includes advanced air sealing and insulation  
9 materials and techniques to minimize heat loss and  
10 keep indoor air cleaner.

11 So each of these solutions correlate  
12 with our LEED certification prerequisite and point  
13 goals, each of these -- and will team up to  
14 selectively neutralize these urban problems.

15 So as you can see, our sustainable  
16 goals are lofty.

17 The chart shown here illustrates the  
18 LEED matrix that will mold the design documents that  
19 create a play book for the construction teams.

20 This project will be designed and built  
21 to achieve some of the highest ECO labels in the  
22 industry, including LEED platinum and Energy Star  
23 ratings.

24 Our in-house architects, engineers, and  
25 construction managers work closely with the

1 industry's best design and construction consultants  
2 to form an integrated project delivery team, so that  
3 goals are followed through from a kickoff of  
4 schematic design through tenant stabilization.

5 So here are some of our goals. These  
6 are the most rewarding of the goals, which are  
7 energy and water reduction.

8 So the systems listed here are designed  
9 with performance standards that exceed energy code  
10 standards. Water, heating, lighting, appliances,  
11 renewable energy.

12 "Water, heating, lighting, appliances,  
13 and renewable energy" is twice. That is a typo.

14 (Laughter)

15 So the Edge Lofts project that I  
16 mentioned before, achieved a 31 percent reduction in  
17 energy use using LEED's metric calculations.

18 This project aims at a 40 percent  
19 reduction from the baseline average.

20 Water efficiency: So low flow plumbing  
21 fixtures, rain harvest system and Energy Star  
22 appliances all help to create a reduction in water  
23 use.

24 Edge Lofts achieved a 25 percent  
25 reduction below the baseline.

1           1410 Grand aims to achieve a 40 percent  
2           reduction by means of these low flow fixtures, rain  
3           harvesting and Energy Star laundry centers and  
4           dishwashers.

5           So let's talk about resiliency. So  
6           this is a large part of LEED. So below the advisory  
7           base flood elevation, all parking areas, building  
8           access, and storage areas will be designed and  
9           constructed with sealed cast in place concrete  
10          shearwalls and sealed concrete masonry unit  
11          partitions.

12          Flood vents will be properly installed  
13          for the oversight of the architect to allow for the  
14          entry and exit of flood waters.

15          All utility entrance rooms and garage  
16          storage rooms shall be elevated above the ABFE plus  
17          freeboard requirements.

18          All retail spaces will be dry flood  
19          proof ready.

20          The solar array will be equipped with  
21          island invertors to transfer power to life safety  
22          equipment during a blackout.

23          Natural gas water heaters will be  
24          designed with power backup to work during blackouts.

25          So I would like to close with a photo

1 of the map I started with. When these developments  
2 team up, they collectively reduce the stresses on  
3 our environment, and they radiate the positive  
4 influence on the rest of the city.

5 That concludes my presentation.

6 ACTING CHAIR GREENE: Okay. Board  
7 members, questions?

8 Why don't you come over to the middle  
9 so we can all see you?

10 Does anyone have any questions?

11 COMMISSIONER BRANCIFORTE: So are you  
12 going to present a LEED expert, or you are  
13 presenting yourself as the LEED?

14 THE WITNESS: I am presenting myself as  
15 the LEED expert.

16 COMMISSIONER BRANCIFORTE: Okay.

17 So at the next meeting could you give  
18 us that schedule of all of the points you are going  
19 to get for the LEED platinum?

20 THE WITNESS: Sure.

21 The one page in the handout has that  
22 chart, but it is the summation of all of them. I  
23 could give you the backup to it, if you would like.

24 MR. GALVIN: I think what I would like  
25 is a list of things that you are going to do that

1 are, you know, not -- there are things that you have  
2 in the equation that, you know, Hoboken is a transit  
3 friendly community, we are not looking for that.

4 The list that you are going to do, the  
5 solar array on the roof, you're going to do  
6 whatever, you know, whatever four or five items --

7 ACTING CHAIR GREENE: You want the  
8 detail of this schedule in essence, right?

9 This is the schedule you were referring  
10 to?

11 THE WITNESS: Correct.

12 ACTING CHAIR GREENE: So we would like  
13 to see the details.

14 MR. GALVIN: You can even call me, if  
15 you have to, to talk about it.

16 THE WITNESS: Sure.

17 MR. GALVIN: I am only looking for like  
18 seven or eight larger things that I can list as  
19 these things will absolutely be done.

20 THE WITNESS: I can do that.

21 ACTING CHAIR GREENE: Do you have a  
22 question?

23 COMMISSIONER BRANCIFORTE: Oh, I'm  
24 sorry.

25 Why so few electric car chargers? I

1 see two.

2 THE WITNESS: That was a prerequisite  
3 by LEED. However, that is not a deal breaker.

4 COMMISSIONER BRANCIFORTE: So are you  
5 willing to put in more now?

6 THE WITNESS: Yes, we are.

7 MR. BIJOU: I have an electric car, and  
8 in the end we have two charging stations that could  
9 be used by the tenants and me.

10 ACTING CHAIR GREENE: John, do you have  
11 anything else?

12 COMMISSIONER BRANCIFORTE: No. I would  
13 like to see more electric car chargers.

14 Nothing for now. Thank you, Mr.  
15 Greene.

16 ACTING CHAIR GREENE: Phil?

17 COMMISSIONER COHEN: Just one question.

18 I think I understood your testimony and  
19 Mr. Bijou's testimony to this, but are you  
20 committing to build a platinum LEED project?

21 THE WITNESS: Correct.

22 COMMISSIONER COHEN: Okay. Thank you.

23 CHAIRMAN AIBEL: Anyone else?

24 Tony?

25 COMMISSIONER GRANA: Just a few quick

1 questions.

2 On water efficiency, you referenced the  
3 base line. What is that base line that defines that  
4 standard?

5 Is that LEED in standard or something  
6 else?

7 THE WITNESS: Well, the National  
8 Standard Plumbing Code, it is part of it, and LEED  
9 takes that and reinterprets it, so it is not an easy  
10 answer, but I could send you guys information on  
11 what they use for that metric.

12 COMMISSIONER GRANA: Okay.

13 Two other quick questions, if I could  
14 find them.

15 While I am looking for those, it was  
16 just a thought. I love this no smoking concept.  
17 But if part of that no smoking is on public  
18 property, can you enforce that?

19 THE WITNESS: That's a good question.  
20 I don't know the answer to that.

21 Normally 25 foot of the entrance falls  
22 within the right-of-way of the property. However,  
23 this might be a time when it is not, so --

24 COMMISSIONER GRANA: Just thought I  
25 would ask the question.

1                   And, you know, maybe I will go and  
2                   educate myself on these. I just -- these standards  
3                   here for, you know, when we have location on  
4                   linkages, most of these I think we understand.  
5                   Location and linkages and awareness and education,  
6                   we may not understand these. Is there a place we  
7                   could go to make sure we understand before the  
8                   testimony is done?

9                   THE WITNESS: Sure.

10                   You can go to the LEED website. The  
11                   reason for LEED for homes mid-rise rating system,  
12                   and awareness and education gives you points at the  
13                   end of the project to do kiosks and signage in the  
14                   building and also distribute information on the  
15                   website to bring awareness to your tenants' retail  
16                   and residential, so that they keep the building  
17                   working properly.

18                   COMMISSIONER GRANA: Okay.

19                   Thank you very much.

20                   ACTING CHAIR GREENE: Anybody else?

21                   MR. BIJOU: We have a third party to  
22                   certify --

23                   THE REPORTER: Is this supposed to be  
24                   on the record?

25                   MR. GALVIN: That is not on the record

1 unless you are putting it on the record, Mr. Bijou.  
2 It has to be up -- could somebody turn the light  
3 back on?

4 Thanks, guys.

5 ACTING CHAIR GREENE: Mr. Testa, I have  
6 a question for you.

7 You referenced in your presentation the  
8 proximity to the light rail, the bus and the ferry.

9 What is the proximity to the ferry and  
10 the light rail of this building?

11 THE WITNESS: I don't know exactly, but  
12 estimated, the bus is three blocks. The ferry is  
13 seven blocks, and light rail is nine blocks.

14 ACTING CHAIR GREENE: Do you get LEED  
15 credit for seven blocks, nine blocks?

16 I don't know what that distance is.  
17 Maybe it's a half a mile?

18 THE WITNESS: Yeah. You get larger  
19 points for the closer you are to the center, but all  
20 of those within a mile radius all contribute to the  
21 points, so that's a quarter or a half of a full  
22 point.

23 ACTING CHAIR GREENE: Do you lose  
24 points if the bus is too full for your tenants to  
25 get on?

1 (Laughter)

2 THE WITNESS: I can ask. I'm not sure.

3 ACTING CHAIR GREENE: Any other  
4 questions?

5 COMMISSIONER GRANA: I just want to  
6 follow up to Mr. Greene's question.

7 Do the points change based on whether  
8 it's a quarter mile or a half mile or a mile?

9 THE WITNESS: Yes. There is quarter,  
10 half and whole points --

11 COMMISSIONER GRANA: Okay --

12 THE WITNESS: -- for the  
13 differential --

14 COMMISSIONER GRANA: -- so a mile, half  
15 and a quarter?

16 THE WITNESS: Correct.

17 COMMISSIONER GRANA: Thank you.

18 ACTING CHAIR GREENE: Okay.

19 Open it up to the public. Does any  
20 member of the public have any questions for this  
21 witness?

22 Seeing no one.

23 COMMISSIONER COHEN: Motion to close  
24 the public portion for this witness.

25 COMMISSIONER MURPHY: Second.

1                   ACTING CHAIR GREENE:   Okay.

2                   Jeff, you have a question?

3                   MR. MARSDEN:   Yes.

4                   At what point will you be able to tell  
5                   us what you are going to be actually providing, how  
6                   many charging stations, how many square feet of  
7                   solar panels and so forth?

8                   That is, I think, what Mr. Galvin  
9                   referred to, and that is one of the things we want  
10                  to see.

11                  THE WITNESS:   Sure.

12                  Everything in the slide presentation is  
13                  in the basis of design, which I am using to give to  
14                  the design consultants that designed the building  
15                  from, so I can make sure everything is in there and  
16                  freshen it up and send you guys a PDF of that.

17                  MR. MARSDEN:   Okay.

18                  ACTING CHAIR GREENE:   Thank you.

19                  Counselor?

20                  MS. GONCHAR:   Our next witness is  
21                  Zabrina Stoffel, who is the President of the Board  
22                  of Mile Square Theater, who will just tell you about  
23                  one of the proposed tenants at the site.

24                  MR. GALVIN:   Raise your right hand,  
25                  please.

1                   Do you swear to tell the truth, the  
2 whole truth, and nothing but the truth so help you  
3 God?

4                   MS. STOFFEL: I do.

5                   Z A B R I N A   S T O F F E L, having been duly  
6 sworn, testified as follows:

7                   MR. GALVIN: State your full name for  
8 the record and spell your last name.

9                   THE WITNESS: Zabrina, Z-a-b-r-i-n-a,  
10 Stoffel, S-t-o-f-f-e-l.

11                  MR. GALVIN: Your witness, Counsel.

12                  MS. GONCHAR: Thank you.

13                  All right. Can you just explain to the  
14 Board who you are affiliated with and what the  
15 relationship is of that entity to this proposed  
16 building?

17                  THE WITNESS: Sure.

18                  So I am the Board President of the Mile  
19 Square Theater. We are a non-profit theater, almost  
20 13 years old.

21                  We are an equity theater. We are a  
22 professional theater. It takes all kinds of theater  
23 to make the world go round.

24                  Community theater is people who want it  
25 to be an after in college, but like it as a hobby,

1 and so you might go to shows like that. These  
2 people are very different than the people who make a  
3 living, feed their kids, and pay their mortgage on  
4 their acting skills, and those are the people that  
5 we employ. They work on Broadway. They work in big  
6 theaters in New York and around the country and  
7 around the world, so we are A plus --

8 ACTING CHAIR GREENE: Can I stop you  
9 for just a moment? I need to consult with my  
10 counsel.

11 (Acting Chair Greene confers with Mr.  
12 Galvin.)

13 MR. GALVIN: Oh, God.

14 (Laughter)

15 Just continue to proceed. Go ahead.  
16 We are not going to vote on this tonight anyway, and  
17 we will sort things out.

18 MS. GONCHAR: Can you give the Board  
19 some information with regard to where the theater  
20 operates, the main theater operates now, and what  
21 the proposal is with regard to the space I referred  
22 to as the theater space on the first floor of the  
23 proposed building?

24 THE WITNESS: Sure.

25 Just a little history. We started off

1 doing outdoor theater, Shakespeare on the Waterfront  
2 at Sinatra Park, and then we did that a few years,  
3 and then we were in the Monroe Center for the arts  
4 for a few years. We had a great kind of homemade  
5 theater space there.

6 And then over time, this body approved  
7 a building called the Artisan, which is on 14th and  
8 Clinton, and we acquired that space as the nonprofit  
9 entity that will be housed in that.

10 We are currently working on a capital  
11 campaign to renovate that space, so that we can  
12 occupy that as our professional theater. We will  
13 have 130 seats, three classrooms, lobby.

14 In the meantime, we moved out of the  
15 Monroe Center, and we are in a Bihou Properties'  
16 space called the Edge, which is just across the  
17 street from the Artisan also on 14th and Clinton.  
18 It is about a 1200 or so square foot space. We can  
19 fit about 50 chairs in there when we are doing a  
20 show.

21 We are kind of going through lots of  
22 awesome changes. Right now we just did a strategic  
23 alliance with an organization called the Hoboken  
24 Children's Theater, and this is around the same age  
25 as our organization, around 12 or 13 years. They

1 are a musical theater, children's education  
2 organization, so we now have an organization that is  
3 twice as big, and we do children's musical theater,  
4 education and professional shows for all ages, from  
5 little kids. We do professional shows for children,  
6 and we do professional shows for families and for  
7 grownups.

8 MS. GONCHAR: And is that part of the  
9 program, the children's theater education program,  
10 that will occupy and work out of the space that we  
11 have described for the Board to be in this building?

12 THE WITNESS: Yes.

13 So we plan to have our largest  
14 classroom space at this new building. We teach kids  
15 from six to in college. Right now we have 12  
16 different classes that we are running from age six  
17 through college.

18 We only have one space right now. It  
19 is pretty tight, and our schedule is a little bit  
20 crazy. We have about ten minutes between each  
21 class, so we are really excited to build the Artisan  
22 and to get this space, because we have waiting lists  
23 of people that want to join our organization and  
24 other classes that people are asking us to do, and  
25 there is just so many wonderful professionals,

1 teaching artists and creative people in this area,  
2 where we are lucky enough to be living.

3 MS. GONCHAR: And is the location  
4 also -- will you be using outdoor space in  
5 connection with this proposed building?

6 THE WITNESS: Yes.

7 This is a fantastic location right  
8 under the Viaduct. They were very smart when they  
9 built it. They had this plan I think. We expect  
10 that we will be using under the Viaduct, so this is  
11 about across the street from the movie theater, just  
12 to have the image in your head, so it is the tall  
13 part of the under Viaduct area, so there is great  
14 acoustics out there, rain or shine kind of stuff,  
15 and a lot of people can fit under there, and as soon  
16 as the city works out the agreement with the county,  
17 we plan to be doing some outdoor events in the  
18 outdoor area.

19 We are really excited about this area.  
20 It is one of the places that is having development  
21 and new people are moving in, and people are really  
22 hungry for this kind of cultural tourism and this  
23 kind of entertainment that they can bring their  
24 family to --

25 MR. GALVIN: All right. Can we have a

1 time out?

2 MS. GONCHAR: Yes.

3 ACTING CHAIR GREENE: Time out, just a  
4 second.

5 MS. GONCHAR: Oh, okay.

6 We are done with our direct for this  
7 witness.

8 MR. GALVIN: Okay.

9 Well, Mr. Greene is going to be  
10 stepping off this matter based on the introduction  
11 of this witness and Mr. Greene's personal business  
12 responsibilities, there is a conflict, and he won't  
13 be proceeding further.

14 ACTING CHAIR GREENE: It is not  
15 anything that you did wrong, and it's not anything I  
16 did wrong --

17 THE WITNESS: I don't even know you.

18 ACTING CHAIR GREENE: -- I know you  
19 didn't know --

20 MR. GALVIN: It doesn't matter. It  
21 doesn't matter. We are not going to get into that.

22 Thank you.

23 THE WITNESS: Okay.

24 MR. GALVIN: Thank you.

25 ACTING CHAIR GREENE: So we need to



1 set the precedent last time when we took the vote,  
2 so I would rather stick with that.

3 COMMISSIONER GRANA: Last time --  
4 (Board members talking at once.)

5 MR. GALVIN: We are on the record.

6 COMMISSIONER GRANA: Discussion?

7 MR. GALVIN: Yes.

8 COMMISSIONER GRANA: Last time, did we  
9 not agree to alternate?

10 Is that what we agreed to do?

11 COMMISSIONER MURPHY: I thought we did.

12 COMMISSIONER BRANCIFORTE: I don't  
13 remember.

14 COMMISSIONER MURPHY: I thought we  
15 agreed to alternate.

16 COMMISSIONER GRANA: That was my  
17 understanding.

18 COMMISSIONER DE GRIM: I thought so.

19 COMMISSIONER COHEN: Does Mr.  
20 Branciforte agree to alternate?

21 COMMISSIONER BRANCIFORTE: Well, I am  
22 okay with it, if you're okay with it.

23 COMMISSIONER COHEN: I am fine with  
24 that.

25 COMMISSIONER GRANA: So do we need a

1 motion or what do we need?

2 MR. GALVIN: How many -- we have seven  
3 members --

4 MS. CARCONE: We have seven now.

5 MR. GALVIN: Okay. Mr. Branciforte  
6 is -- the other position I would take -- we are  
7 fine. Let's do that. As long as Mr. Branciforte --

8 COMMISSIONER DE FUSCO: Okay. I am  
9 just going to throw a hypothetical in here.

10 MR. GALVIN: Okay.

11 COMMISSIONER DE FUSCO: If we have a  
12 full voting Board -- oh, we can't, because --

13 MR. GALVIN: If we don't have --

14 COMMISSIONER DE FUSCO: -- because both  
15 the Chair and the Vice Chair are out.

16 MR. GALVIN: -- right. I wouldn't have  
17 John be the Chair, if he was in an alternate  
18 position. He can only do it in this situation now,  
19 he has moved up.

20 COMMISSIONER DE FUSCO: Yes. I support  
21 the alternating.

22 MR. GALVIN: But otherwise, I got your  
23 point.

24 COMMISSIONER GRANA: Do we need a  
25 motion? Do we need a motion Here?

1 MR. GALVIN: All in favor of Mr.  
2 Branciforte taking the Chair for the balance of this  
3 hearing?

4 (All Board members answered in the  
5 affirmative)

6 MR. GALVIN: Anyone opposed?

7 (No response)

8 MR. GALVIN: Okay.

9 MS. GONCHAR: I just have one more  
10 question.

11 Can you just advise the Board of the  
12 arrangement that has been made with Bijou?

13 Will they be contributing the space,  
14 will the theater be paying for it, what's the  
15 arrangement?

16 THE WITNESS: Yes. So this is a true  
17 giveback. They are giving us 15 years of free rent,  
18 and they are building it to our specifications. We  
19 have met and designed and agreed on materials and  
20 what it is going to look like and what the design  
21 looks like.

22 I don't know if you know how the  
23 finances in a non-profit theater work, but it kind  
24 of breaks down where about 50 percent of ticket  
25 sales cover the cost of a production, and the other

1 50 percent is contributed whether it's in  
2 sponsorships or selling ad space or people just  
3 straight up donating.

4 So the free rent for this is key, and I  
5 hope that if you didn't know about Mile Square  
6 Theater before, that you do now, and you will be  
7 coming to our shows. But our ticket prices are  
8 super inexpensive, and that is because part of our  
9 mission is about accessibility to the artists, and a  
10 big barrier that people have is price.

11 I mean \$150 for you and your friend to  
12 go see a Broadway show is a lot of money, and so our  
13 tickets are eight dollars, ten dollars for kids and  
14 seniors, and \$20, maybe \$25 at the most for adults.

15 I want to just say a couple of other  
16 things because I am really passionate about this  
17 stuff. I am not an actor. I didn't go to school  
18 for the arts. I am a really bad singer of all --  
19 there is no art that I can do. I am awful at it,  
20 but I love it because it makes me smile, and there's  
21 not lots of things, like you know, you turn on the  
22 news, and it is all bad news, and there's nothing  
23 happy going on.

24 So this is the kind of thing that  
25 really brings true real joy into people, and I am

1 not just being like mushy about that --

2 (Laughter)

3 -- it is a real thing, and it really  
4 affects people to watch a production of real humans  
5 having real emotions right in front of you. It is  
6 very different than watching a movie, and that is  
7 why I got involved with the theater.

8 The people who were working on the  
9 Board are amazing people. The people who are the  
10 creative -- the founder and creative director, Chris  
11 O'Connor, is a beautiful person. I mean, he is --  
12 he is making this art happen in the city that I want  
13 to stay living in. And I was the person who moved  
14 here thinking this was my next stop on the way to  
15 suburbia, and that is not what happened to me.

16 I am staying with my kids and my  
17 husband, and I made my brother move here --

18 (Laughter)

19 -- and I made my other sister-in-law  
20 and her kid move here, and her mother is moving here  
21 from Indiana next week --

22 (Laughter)

23 -- I really -- I love living in this  
24 city, and I love all of the things that it offers,  
25 and this cultural tourism and being able to be a

1 part of creating jobs in this small city, supporting  
2 the small businesses that are nearby, the coffee  
3 shops, the artists that live here and live nearby,  
4 the furniture stores that will benefit from us being  
5 here, the restaurants that will benefit from having  
6 our guests --

7 ACTING CHAIR BRANCIFORTE: We  
8 understand --

9 MR. GALVIN: We understand. I think  
10 you made your point there.

11 ACTING CHAIR BRANCIFORTE: -- no, I  
12 appreciate your points, but in the sake of moving  
13 things along tonight, I'm going to ask --

14 THE WITNESS: Okay.

15 So then I will just close with: This  
16 is a really good thing to have an organization like  
17 us on the edge of the ultimate success, having three  
18 real spaces that are really professional that  
19 compare to Broadway in all ways except for price.

20 This is a really awesome opportunity  
21 for us, and I hope that you guys can find a way to  
22 make that possible for us to be able to take  
23 advantage of the offer that Bijou Properties has  
24 offered to us to have this giveback.

25 ACTING CHIAR BRANCIFORTE: Thank you.

1                   Okay. Off the record for one second.

2                   (Discussion held off the record.)

3                   ACTING CHAIR BRANCIFORTE: I am sorry.

4                   Mr. Cohen, did you want to say  
5 something?

6                   COMMISSIONER COHEN: Yes.

7                   Hi.

8                   I wanted to just disclose something. I  
9 don't know the witness, but I am familiar with the  
10 organization, and I am a supporter of the  
11 organization. I had an event of my own to introduce  
12 people to it, and I believe in their mission.

13                   I don't believe this is something that  
14 disqualifies me from participating in this  
15 application, that is an issue some of the other  
16 Commissioners have had to deal with on this. I  
17 think I am able to be, you know, an impartial  
18 person. But I think if anyone has a concern about  
19 my participating based on my support of this  
20 organization, you know --

21                   MR. GALVIN: You are not a director or  
22 a trustee or --

23                   COMMISSIONER COHEN: No. I never  
24 received anything of benefit from the organization.

25                   MR. GALVIN: Okay.

1                   ACTING CHAIR BRANCIFORTE: Your  
2 daughter is not up for the lead in any play or  
3 anything?

4                   COMMISSIONER COHEN: Not yet.  
5 (Laughter)

6                   ACTING CHAIR BRANCIFORTE: Are there  
7 any questions?

8                   THE WITNESS: I wouldn't know if that  
9 were the case. I am just the president and do the  
10 business of the art.

11                  ACTING CHAIR BRANCIFORTE: Are there  
12 any questions?

13                  COMMISSIONER DE GRIM: Actually I have  
14 a couple questions.

15                         The space you --

16                  MR. GALVIN: Wait, wait a minute. I'm  
17 sorry.

18                         Before we proceed, does anybody have an  
19 objection to Mr. Cohen continuing on this case?

20                         All right. Seeing none.

21                  COMMISSIONER DE GRIM: -- the space is  
22 just for classroom, or is there going to be any  
23 theater type seating?

24                         THE WITNESS: There won't be permanent  
25 seating. We will have folding chairs that we will

1 be able to bring out. It will be sort of black-boxy  
2 in that we will move stuff around. It will be  
3 readings and experimental stuff, where smaller more  
4 intimate, if you can imagine even more intimate than  
5 130 seats in the big space of the Artisan, this will  
6 be a maximum of 50 chairs. Because we are currently  
7 using the Edge, we are a hundred percent sure that  
8 this is perfect because --

9 COMMISSIONER DE GRIM: Will you still  
10 be using the Edge?

11 THE WITNESS: We hope so.

12 COMMISSIONER DE GRIM: Thank you.  
13 That's all I have.

14 THE WITNESS: We hope so.

15 ACTING CHAIR BRANCIFORTE: Go ahead,  
16 Mr. Cohen.

17 COMMISSIONER COHEN: So just to be  
18 clear, you have an agreement that you are going to  
19 have this space 15 years rent free, is that correct?

20 THE WITNESS: That is correct.

21 COMMISSIONER COHEN: And then after  
22 that, is it going to be a below market rent rate?  
23 Has there been a discussion?

24 I know that sounds like a long time  
25 from now, but I just want to know what is the

1 understanding of the relationship between the  
2 theater because it is a community benefit that's  
3 being approved, and I just want to understand what  
4 it is that the community is getting in return for  
5 this application, if you understand it.

6 THE WITNESS: It is always zoned for  
7 non-profit use.

8 COMMISSIONER COHEN: Okay. And the  
9 reason I'm following up is --

10 THE WITNESS: We don't have a specific  
11 agreement on what the rent would be at year 15.

12 COMMISSIONER COHEN: -- the reason I  
13 ask is because I believe with another building,  
14 where there was a zoning approval, there was some  
15 ambiguity as to what the nature of the long-term  
16 relationship would be, if the property changed  
17 hands, and that while it may be a not-for-profit  
18 use, it was an expensive not-for-profit use for the  
19 organization.

20 So to the extent that it could be  
21 hammered out, you know, you are going to be back  
22 again as to what the long-term relationship and  
23 commitment is, that even if the property changes  
24 hands, that that commitment would travel with the  
25 property as a condition of the use, I think that

1 would be helpful so that we can memorialize that in  
2 the resolution.

3 MS. GONCHAR: We will have information  
4 on that. We will be responsible when we come back.

5 COMMISSIONER COHEN: Thank you.

6 ACTING CHAIR BRANCIFORTE: Any other  
7 questions from the Board members before we start  
8 with the experts?

9 COMMISSIONER DE FUSCO: Thank you,  
10 John.

11 A question for you: So 14th Street is  
12 one of our main commercial corridors, active street  
13 life is something that's obviously a community  
14 benefit as outlined in the master plan.

15 What are your hours of operation for  
16 the children's theater?

17 Is it going to be closed for most of  
18 the day and open only during class and shift time,  
19 or what is your plan for that?

20 THE WITNESS: Typically our classes run  
21 from three to eight Monday through Friday. We  
22 expect that we will be expanding because we will  
23 have five classrooms. I mean two years from now, we  
24 should have five classrooms, so we should be able to  
25 be having more classes and doing more things on

1 weekends also.

2 COMMISSIONER DE FUSCO: All right.

3 So evenings after people are out of  
4 school and out of work is when you're --

5 THE WITNESS: Oh, yeah.

6 And then during the day we kind of  
7 sublet the space to a baby massage, baby music  
8 class --

9 COMMISSIONER DE FUSCO: Wait a second.

10 The non-profit space that you are  
11 subletting to a baby massage?

12 THE WITNESS: You know how people need  
13 to like gather or have a meeting, so it is like by  
14 the hour.

15 MR. GALVIN: Hand and Stone, Jr.

16 Come on, that's funny stuff.

17 THE WITNESS: While we are not using it  
18 for classroom space, the other places that can't  
19 afford to have an annual lease, because they only  
20 need it for an hour a week have a place --

21 COMMISSIONER DE FUSCO: Sure, a  
22 commercial incubator space, if you will.

23 So is that profit going to be going  
24 towards -- to the Mile Square Theater's non-profit's  
25 goal -- non-profit goal?

1                   THE WITNESS: Yes, it is, and that is  
2 part of our lease, and it is an allowed use for us  
3 to rent it hourly or daily, not monthly or anything  
4 like that.

5                   COMMISSIONER DE FUSCO: Okay.

6                   Active streets are probably one of the  
7 most important things we can encourage on our  
8 commercial corridors, so --

9                   THE WITNESS: I agree with that. I  
10 think that that is the key thing that builds the  
11 community --

12                  COMMISSIONER DE FUSCO: Sure.

13                  THE WITNESS: -- and the trust in the  
14 neighborhood, knowing that the people on the street  
15 are helpful and happy and friendly.

16                  COMMISSIONER DE FUSCO: We are on the  
17 same page.

18                  Thank you.

19                  ACTING CHAIR BRANCIFORTE: Any other  
20 Board members? Questions from any other Board  
21 members?

22                  Professionals?

23                  MS. BANYRA: I just had one question  
24 and this is probably for the attorney.

25                  The applicant indicated that it was

1       zoned for not-for-profit or zoned for something, and  
2       maybe you will qualify that at the next meeting,  
3       because there is no zoning per se. I am guessing  
4       that she was implying there is a deed restriction or  
5       something that's going to be dedicated for  
6       not-for-profit space.

7                MS. GONCHAR: I think what they were  
8       referring to is that it would be a condition of any  
9       approval, that the zoning would be what's created by  
10      the use variance. I think that is how that was  
11      meant, but we could certainly look into it.

12               There is no deed restriction or  
13      anything else proposed. But to the extent that when  
14      you get the use variance, that becomes the zoning --  
15      the definition of what can be done at the site, we  
16      assume that would be a condition.

17               MS. BANYRA: Right. I am not sure that  
18      the not-for-profit wouldn't have been a permitted  
19      use is what I am saying, so, you know, the zoning --

20               MS. GONCHAR: Under the industrial?

21               MS. BANYRA: Yeah.

22               MS. GONCHAR: We will check.

23               MS. BANYRA: So I don't know. Just  
24      clarify that maybe.

25               MS. GONCHAR: Sure.

1 MS. BANYRA: Great.

2 ACTING CHAIR BRANCIFORTE: Any other  
3 questions?

4 I am going to open it up to the public.

5 Does anyone in the public have

6 questions of this witness?

7 Please step forward and state your name  
8 and address.

9 MS. HEALEY: Leah Healey, 806 Park.

10 Hi.

11 You mentioned there was an agreement.

12 I am assuming it is an agreement in writing.

13 THE WITNESS: Correct.

14 MS. HEALEY: And who is the agreement  
15 between?

16 THE WITNESS: Maxwell Theater and Bijou  
17 Properties.

18 MS. HEALEY: Bijou Properties, okay.

19 Oh, and would you be willing to provide  
20 a copy of this agreement to the Board?

21 THE WITNESS: What Board, this Board?

22 ACTING CHAIR BRANCIFORTE: The Zoning  
23 Board.

24 THE WITNESS: I am sorry. I am on more  
25 than one Board.

1 (Laughter)

2 ACTING CHAIR BRANCIFORTE: So it won't  
3 be a problem for us to get a copy of the lease?  
4 Would that be all right?

5 THE WITNESS: No.

6 ACTING CHAIR BRANCIFORTE: Okay.

7 Anyone else in the audience who would  
8 like to ask questions of this witness?

9 Seeing none.

10 COMMISSIONER COHEN: Motion --

11 COMMISSIONER GRANA: Motion to close  
12 public portion.

13 COMMISSIONER COHEN: Second.

14 ACTING CHAIR BRANCIFORTE: All in  
15 favor?

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

18 ACTING CHAIR BRANCIFORTE: Anyone  
19 against?

20 No.

21 Okay. Next witness.

22 (Board members confer.)

23 MS. GONCHAR: Dean Marchetto.

24 ACTING CHAIR BRANCIFORTE: Well, we are  
25 going to try to wrap this up by let's say half --

1 let's say 20 of, at the very latest 20 of, if that  
2 is all right.

3 MS. GONCHAR: Yes.

4 ACTING CHAIR BRANCIFORTE: Is that  
5 clock right even?

6 MR. GALVIN: It is. It happens to be  
7 correct.

8 ACTING CHAIR BRANCIFORTE: Mr.  
9 Marchetto, could you please --

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

13 MR. MARCHETTO: Yes, I do.

14 D E A N M A R C H E T T O, having been duly sworn,  
15 testified as follows:

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

18 THE WITNESS: My name is Dean  
19 Marchetto, M-a-r-c-h-e-t-t-o.

20 MR. GALVIN: Mr. Chairman, do we accept  
21 Mr. Marchetto's credentials?

22 ACTING CHAIR BRANCIFORTE: Yes.

23 MS. GONCHAR: Thank you for accepting  
24 him as an expert in the field of architecture.

25 Okay. Do you have things to mark?

1 THE WITNESS: Yes, I do.

2 I have a PowerPoint presentation with  
3 several photographs and some images of the project.  
4 I have it completely copied, and I have a beautiful  
5 copy for the Board.

6 ACTING CHAIR BRANCIFORTE: Where are  
7 we, "A" --

8 MS. GONCHAR: I think we have only done  
9 A-1, which was a multi-page packet, so this would be  
10 A-2.

11 (Exhibit A-2 marked.)

12 Okay. This is just the hard copies of  
13 your presentation?

14 THE WITNESS: Every slide that is in  
15 here is in the package.

16 MS. GONCHAR: We have one, but if the  
17 Board wants, we can certainly provide multiple  
18 copies in advance of the next hearing, if the Board  
19 wants.

20 ACTING CHAIR BRANCIFORTE: If you  
21 could, that would be helpful, yes.

22 THE WITNESS: Should I proceed?

23 MR. GALVIN: Yes.

24 THE WITNESS: Okay.

25 What I am going to do tonight is I am

1 going to take you on a little description of the  
2 property, explain the design and context, and then  
3 walk through the floor plans of the building to show  
4 you how the building works.

5 This first slide is an overall view of  
6 the site. You can see that the district is in the  
7 northwest district, I-1, and it is just north of the  
8 Viaduct on 14th Street. The site is located between  
9 these two buildings.

10 What is interesting about this district  
11 is quickly becoming Hoboken's new loft district,  
12 something really special is happening here. You can  
13 see over the last few years a series of buildings  
14 have been built in here.

15 Well, in the middle of the  
16 photograph -- I will use my cursor here --

17 ACTING CHAIR BRANCIFORTE: Where is  
18 this picture from?

19 THE WITNESS: It's above 14th Street.

20 ACTING CHAIR BRANCIFORTE: And you took  
21 the picture?

22 THE WITNESS: I took the picture.

23 ACTING CHAIR BRANCIFORTE: Very  
24 recently, right?

25 THE WITNESS: I took it about a week

1 ago.

2 ACTING CHAIR BRANCIFORTE: Okay, great.  
3 Thank you.

4 THE WITNESS: So you can see there is a  
5 new site being built right here at the foot of 14th  
6 Street.

7 This is the Edge Lofts. This is the  
8 Artisan building that the Mile Square Theater is in,  
9 and these are some new residential developments, and  
10 there is an existing loft building here.

11 What is happening in this district is  
12 because it is a former industrial district, the  
13 buildings that have been built here are starting to  
14 take up this kind of industrial loft style, and it  
15 is becoming a very neat place, and the work that's  
16 being done between the county and the city on the  
17 landscape and site work is creating something very  
18 special.

19 So this is looking up 14th Street, and  
20 this location is the Edge, the Artisan, and a new  
21 residential building here at the far end of the  
22 photograph.

23 This is the Edge.

24 This is the Bijou project mentioned  
25 before. It is LEED platinum.

1                   On the ground floor you will see in  
2 another photo, there is something called Hudson  
3 Cable, so there is some commercial activity here,  
4 which is a cooking school on the ground floor, so  
5 there is some arts taking place. Besides the Mile  
6 Square Theater, there is some arts going on.

7                   This is the Hudson Cable space, and it  
8 is culinary.

9                   You can start to see here what is  
10 happening with the landscape. You have all new  
11 sidewalks, new lighting poles, and trees being  
12 planted.

13                   On the Edge Loft building, you can see  
14 that this south side -- this is a LEED platinum  
15 building, and this is the beginning of a green, a  
16 living wall that is going to be climbing up the  
17 south side of that facade to signal it as a LEED  
18 platinum building.

19                   This is the Artisan. This is right  
20 across from Edge Lofts.

21                   The Viaduct is right back in here, and  
22 this is the Mile Square Theater right in this  
23 corner, and this is a residential building, and it  
24 has artists' lofts. This is a two-component  
25 building, similar to the one that I am going to show

1       you today. It's got a podium with parking and  
2       lobbies, and the Mile Square Theater, and then above  
3       it, because it goes through the block, there are two  
4       distinct components that have their own elevator and  
5       stairways and lobbies, and one of them is reserved  
6       for artist lofts.

7                   This is the Mile Square Theater space.

8                   This is the Viaduct on the left.

9                   And you can see here, look at this,  
10       what is going on, beautiful paving, landscaping and  
11       site work, and it is really creating a nice place.

12                   You know, normally you wouldn't think  
13       walking near or under the Viaduct would be a great  
14       place, but it's becoming -- it's rapidly becoming a  
15       nice district.

16                   This is the other side of the Artisan.  
17       I showed you the side on the east, and this is on  
18       the Grand Street side, so this is the artist loft  
19       spaces. It has its own entrance, its own lobby, and  
20       front elevator.

21                   Besides artists, there are professional  
22       spaces that are becoming active underneath this  
23       Viaduct. This is an engineer's building, and  
24       there's a two-story engineering firm in here, and  
25       across the street there's an established

1 architectural firm right across the street, so you  
2 have professionals. You have artists going on. You  
3 have restaurants. It is becoming something special.

4 This here, I think, is an important  
5 photograph because what it shows here is on the  
6 left, this is the Bowtie Cinema, another creative  
7 space for cinemas, and this is the site across the  
8 street here, and you can see what is happening here.

9 The county has done a remarkable job of  
10 restoring this Viaduct and has created a real  
11 landscaped place, and the project that we are  
12 proposing is right here at this site, and you can  
13 see what could happen. If you have retail and a  
14 children's theater opposite the Bowtie Cinema  
15 underneath a covered area, this could start to  
16 become a real special kind of place in Hoboken.

17 So this is a look at our site. This is  
18 the corner of Grand and 14th. This is an existing  
19 residential building, and there is a new residential  
20 building being built here. Our site is right in  
21 between them, and it leaks out the other side, which  
22 I'll show you in the next image.

23 Just here on the right is a restaurant,  
24 an existing restaurant. You can see the awning  
25 here.

1                   This is a building on the right side of  
2                   our site. Our site is to the left of this. This is  
3                   in construction. This is maybe a six or a  
4                   seven-story building that's already in construction.

5                   And now you are looking south on Grand  
6                   Street. This is the existing loft building that was  
7                   the first building here, actually the first mid-rise  
8                   building here.

9                   Bijou Properties is actually on the  
10                  fifth floor, and you probably know that the Pilsner  
11                  House is on the ground floor. So you have, you  
12                  know, entertainment and you have offices. It is a  
13                  real nice mixed-use loft district that's being  
14                  created, and our site is right here between these  
15                  two buildings.

16                  And this is a closeup. This is what is  
17                  on the site now, and I will show you what is on the  
18                  back side of the site.

19                  So here is the Adams Street corner, and  
20                  you are looking east here, and you can start to see  
21                  the site is this empty corner, and you see that it  
22                  fronts on Grand, but it also fronts on 14th Street,  
23                  and you begin to see, even back here, all of the  
24                  site improvements that have been taking place. So  
25                  the site is this open space in here, and it includes

1 these two garages, which are vacant right now.

2 These are the garages, and they are vacant.

3 And this is the space, what it feels  
4 like to be underneath that space. The Bowtie Cinema  
5 is on the right. You can begin to see the Artisan  
6 way down in here, where the Mile Square City Theater  
7 is, and then the architect's offices on the left,  
8 and the engineering building is right here.

9 So you can see once this gets utilized  
10 and landscaped, it could become an incredible  
11 outdoor space providing the heart and soul for this  
12 district.

13 Looking due east underneath here, the  
14 Bowtie Cinema on the right, and our site is right  
15 here on the left.

16 You can see that the building that was  
17 built I guess it was last year on the corner of  
18 Adams and 14th has a non residential space on the  
19 bottom as well.

20 Our plan with our project you see is to  
21 activate by putting the community theater on this  
22 lower floor and activate this space.

23 That is a view from the front door of  
24 the Bowtie Cinema looking right across at the site,  
25 right here and into the Viaduct. Again, you can

1 start to see the nice landscaping that's been put  
2 in.

3 So this is a little photo simulation.  
4 I am going to superimpose the proposed building in  
5 this. If you look here just between these two  
6 buildings, you start to see the new project shown.

7 So you can see what we are showing is a  
8 two-components building. The building is designed,  
9 so that it separates the center to create open, open  
10 space and light and air to the center of the block,  
11 and I will show you this in a more advanced model,  
12 but this is ten units here and six stories on the  
13 right, and that is on Adams. And on Grand you have  
14 34 units, and you can start to see a solar array and  
15 green roof in this image.

16 Both the Edge Lofts is down here, this  
17 is the Bijou platinum building, and this is the  
18 Artisan.

19 So at this point, I would like to open  
20 up another file, take you on a little view.

21 So this here what I have a 3-D model of  
22 the site, which will allow me to fly around and show  
23 you different sides of the building.

24 So you can start to see here what is  
25 not colored are the existing buildings, and this is

1 the Edge here, the Artisan, and this here is the  
2 proposal.

3 It is a six-story building. It is five  
4 stories residential on top of a podium that has  
5 parking and retail space.

6 So if you spin it around, this is an  
7 interesting view. You can see the Viaduct in the  
8 foreground, and you can start to see how the  
9 buildings start to have a similar character.

10 When we first designed the building for  
11 this site, it was one story taller because we felt  
12 as the Viaduct was moving up, so should the building  
13 height. But when we came to the Architecture Review  
14 Committee, you know, we took their considerations  
15 into place, and we reduced the building back down to  
16 six stories.

17 One of the other aspects of what we  
18 learned from the ARC review is we had two garages  
19 and a garage that entered on Grand and one that  
20 entered on Adams. We eliminated one of the  
21 entrances on Grand to create more parking on the  
22 street, and now you will see when we do the plans  
23 that we only have one entrance to the garage, but I  
24 will continue moving around.

25 So you are looking now towards the

1 east. This is the Grand Street facade. This is an  
2 undeveloped corner in this location, and you can see  
3 the Viaduct coming down this way.

4 So now I will give you a sense of what  
5 it feels like as you are coming down the Viaduct.  
6 There is a new building that's proposed on the left.  
7 As you move down the Viaduct, you can see this is an  
8 existing building that's already in place, the  
9 Artisan and the Edge on the left.

10 As you come down, you can start to feel  
11 the scale of those buildings. And if you turned  
12 around and looked back, you can start to see how the  
13 new proposal mixes into the existing conditions.

14 This is that empty space with the  
15 one-story building.

16 This is a new building that's built,  
17 and this is a new building that's almost finished,  
18 and you can see that the design is such to carry  
19 this line across, and it also picks up the line here  
20 on the Grand Street side as well.

21 So now I would like to take you down  
22 underneath to see what it feels like at street  
23 level.

24 This is looking north on Grand.

25 As you start moving closer under the

1 Viaduct, you start to begin to see our retail space  
2 that's on the corner.

3           And moving under the Viaduct, the  
4 Bowtie Cinema entrance is right here. This is the  
5 existing building, and our proposal. This is our  
6 children's theater location, and you can see how it  
7 is directly related to the open space underneath the  
8 Viaduct.

9           So if I swing around a little bit this  
10 way, you can start to see that all of this ground  
11 floor is activated. There is retail on the corner  
12 and a theater over here, so the entire ground floor  
13 is all glass intended to open up and create public  
14 space -- eyes on the street and create a safety  
15 condition by having openings and lighting and  
16 windows.

17           So moving down further looking east  
18 under the Viaduct, if you started going further  
19 east, you can start to feel what that space looks  
20 like on 14th Street. And if you haven't walked it  
21 recently, you should, because it is nearly finished,  
22 and it's really something special.

23           So if you continue down towards Willow,  
24 and now what I will do just to give you a  
25 perspective, I will turn you around a little bit,

1 and this is now looking west. This is the Mile  
2 Square Theater here. The Viaduct is on the left,  
3 and this is all newly landscaped.

4 Moving further up, and again, here is  
5 that space, our children's theater would be right in  
6 here, and the Bowtie Cinema is on the left.

7 MS. BANYRA: Mr. Marchetto, can you  
8 just go back on that?

9 Is there not a cut-through underneath  
10 the Viaduct, like a bike path?

11 THE WITNESS: There is.

12 MS. BANYRA: So where you have solid  
13 wall, there's actually a cut-through further down,  
14 correct?

15 THE WITNESS: Well, I can take you  
16 through there.

17 If I come back and I spin right here,  
18 let me just -- so if I were to take -- if you were  
19 to spin this way, you can start to see that there is  
20 a tunnel here. The tunnel goes underneath. It is a  
21 pedestrian access that takes you through to the  
22 south side of the Viaduct.

23 ACTING CHAIR BRANCIFORTE: Is that  
24 Clinton Street?

25 THE WITNESS: That's Clinton Street,

1       yes.

2                       MS. BANYRA: Thank you.

3                       THE WITNESS: So I will just get you  
4 back to where you were.

5                       MS. BANYRA: Sorry.

6                       THE WITNESS: So now I am taking a look  
7 straight down. You can start to see the  
8 relationship of the components of the design. The  
9 one here on the right is a ten-unit component. It  
10 fronts on Adams street, and it is six stories, as I  
11 mentioned, and you can start to see here the use of  
12 the roofs. The two roofs up top are green roofs.  
13 You can see them denoted by the color, and this is a  
14 solar array that Matt Testa talked about being here  
15 on the south side.

16                      Above the parking level and the retail  
17 level is a deck. That deck is open to the residents  
18 of the building. We have a fitness space and an  
19 amenity space that opens up onto this deck, so  
20 people who live in the building will have outdoor  
21 space.

22                      And because of the two different  
23 components, which is very expensive to do, because  
24 that means we need, you know, double the elevators,  
25 double the stairways, double the circulation cores,

1 but what it does is it keeps a consistency with the  
2 pattern that's been going on in the industrial  
3 district and allows future development to get light  
4 and air through the center of the block.

5 So now just a couple of more views. We  
6 will look through from Grand. Now I'm turning  
7 around. I will get you down onto Grand Street here.

8 You can see again from this point of  
9 view, the relationship between the building that is  
10 proposed here, and the building that is existing on  
11 the left and right, and then down the street a  
12 little ways here.

13 So that is an overall three-dimensional  
14 understanding of the proposal.

15 Now, I have the plans to go through,  
16 and I could walk you through the drawings that were  
17 submitted as part of the application set of  
18 drawings.

19 This is on Page C-1, which shows all  
20 the listing of the variances which our planner will  
21 get into.

22 As Meryl mentioned, this is a  
23 residential building, mixed-use.

24 And one other thing I wanted to mention  
25 about Bijou Properties, which Matt didn't mention,

1 is all of his buildings are mixed-use. That is very  
2 important, because it is part of the sustainability.  
3 The 1450 Park that's almost completed now has a  
4 charter school in it.

5 900 Monroe has a large day care  
6 facility in it, and this building will have the  
7 theater and the retail space. And, of course, the  
8 Edge Lofts has the Hudson Cable and the overflow  
9 space for the theater.

10 But in this case you can start to see  
11 the surrounding of the blocks. This is 14th Street,  
12 Grand, Adams and 15th Street, and the project is  
13 located right in here. You can begin to see the  
14 200-foot radius.

15 So here is our ground floor plan.  
16 Maybe I can zoom in here. As I mentioned to you  
17 earlier, the building fronts on two streets, Grand  
18 and Adams.

19 On the Grand Street side, we have a  
20 lobby located in this location, the elevator,  
21 stairways and a mechanical space. The mechanical  
22 space is elevated to above BFE plus freeboard, and  
23 then behind it is a garage. This is a garage that  
24 has an automated component to it, so these are two  
25 stacked high, a total of 44 parking spaces and 44

1 residential units. We have one parking space for  
2 each resident.

3 The entrance to the garage is right  
4 here on Adams Street. As I mentioned earlier, our  
5 original plan had a drive-through garage where you  
6 went up half a level and one went down. But after  
7 talking to the planner, we decided to go with the  
8 more mechanical system and put one garage entrance  
9 here, so there is no curb cut here shown on Grand  
10 Street, which is a benefit that could be directed by  
11 this change.

12 Then, of course, the Viaduct is on the  
13 bottom, and you can see the lobby is located here  
14 for the larger component on Adams Street, and then  
15 the retail space is located on the corner, and the  
16 children's theater is right here on the mid block,  
17 and this is the space underneath the Viaduct.

18 This is our second floor, and you can  
19 see the typical layout here of our residential  
20 building. There are two units per floor on the  
21 Adams Street -- I'm sorry -- on the Grand Street  
22 wing. You got two units of floor with an elevator  
23 and two stairs for fire safety.

24 Then you have a deck here, which is an  
25 outdoor space, as I mentioned earlier, which is

1 accessible to residents.

2           You can see here on the western wing on  
3 Adams Street on that second floor, we have an  
4 amenity space and a fitness room, and that opens up  
5 as a common use area for residents, and then you can  
6 see the residential units that line the rest of the  
7 floor plan there.

8           Then going -- and that is a typical  
9 floor plan going up to the roof, you can start to  
10 see the green roof components, the solar array, and  
11 the green roof component on the other side.

12           ACTING CHAIR BRANCIFORTE: I am going  
13 to give you your ten-minute warning, Mr. Marchetto.

14           THE WITNESS: I will be there.

15           So this is the cross-section.  
16 Hopefully you can understand this is the  
17 cross-section right through the building. This is  
18 our garage level, our mechanical space, and then you  
19 can start to see the residential double loaded  
20 corridors here. The buildings are six stories and  
21 80 feet in height.

22           On the lower part of the page is the  
23 analysis for the facade calculations. And then  
24 these are the elevations of the four sides, black  
25 and white technical elevations, showing the heights

1 and the materials. This will primarily be a brick  
2 building with metal detailing.

3 This is the Grand Street elevation, and  
4 you start to see here some relative sizes of the  
5 other buildings in the neighborhood. Our proposal  
6 is right here, and these are the buildings.

7 So this is the 14th Street comparison,  
8 and this here is the Adams Street comparison, and  
9 these are the neighbors within 200 feet.

10 Then the last two images I have for you  
11 are the rendered elevations.

12 So this here is the Grand Street  
13 facade. You can start to see it is a very simple  
14 design. It has a brick frame around it with large  
15 windows, kind of a contemporary interpretation of a  
16 loft building. It has a top that has got metal  
17 articulation and a modern cornice, and it also has a  
18 ground floor that has a lot of glass with a lobby,  
19 and it creates a bottom, a base, a middle, and a  
20 top, which is the classical order in architecture.  
21 It makes the building feel like it has all of its  
22 compliant parts.

23 Then the next one here is from 14th  
24 Street. This is the elevation of 14th Street, and  
25 this is similarly designed. You can start to see

1       there's a ground floor space here.  It has all of  
2       the glass facing under the Viaduct on 14th Street,  
3       and then the six stories -- five stories of brick  
4       residential building above.

5                   And that concludes my general  
6       presentation, and I am available for questions.

7                   ACTING CHAIR BRANCIFORTE:  Oh, thank  
8       you, Mr. Marchetto.

9                   Does anyone have questions on the  
10      Board?

11                   Mr. Cohen, go right ahead.

12                   COMMISSIONER COHEN:  Yes.

13                   Mr. Marchetto, first I want to thank  
14      you for that 3-D presentation.  It really helps us  
15      visualize the project, and thank you for that.

16                   You said that it is going to be metal  
17      and brick --

18                   THE WITNESS:  Yes.

19                   COMMISSIONER COHEN:  -- can you  
20      describe the metal?

21                   I mean it looks like a silver or --

22                   THE WITNESS:  It is zinc.

23                   COMMISSIONER COHEN:  It's zinc.

24                   THE WITNESS:  Zinc metal.  It is like a  
25      matte gray.

1                   If you look at the Bijou Properties,  
2                   there is a little signature going on here. A lot of  
3                   his buildings are all trimmed out in zinc, and it is  
4                   a sustainable material on the exterior because it  
5                   doesn't require painting. It is a natural material  
6                   all the way through, like copper is, and it never  
7                   requires any kind of maintenance. It ultimately  
8                   goes its own patina over time, and it has its own  
9                   color.

10                   COMMISSIONER COHEN: So is it zinc  
11                   treated steel or is it zinc going through it --

12                   THE WITNESS: It is zinc.

13                   COMMISSIONER COHEN: Okay.

14                   You talked about the automated  
15                   garage --

16                   THE WITNESS: Yes.

17                   COMMISSIONER COHEN: -- we've had  
18                   projects before that are like the Unitronic  
19                   technology --

20                   THE WITNESS: Yes --

21                   COMMISSIONER COHEN: -- I think that  
22                   was in the Park and Garden. Is that this kind of  
23                   project?

24                   THE WITNESS: -- no. This is a  
25                   two-story stacking garage. It's called the "cloud

1 system." It's almost like a cartwheel. You pull  
2 your car in, it moves up, and then the next space  
3 becomes available. It's almost like a squirrel  
4 cage.

5 COMMISSIONER COHEN: So does the driver  
6 remain in the car while it's elevated?

7 THE WITNESS: No, no --

8 COMMISSIONER COHEN: The driver parks  
9 it --

10 THE WITNESS: -- the driver operates  
11 it.

12 It has -- like a card. You park your  
13 car. You get out and you hit the key fob in the  
14 car, and your car just moves up, and it slides over,  
15 and then it eventually comes back down.

16 COMMISSIONER COHEN: Then how does the  
17 driver retrieve the car when it's time?

18 THE WITNESS: He walks into the garage  
19 and he puts his card into the device that's right  
20 there next to his parking space, and the car comes  
21 back down, if it's up. One is up, and two are down.

22 COMMISSIONER COHEN: So there is a card  
23 reader that each tenant of the garage will have?

24 THE WITNESS: I'm not sure exactly if  
25 it is a card or a key fob, but it's a personal

1 handheld technology.

2 COMMISSIONER COHEN: Is there a design  
3 of this garage that is going to be presented to the  
4 Board as part of this?

5 THE WITNESS: We can show it to you.  
6 It is a bona fide system that we have information  
7 and literature on.

8 COMMISSIONER COHEN: Well, the reason  
9 why I ask is because I think we've had other  
10 sophisticated or novel design projects, where we  
11 have actually been given some specs with respect to  
12 it --

13 THE WITNESS: I will be happy to come  
14 back with specs.

15 By the way, the two garages -- the two  
16 buildings that Bijou is currently completing, 1450  
17 Park and 900, have fully automated garage systems by  
18 Unitronics.

19 MS. GONCHAR: We will bring that back.

20 COMMISSIONER COHEN: Thanks. That's  
21 all I have.

22 Thanks.

23 ACTING CHAIR BRANCIFORTE: I'm sorry.

24 Mr. DeFusco?

25 MR. BIJOU: May I?

1                   We would be --

2                   ACTING CHAIR BRANCIFORTE: Well, we are  
3 very tight on time here, Mr. Bijou. We're very  
4 tight on time, too, so --

5                   MR. BIJOU: We sort of vetted the  
6 system out in San Francisco. There were four or  
7 five projects we looked at, where this process was  
8 most recently installed, and it's really novel, and  
9 it works. We saw it in action in residential  
10 buildings, so I know it works, and it is a really  
11 clever way to park in a small building.

12                   I couldn't do a fully automated garage  
13 here. It won't work. It is too expensive for 40  
14 units, and you really have to get way over a hundred  
15 units to make that aspect of it work, but this is a  
16 really clever system and it works, and it's user  
17 friendly, so we can show you, you know, all of the  
18 details on that.

19                   COMMISSIONER COHEN: Yeah. I am not  
20 questioning whether -- you know, I just think  
21 because it is a novel design, that we would probably  
22 appreciate seeing it.

23                   MR. BIJOU: It's not new, but for some  
24 reason -- and I forget the reasons -- really a west  
25 post space. It's a German company, but they have a

1 lot of success on the west coast.

2 COMMISSIONER COHEN: Okay. It's new  
3 for us.

4 MS. GONCHAR: We will make sure you  
5 have that.

6 ACTING CHAIR BRANCIFORTE: Mr. DeFusco?

7 COMMISSIONER DE FUSCO: So, Mr.  
8 Marchetto, you mentioned that the area is very  
9 walkable. It's very pedestrian friendly. It's, you  
10 know, ground level retail, which the master plan  
11 indicates is a positive criteria, so you have that  
12 on 14th Street with a corner along Adams Street.

13 Why didn't you consider adding some  
14 sort of retail street level commerce along Adams or  
15 Grand because it could be argued that Grand Street,  
16 too, is very pedestrian friendly and has street  
17 life, which I think is a positive?

18 THE WITNESS: Well, you know, clearly  
19 there is a lot to get on the ground floor, so we  
20 turned the corner on Grand Street with the retail,  
21 and the corner is I think the most critical  
22 location, and we definitely wanted to activate 14th  
23 Street. But if I were to turn the corner on the  
24 retail, we wouldn't be able to fit the parking.

25 COMMISSIONER DE FUSCO: So this is my

1 next question to follow up on Phil's question,  
2 which is this cloud system.

3 If you're obviously making the  
4 requirement of parking, which I think is 41 spots,  
5 why wasn't it proposed that perhaps you could use  
6 the cloud system for the rest of the garage, and  
7 then perhaps open up some sort of street life along  
8 Adams Street?

9 THE WITNESS: If we could, we would  
10 have, but because of the stairway and the elevator  
11 and the second means of egress that has to come  
12 down, I couldn't carry that cloud system all the way  
13 over to the facade.

14 So we got pretty close, you know, I  
15 have the majority of the length pretty much of the  
16 building is in the cloud system.

17 COMMISSIONER DE FUSCO: Well, what  
18 about the other side, where your -- I guess it would  
19 be the east side of the building?

20 THE WITNESS: Well, the east side, you  
21 know, I have to bring in my services in. All my  
22 mechanicals have to come in. That is a very narrow  
23 frontage on Grand Street, very narrow frontage, so I  
24 have a lobby, I have an electrical room, and I have  
25 a second means of egress, a primary means of egress

1 and a transformer room. All of those facilities  
2 have to be located on a public street.

3 COMMISSIONER DE FUSCO: This is a  
4 delicate area in the fact that it's kind of  
5 developing block by -- you know, you know, parcel by  
6 parcel.

7 THE WITNESS: Yes.

8 COMMISSIONER DE FUSCO: And what I want  
9 to avoid is seeing dead streets form when this,  
10 quite frankly, is an opportunity to create a vibrant  
11 street for the community.

12 I wonder if you wouldn't -- you know,  
13 maybe I'm just looking to my concerns for the next  
14 meeting, and maybe we could talk more about it then?

15 THE WITNESS: Sure.

16 COMMISSIONER DE FUSCO: Cool.

17 That's all I have. Thanks.

18 ACTING CHAIR BRANCIFORTE: Any other  
19 questions?

20 Yes.

21 COMMISSIONER GRANA: John.

22 Mr. Marchetto, you proposed a gap  
23 between these two structures, and just to be clear  
24 on your testimony, that is to allow for the increase  
25 of light and air, and while we don't have anything

1       resembling the Hoboken donut in this location, is  
2       this kind of -- is this a similar strategy to light  
3       and air?

4                   THE WITNESS:  Yes, yes.  It is a  
5       similar strategy.

6                   And you can see here maybe if I tilt  
7       this model up, you can see that there are buildings  
8       on this block that go back a similar dimension about  
9       70 feet.  And so if we continue that pattern,  
10      everybody gets to share in the light and air.

11                  Now, this angle that I'm looking at  
12      from here is from the due south, so sunlight comes  
13      through here, and it allows light and air into the  
14      backs of the buildings on the block.

15                  COMMISSIONER GRANA:  Thank you.

16                  You have chosen to center your retail  
17      or commercial or non-profit activities on 14th  
18      Street?

19                  THE WITNESS:  Yes.

20                  COMMISSIONER GRANA:  I assume that was  
21      with the intention of activating 14th as a  
22      preference?

23                  THE WITNESS:  Yes, there is.

24                  There's something special that happened  
25      in there, where I said there was the Bowtie Cinema,

1 the restaurants, the professional offices and now  
2 the retail and theater, I think that -- and it is  
3 covered -- so I think that that green space, which  
4 is anticipated in the city's plan to go from  
5 underneath the Viaduct towards the Hudson River  
6 becomes a recreation corridor, a connection, and  
7 that is what we are trying to activate.

8 COMMISSIONER GRANA: So the intention  
9 is not just to activate 14th, it's to activate the  
10 space along the new open space underneath the  
11 Viaduct?

12 THE WITNESS: Yes.

13 COMMISSIONER GRANA: Okay. Thank you.

14 You noted several other buildings that  
15 are now, you know, coming up in this -- we'll call  
16 it this new district. Are they similar heights?

17 THE WITNESS: Yes. They are similar  
18 heights. I think they are almost all six stories.

19 COMMISSIONER GRANA: Okay. And do you  
20 know if they are all in the I-1 zone, or are they in  
21 other zones?

22 THE WITNESS: They're all in the I-1  
23 zone.

24 COMMISSIONER GRANA: Thank you.

25 ACTING CHAIR BRANCIFORTE: We are kind

1 of running out of time.

2 I am going to just let the Board finish  
3 with their questions and ask you to come back next  
4 week, and if the Board has more questions, we will  
5 go through the Board one more time, and then we will  
6 open it up to the public at that time.

7 So anybody else from the Board?

8 MR. MARSDEN: Well, where --

9 ACTING CHAIR BRANCIFORTE: Jeffrey, let  
10 me start with the members, and then we will move to  
11 the professionals.

12 Nothing?

13 COMMISSIONER MURPHY: Not right now.

14 ACTING CHAIR BRANCIFORTE: Okay. Well,  
15 like I said, he will come back, so we will have  
16 another opportunity before we open it up to the  
17 public.

18 Do you have a design on the mezzanine,  
19 a more specific design, or the mezzanine, I don't  
20 see it --

21 MS. GONCHAR: Do you mean the outside  
22 space?

23 ACTING CHAIR BRANCIFORTE: No. The  
24 mezzanine where the bicycles are going to be stored  
25 and --

1 THE WITNESS: We can bring that back  
2 the next time. I don't have it cued up, but I will  
3 bring it back at the next meeting.

4 ACTING CHAIR BRANCIFORTE: I'm going  
5 to -- if there are no other questions from the Board  
6 members, I'm going to open it up to the  
7 professionals.

8 MR. MARSDEN: I will hold my questions.

9 MS. BANYRA: I have no questions.

10 ACTING CHAIR BRANCIFORTE: Are you  
11 sure?

12 MR. MARSDEN: Yes.

13 ACTING CHAIR BRANCIFORTE: Okay. So  
14 what we are going to do now is we are going to --

15 MS. BANYRA: Public?

16 MR. GALVIN: No.

17 ACTING CHAIR BRANCIFORTE: No. We're  
18 not going to open it up to the public tonight --  
19 well, does anybody mind if we go another ten minutes  
20 or five minutes for the public?

21 COMMISSIONER COHEN: I think you  
22 should.

23 (All Commissioners talking at once)

24 ACTING CHAIR BRANCIFORTE: Okay.

25 So we're feeling generous tonight.

1 Five minutes --

2 COMMISSIONER MC ANUFF: If we have for  
3 the Board questions at the next meeting for this,  
4 does that dictate another session of public  
5 questions, or how many times do we have to --

6 MR. GALVIN: Well, listen, if we open  
7 up a new line of thought, why shouldn't the public  
8 have a right to ask questions about that --

9 ACTING CHAIR BRANCIFORTE: But he will  
10 come back --

11 MR. GALVIN: -- but not on the same  
12 thing.

13 ACTING CHAIR BRANCIFORTE: Next week.

14 COMMISSIONER MC ANUFF: That's what I'm  
15 asking. You're going to have two public sessions --

16 ACTING CHAIR BRANCIFORTE: But since  
17 the public is here, we should open it up.

18 COMMISSIONER GRANA: I am going to  
19 suggest that since the public is here and might have  
20 questions of this witness, this might be the right  
21 time.

22 ACTING CHAIR BRANCIFORTE: Yes.

23 COMMISSIONER MURPHY: Thank you.

24 ACTING CHAIR BRANCIFORTE: If there are  
25 no other questions from the Board, anyone in the

1 public -- in the audience would like to ask  
2 questions, please step forward, sir, and state your  
3 name.

4 MR. EVERS: Michael Evers, 252 Second  
5 Street.

6 ACTING CHAIR BRANCIFORTE: Yes. Go  
7 right ahead, Mr. Evers, and questions only, please.

8 MR. EVERS: Yes.

9 Mr. Marchetto --

10 THE WITNESS: Yes.

11 MR. EVERS: -- were you involved in the  
12 design of the other adjacent building that is  
13 housing the charter school?

14 THE WITNESS: Yes.

15 MR. EVERS: Okay. Because I wanted to  
16 compliment you on that and the fact that --

17 ACTING CHAIR BRANCIFORTE: Questions,  
18 please.

19 MR. EVERS: -- I'm leading to my  
20 question.

21 So, in other words, it is reasonable to  
22 assume that since Mr. Bijou kept his word on  
23 providing a community benefit on this previous  
24 project, unlike many developers who have done this  
25 sort of thing, I would not be unreasonable to think

1 that he might keep his word regarding the theater --

2 THE WITNESS: That is absolutely  
3 correct.

4 MR. EVERS: Now, I saw that in the  
5 folders, there is an affordable housing plan.

6 Could you tell us what kind of units  
7 are supposed to be in that?

8 THE WITNESS: I don't have specific  
9 units, but I am told that there is ten percent  
10 affordable housing planned in the project, and I may  
11 not be the right witness to ask specific questions  
12 about the deal of the affordable housing. All I can  
13 tell you is ten percent of the units will be  
14 affordable.

15 MR. EVERS: Okay.

16 So you are not aware of the fact that  
17 there is an affordable housing folder on file that  
18 lists one studio apartment where the rent is \$959,  
19 and two two-bedrooms at a rent of \$1196, and one  
20 three-bedroom for a rent of \$1372 a month. You are  
21 not aware of that?

22 You are not certain that that's not the  
23 case, because I wanted to put it on the transcript.

24 THE WITNESS: I am not certain because  
25 that was not my document, so I didn't testify to it,

1 so I am not an expert on that document.

2 MR. EVERS: Okay. All right.

3 The last question, and I promise to go  
4 away.

5 ACTING CHAIR BRANCIFORTE: Yes.

6 MR. EVERS: I noticed, and maybe you  
7 are the wrong person to ask this question to, but  
8 one of the provisions of the affordable housing  
9 ordinance, it's actually 65(a)-(2) Section D  
10 Subsection (f) requires that part of the plan of  
11 compliance for an application includes a market rate  
12 analysis that demonstrates why the density being  
13 requested is necessary to support the affordable  
14 housing units that you are providing.

15 In other words, why you need the extra  
16 units to pay for the affordable housing units, and  
17 my question is: Why hasn't that been provided since  
18 we think it is critical to helping the Board to  
19 decide whether the density is justified in terms of  
20 the affordable housing units?

21 THE WITNESS: I'm not going to be the  
22 expert on that, as I said, and this is not -- and no  
23 units are permitted here. This is an industrial  
24 district, so it's not like we're --

25 MR. GALVIN: That is not helpful --

1                   ACTING CHAIR BRANCIFORTE:   Yeah --

2                   MR. GALVIN:   -- because he is asking  
3                   you a question about the affordable housing  
4                   ordinance, and that you need an analysis, and has  
5                   that analysis been provided?

6                   MS. BANYRA:   No.  It is a marketing  
7                   study.  We've discussed this at a number of other --

8                   MR. EVERS:   No, it's is not a marketing  
9                   study.  With all due respect, that's incorrect.

10                  ACTING CHAIR BRANCIFORTE:   Let  
11                  Ms. Banyra finish quickly.

12                  MS. BANYRA:   I understood that what I  
13                  thought you were asking was what we discussed at  
14                  almost every meeting was that on projects that I  
15                  think are going for a density bonus, usually you  
16                  get, as if like a builder's remedy, that usually  
17                  there is an analysis done that demonstrates why you  
18                  need that density bonus.

19                  MR. EVERS:   Correct.

20                  MS. BANYRA:   Okay.  So then that is  
21                  what I am referring to.

22                  This isn't a density bonus situation.  
23                  It is a use variance situation, number one.

24                  And number two:  I think we have had  
25                  this discussion before.  It was my understanding

1 from speaking with Shirley Bishop, our housing  
2 professional, that any analysis will be done if an  
3 application is approved, then she and/or the city  
4 will approve the affordable housing, and that  
5 analysis -- I understand what the ordinance says,  
6 and I think you and I have had this conversation via  
7 this forum a number of times.

8 I understand that that analysis is done  
9 or something of that iteration is done, if an  
10 application gets approved.

11 MR. EVERS: Well, given that this  
12 material is supposed to be available for the Zoning  
13 Board to look at when it's making a decision, it  
14 would seem rather odd, I wonder -- wouldn't it seem  
15 rather odd to --

16 MR. GALVIN: No, no. You don't have to  
17 ask questions of Eileen. But we really don't want  
18 you testifying. I understand your point and --

19 MR. EVERS: Well, the issue is --

20 ACTING CHAIR BRANCIFORTE: If it would  
21 make you feel better --

22 MR. EVERS: -- not compliance with the  
23 ordinance --

24 ACTING CHAIR BRANCIFORTE: -- would it  
25 make you feel better if the Board were given that

1 folder and that information to look at before the  
2 next meeting?

3 MR. EVERS: It should be a matter of  
4 public record.

5 ACTING CHAIR BRANCIFORTE: I  
6 understand.

7 Are there any other questions, Mr.  
8 Evers?

9 MR. EVERS: No, there are not.

10 ACTING CHAIR BRANCIFORTE: Thank you.

11 Anyone else in the audience like to  
12 come forward?

13 MS. HEALEY: Leah Healey, 806 Park.

14 Do you know whether the other  
15 buildings, the Edge and the Artisan, were Zoning  
16 Board approvals?

17 THE WITNESS: Yes, they were.

18 MS. HEALEY: And when you say a  
19 district is being established, is that because they  
20 have Zoning Board approvals?

21 THE WITNESS: What I am saying is that  
22 there is a pattern of development that's happening  
23 here, that is creating sort of like a loft district.

24 Now, I don't mean to say that it is  
25 creating a legal district that's in the zoning

1 ordinance, I am just describing it as a location.

2 MS. HEALEY: Do you know if this  
3 property is in a redevelopment zone that's been  
4 designated?

5 THE WITNESS: I don't know.

6 MS. HEALEY: Do you know what the uses  
7 are in the I-1?

8 THE WITNESS: Generally.

9 MS. HEALEY: What are they?

10 THE WITNESS: It is office. It's  
11 industrial uses, manufacturing --

12 MR. GALVIN: And although Mr. Marchetto  
13 is acquainted with the zone, he is an architect, not  
14 a planner, so I am going to limit his testimony.

15 THE WITNESS: So they're non  
16 residential uses generally, commercial uses.

17 MS. HEALEY: And were you ever asked to  
18 look at the use of this property for office?

19 THE WITNESS: I was not.

20 MS. HEALEY: And you testified about  
21 the Artisan reserved artists' lofts. How are you  
22 familiar with that?

23 Were you involved with that building?

24 THE WITNESS: Yes.

25 MS. HEALEY: How is it reserved for

1 artists?

2 THE WITNESS: I can't tell you the  
3 legal aspects. All I can tell you is that when we  
4 designed the building, we designed half of it for  
5 artists' lofts

6 MS. HEALEY: And you testified that  
7 there are 44 units.

8 Do you know how many people who will  
9 occupy this building in those 44 units?

10 THE WITNESS: I don't know exactly, but  
11 it could range somewhere from 44 to maybe a hundred  
12 people depending on how many people are in a unit.  
13 There is no way of knowing.

14 MS. HEALEY: So it could be as many as  
15 a hundred people?

16 THE WITNESS: Could be.

17 MS. HEALEY: And do you know what the  
18 lot coverage is for -- you mentioned that you felt  
19 that having the building cover a lot of the lot with  
20 parking and then open space create light and air, do  
21 you know what the lot coverage is for all of the  
22 surrounding buildings?

23 THE WITNESS: I don't know exactly, but  
24 I can tell you they are very similar, like a hundred  
25 percent.

1 MS. HEALEY: A hundred percent?

2 THE WITNESS: Uh-huh.

3 MS. HEALEY: The existing building?

4 THE WITNESS: The buildings that it's  
5 next to, yes.

6 And for the same reason, because the  
7 parking is on the ground floor.

8 For instance, if you look at this image  
9 right here, this building here has a garage  
10 underneath it, and our deck and their deck come out  
11 and create a new elevated open space.

12 MS. HEALEY: Above --

13 THE WITNESS: Above the garage.

14 MS. HEALEY: Okay. Above the garage.

15 So is there any public open space being  
16 provided at ground level on this project?

17 THE WITNESS: No.

18 MS. HEALEY: Thank you.

19 ACTING CHAIR BRANCIFORTE: Anyone else  
20 in the audience would like to come up and ask the  
21 architect some questions?

22 Seeing none.

23 COMMISSIONER GRANA: Motion to close.

24 ACTING CHAIR BRANCIFORTE: Second,  
25 please?

1 COMMISSIONER COHEN: Second.

2 ACTING CHAIR BRANCIFORTE: All in  
3 favor?

4 COMMISSIONER DE FUSCO: Mr. Chair --

5 ACTING CHAIR BRANCIFORTE: I'm sorry.

6 I just have one question.

7 Mr. Marchetto, would you mind bringing  
8 a rendering of the building to the next meeting,  
9 because I think -- you know, the versions that we  
10 have seen here are pretty low res, if you will. Do  
11 you have something a little more --

12 THE WITNESS: I do. I showed you the  
13 elevations here.

14 ACTING CHAIR BRANCIFORTE: Let's take  
15 the vote quickly on closing the public portion.

16 All in favor of closing the public  
17 portion?

18 (All Board members answered in the  
19 affirmative)

20 ACTING CHAIR BRANCIFORTE: Go right  
21 ahead.

22 COMMISSIONER DE FUSCO: -- no, I see  
23 that. I mean, something perhaps that's a little  
24 more photo realistic to the textures and to the  
25 materials going to be used?

1 THE WITNESS: Well, I can bring it  
2 close in for you.

3 If I were to zoom in, I can get it  
4 close for you. All of the materials are shown.

5 COMMISSIONER DE FUSCO: Okay.

6 ACTING CHAIR BRANCIFORTE: Okay.

7 So we are going to wrap it up now, but,  
8 Mr. Marchetto, you are going to come back, and if  
9 the Board has any more questions at the next  
10 meeting, we will start with you --

11 THE WITNESS: Okay.

12 ACTING CHAIR BRANCIFORTE: -- and then  
13 if we have to, we will open it up to the public  
14 afterwards.

15 I feel like maybe I rushed through this  
16 tonight, and I feel like maybe there are some issues  
17 that will come up before the next meeting.

18 Can we discuss our next meeting then?

19 Is May 19th good for you?

20 MS. GONCHAR: If I could check my  
21 calendar and our consultants.

22 MS. CARCONE: John, we have some other  
23 applications that are carried to that night, so it  
24 may not be first.

25 ACTING CHAIR BRANCIFORTE: Okay.

1                   How many other applications do we have  
2                   that night?

3                   MS. CARCONE: We have 502-504 Monroe  
4                   that was carried from last week. We have a  
5                   continuation of 259 First, and then this one.

6                   ACTING CHAIR BRANCIFORTE: How many  
7                   more -- Ms. Gonchar, how many experts do you have?

8                   You have a planner, an architect, a  
9                   traffic engineer, so --

10                  MS. GONCHAR: Engineer, traffic  
11                  engineer --

12                  ACTING CHAIR BRANCIFORTE: And we still  
13                  need to hear -- and planner --

14                  MS. GONCHAR: -- and planner, and you  
15                  want our architect back.

16                  ACTING CHAIR BRANCIFORTE: Back, right,  
17                  so three more.

18                  MR. GALVIN: Four really.

19                  ACTING CHAIR BRANCIFORTE: Three and a  
20                  half --

21                  MS. GONCHAR: Well, three and a half.  
22                  Thank you.

23                  ACTING CHAIR BRANCIFORTE: So we have  
24                  two other items on the agenda on May 19th.

25                  MS. CARCONE: Uh-huh.

1                   ACTING CHAIR BRANCIFORTE: You won't be  
2 first. I can tell you that. You will probably be  
3 third I guess.

4                   MR. GALVIN: It depends. There is a  
5 lot of moving parts there.

6                   The one case that we started to hear  
7 may not take that long, but it might. It could go  
8 either way. It took a long time the last time. I  
9 am hoping that we don't need as much time the next  
10 time.

11                  ACTING CHAIR BRANCIFORTE: Okay.

12                  So are we okay with that then, May  
13 19th? Do you think?

14                  MR. GALVIN: Yes. I think we should do  
15 that, and we will do our best.

16                  ACTING CHAIR BRANCIFORTE: We probably  
17 won't even vote on it at that point anyway, so --

18                  MS. GONCHAR: You can only do what you  
19 can do.

20                  COMMISSIONER COHEN: Do you want a  
21 motion?

22                  ACTING CHAIR BRANCIFORTE: Motion,  
23 please?

24                  COMMISSIONER COHEN: So I'll make a  
25 motion to move this application, 1410 Grand, to May

1 19th without future notice.

2 COMMISSIONER GRANA: Second.

3 ACTING CHAIR BRANCIFORTE: Can we do  
4 all in favor or do you need a roll call?

5 MR. GALVIN: All in favor?

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

8 MR. GALVIN: Anyone opposed?

9 (No response.)

10 MS. CARCONE: We need to waive the  
11 time.

12 MR. GALVIN: Do you waive the time in  
13 which the Board has to act, Ms. Gonchar?

14 MS. GONCHAR: Yes.

15 You want that waived through a date  
16 certain?

17 MR. GALVIN: Yes.

18 MS. GONCHAR: May 20th, do you want to  
19 take it to one day beyond --

20 MR. GALVIN: Okay, sure.

21 MS. GONCHAR: We'll get that to you in  
22 writing.

23 MR. GALVIN: Thank you. If you can do  
24 that in writing, that would be great.

25 ACTING CHAIR BRANCIFORTE: So the

1 hearing will continue on May 19th, and I think it is  
2 a good time to take a ten-minute break.

3 (Recess taken)

4 (The matter concluded at 9 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 testimony 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: 5/4/15  
This transcript was prepared in accordance with  
NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

----- X  
SPECIAL MEETING OF THE HOBOKEN : SPECIAL MEETING  
ZONING BOARD OF ADJUSTMENT : April 28, 2015  
----- X Tuesday, 9:20 p.m.

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Philip Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner John Branciforte
- Commissioner Owen McAnuff
- Commissioner Frank DeGrim

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

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

PHYLLIS T. LEWIS  
CERTIFIED COURT REPORTER  
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4                   Jackson, New Jersey 08527  
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6                   Attorney for the Board.

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1                   CHAIRMAN AIBEL: Jeff?

2                   MR. MARSDEN: Okay. We have four  
3                   waivers to discuss tonight. The first one is 217  
4                   Willow Avenue. It's a minor site plan with C and D  
5                   variances.

6                   They are requesting number 25,  
7                   stormwater management plan, which I recommend  
8                   approval of with the condition that they submit it  
9                   to North Hudson for review and approval before I  
10                  sign the documents.

11                  Then they are also requesting 34, which  
12                  is drainage area map, and that is not required for  
13                  this size of development.

14                  So 35 is a stormwater management plan.  
15                  I recommend approving that for the same reasons as  
16                  number 25, a soil erosion sediment control. It is  
17                  less than 5,000 disturbance, so it is not required,  
18                  and 43, cost estimates, which I provide as the Board  
19                  Engineer.

20                  Do you want to do all three and then  
21                  vote on them?

22                  CHAIRMAN AIBEL: Yes, please.

23                  MR. MARSDEN: Okay.

24                  The second one is 203 Garden Street,  
25                  minor site plan with C and D variances.

1                   They are requesting 25, stormwater  
2 management plan. I recommend approval under the  
3 condition that they basically provide a stormwater  
4 management plan to North Hudson and get an approval  
5 letter from them and submit that to me before I sign  
6 the plans.

7                   They are also requesting 24, stormwater  
8 drainage area map. I recommend approving that. It  
9 is not required for this type of development, and  
10 number 35, stormwater management plan, that I  
11 recommend approval for, for the same reasons as 25.

12                   Also 36 is a soil erosion plan, that is  
13 less than 5,000 square feet, so it is not required,  
14 and I recommend approval of that.

15                   The third one is 528 Jefferson Street,  
16 which is just C and D variances.

17                   They are requesting a stormwater  
18 management plan. I recommend approval with the  
19 condition that they provide one to North Hudson and  
20 get an approval from them prior to me signing the  
21 plans, and 34, stormwater management drainage area  
22 map, and I recommend approval. It is not required  
23 for this type of development, and 35, stormwater  
24 management plan, I recommend approval based on the  
25 same reasons for number 25.

1                   The last one is 631 Washington Street,  
2                   which is a cell tower proposal. We have requested  
3                   additional information. They have not provided it  
4                   at this time, so I am recommending that they be  
5                   deemed incomplete.

6                   CHAIRMAN AIBEL: Great.

7                   Can I have a motion to accept the  
8                   recommendations of the engineer?

9                   COMMISSIONER GRANA: Motion to accept  
10                  the recommendations of our engineer.

11                  COMMISSIONER DE GRIM: Second.

12                  CHAIRMAN AIBEL: All in favor?

13                  (All Board members answered in the  
14                  affirmative.)

15                  MS. CARCONE: Actually Frank wasn't  
16                  voting.

17                  COMMISSIONER BRANCIFORTE: Well, I will  
18                  second it then.

19                  MS. CARCONE: Sorry.

20                  CHAIRMAN AIBEL: All in favor?

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

23                  CHAIRMAN AIBEL: Anyone opposed?

24                  COMMISSIONER BRANCIFORTE: Actually  
25                  Phil wasn't here to hear all of this.

1 CHAIRMAN AIBEL: Yes, he was.

2 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

----- X  
RE: 737 Garden Street : SPECIAL MEETING  
Block 194, Lot 22 : Tuesday  
APPLICANT: Giovanni LaBarbera :April 28, 2015  
C & D Variances : 9:15 p.m.  
----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Acting Chair Elliot H. Greene
- Commissioner John Branciforte
- Commissioner Philip Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Owen McAnuff
- Commissioner Frank DeGrim

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

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WITNESS	PAGE
FRANK MINERVINI	123 & 215
EDWARD KOLLING	197

## E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A-1	Photo Board	122
A-2	Rendering	122
A-3	Page 9 of Ken Ochab's report	169
N-1 to N-4	Photographs	230

1 CHAIRMAN AIBEL: Okay. Everybody  
2 ready?

3 Okay. Mr. Matule, 737 Garden Street.  
4 Board members.

5 MR. MATULE: Good evening, Mr.  
6 Chairman, and Board members, Robert Matule appearing  
7 on behalf of the applicant, Giovanni LaBarbera.

8 MR. GALVIN: Wait a minute, wait a  
9 minute.

10 CHAIRMAN AIBEL: My apologies.

11 VICE CHAIR GREENE: Who are we missing?

12 CHAIRMAN AIBEL: Diane was sick, and  
13 she left. We are going to wait for one of our other  
14 colleagues.

15 MR. MATULE: We'll start over when they  
16 get here.

17 CHAIRMAN AIBEL: You didn't get too  
18 far.

19 MR. MATULE: No.

20 (Board members confer)

21 THE REPORTER: What exhibits are you  
22 marking?

23 MR. MATULE: We are marking a photo  
24 board as Exhibit A-1, and a rendering as Exhibit  
25 A-2.

1 (Exhibits A-1 and A-2 marked.)

2 (Pause in proceedings while waiting for  
3 Board member to arrive)

4 (Board business discussed, which is  
5 contained in a separate transcript)

6 CHAIRMAN AIBEL: Mr. Matule.

7 MR. MATULE: Good evening, Mr.  
8 Chairman.

9 Robert Matule, appearing on behalf of  
10 the applicant, Giovanni LaBabera.

11 This is an application with respect to  
12 the renovation of property at 737 Garden Street.  
13 It is an existing four-story four-family dwelling  
14 right now.

15 The plan is to renovate it, bring it  
16 into compliance with the flood regulations and turn  
17 it into a four-story two-family house.

18 I have two witnesses tonight, our  
19 architect, Mr. Minervini, and one slight change in  
20 the program. Mr. Ochab was the original planner on  
21 both of these applications, both this one and 704  
22 Madison. He had a scheduling conflict tonight, but  
23 we have been able to prevail upon Mr. Kolling to  
24 step in, and step in for Mr. Ochab tonight.

25 I provided Mr. Kolling with Mr. Ochab's

1 report and the plans. He has been able to make a  
2 site visit today, and he will be opining on the  
3 variances.

4 So on that note, if we could have Mr.  
5 Minervini sworn.

6 MR. GALVIN: Do you swear to tell the  
7 truth, the whole truth, and nothing but the truth so  
8 help you God?

9 MR. MINERVINI: I do.

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

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

14 THE WITNESS: Frank Minervini,  
15 M-i-n-e-r-v-i-n-i.

16 MR. GALVIN: Are you sure?

17 THE WITNESS: Yes.

18 (Laughter)

19 MR. GALVIN: Mr. Chairman, do we accept  
20 Mr. Minervini's credentials?

21 CHAIRMAN AIBEL: Yes.

22 MR. MATULE: Thank you.

23 And just for the record, while we were  
24 waiting to start, I advised the reporter that we  
25 marked two exhibits. A-1 is a photo board of photos

1 taken by Mr. Minervini's office, and A-2 is going to  
2 be a rendering. So when Mr. Minervini testifies, he  
3 will make reference to those.

4 So if you would, Mr. Minervini, please  
5 describe the existing site and the adjoining  
6 properties with respect to 737 Garden.

7 THE WITNESS: 737 Garden as it exists  
8 is a four-unit four-story building. The lowest  
9 apartment is a basement, so it's subterranean and  
10 within the federal flood plain. That space has to  
11 be vacated, and it can no longer be used as an  
12 apartment.

13 So essentially, what we are here for  
14 tonight is to take that basement space and add it to  
15 the top of the building. So where we had four  
16 stories, we can call it three and a half from grade  
17 in terms of height in feet, but four stories total  
18 in usage. Four stories and four units.

19 We are now proposing a four-story  
20 building above a crawl space, which takes us out of  
21 the flood plain because this part of Hoboken is not  
22 as low as we have come to see in most of the other  
23 applications that we've had, as well as reducing the  
24 unit count from four to two.

25 So, if approved, we will have a first

1 floor simplex apartment, and then floors two, three,  
2 and four will be triplex apartments, so there will  
3 be two apartments, if approved.

4 In terms of context, here is 8th Street  
5 looking south, so there is a small restaurant on the  
6 corner here, as well as a restaurant on the corner  
7 towards -- on the western corner. A two-story  
8 structure attached to the restaurant, and then our  
9 building, which is again 737 Garden. This  
10 photograph shows it a bit better.

11 So as it exists in the photograph, one,  
12 two, three floors above a basement apartment, which  
13 is subterranean, not completely. It's partially  
14 below grade, and as you get to the back, it is  
15 slightly more. Again, that space has to be vacated  
16 because of the flood regulations.

17 We are raising and realigning the  
18 floors, but raising what would be our new first  
19 floor, which is in essence lowering what was the  
20 second floor to 15 feet above sea level. The  
21 Hoboken requirement is 14 feet. That is the Hoboken  
22 design standard, and we are proposing 12 inches  
23 above that. What that allows is our crawl space to  
24 be something a bit more than a crawl space. We can  
25 actually walk hunched over into storage.

1                   As part of our discussions with the  
2 Flood Plain Administrator, this basement area that  
3 is subterranean had to be filled in, so at the  
4 sidewalk level on Garden Street is the lowest floor  
5 of the building, which is just a story, where before  
6 it was subterranean and several stairs down. With  
7 that, the other floors have to be realigned, so I  
8 will go through all of the plans.

9                   I guess we will start with Z-1 with the  
10 drawing on the bottom. This street elevation of the  
11 block tells a good portion of the story.

12                   So if you look down the street at 743,  
13 you have got a four-story building, 45 feet plus or  
14 minus, and two two-story structures, which are  
15 attached to that same corner restaurant, and our  
16 proposed project, which is four and a half stories  
17 or 45 feet above grade.

18                   And you can see as we go down towards  
19 the south, buildings that are one, two, three, four,  
20 five, six, all relative similar heights. After the  
21 sixth building at 723, it goes down to three and a  
22 half stories, and then back up to four stories.

23                   So the street -- there is a consistency  
24 certainly on this part of the street, and our  
25 proposal in terms of context seems to make sense.

1 But, again, the purpose of this addition is to  
2 replace the space that has to be removed from the  
3 basement, from the subterranean level.

4 So we go to sheet Z-2. The existing  
5 building -- and the lot is 22 feet wide by 100 feet  
6 deep, and of course, we all know this, but I will  
7 mention it anyway, it is on the east side of Garden  
8 Street, three lots to the south of the 8th Street  
9 intersection.

10 The existing building, which is four  
11 residential floors, extends back 57 feet. So with  
12 this little addition, it is 57 feet. The main  
13 portion of the building extends back to 46 feet.

14 So what we are proposing, and the next  
15 drawing shows that, and I am going to mark it up a  
16 bit, what we are proposing in essence is to extend  
17 the back of the building back three feet to the 60  
18 foot point, which is permitted in accordance with  
19 the code, 60 percent or 60 feet in depth, and then  
20 square it off.

21 So the main structure of the building  
22 as shown here on our proposed site plan is 60 feet  
23 in depth. The building is 25 feet wide and 60 feet  
24 in depth. The main portion of the building meets  
25 the zone standard for lot coverage.

1                   There is a deck proposed, and I will  
2                   get to that as I get to the floor plans.

3                   I should mention, and this is a good  
4                   drawing to show it, the proposed site plan, that we  
5                   as part of this renovation, there would be a new  
6                   stoop raised about six and a half feet or so from  
7                   street to our first floor level. That would require  
8                   city council approval.

9                   MR. MARSDEN: Excuse me, Frank.

10                  You said "25" when it is actually 22,  
11                  correct?

12                  THE WITNESS: I'm sorry. The lot width  
13                  is 22. If I said "25," it was a mistake.

14                  MR. MARSDEN: Okay.

15                  THE WITNESS: Sheet Z-3.

16                  Z-3, the drawing to the right shows our  
17                  topography plan in terms of height. It explains the  
18                  differences, but it also shows our first floor unit  
19                  one apartment. It's a three-bedroom apartment,  
20                  about 1,040 square feet.

21                  Here is the stoop that I mentioned, a  
22                  common lobby area, entry to the unit one apartment,  
23                  and then towards the rear is our stair to the second  
24                  apartment, which is a triplex on floors two, three,  
25                  and four, as well as a small private elevator.

1 Across where two stories -- I mean -- excuse me --  
2 two units, and given this building's height as a  
3 simplex and a triplex, an ADA compliant elevator is  
4 not required. So that is the second -- pardon  
5 me -- the first floor apartment, which was the  
6 second floor.

7 Sheet Z-4, showing our proposed street  
8 work, also our four-story building to the right,  
9 three-story to the left, a similar floor plan as  
10 before, but here is a proposed rain garden. So  
11 where we have a planting area on the city property  
12 and the sidewalk is a proposed rain garden, and that  
13 will also require city council approval.

14 Shown diagrammatically here in the rear  
15 is the stair that connects the second floor  
16 residential space, which I will be getting to on  
17 Sheet Z-5 right now. The second floor residential  
18 space, which is the lowest floor for the triplex, so  
19 we are proposing at that level, drawing number 3 on  
20 Sheet Z-5, a deck that extends five feet to the  
21 rear. So at this furthest point, it is 65 feet from  
22 the property line, 35 feet from the rear, and it  
23 extends the full 22 feet. Shallow deck, only five  
24 feet, and then a stair system that takes you from  
25 this deck down to the rear yard. So the triplex on

1 floors, two, three, and four will have use of the  
2 rear yard.

3 I will go through the floor plans one  
4 more time here on Sheet Z-5. Our existing basement  
5 plan is to be used only for storage. It is not even  
6 tall enough to stand.

7 We are required as part of city  
8 ordinance to raise the western portion to match the  
9 height of the sidewalk, so that is 8.3 feet, which  
10 we are showing flood vents, our new stoop to take us  
11 to that second floor level.

12 Drawing number two: Our first  
13 residential floor, a three-bedroom apartment.

14 Drawing number three: Our lowest of  
15 the triplex floor plan. We are calling it our  
16 second floor, and it shows the main entry coming up  
17 the stairs, connecting it to the first floor, that  
18 private elevator that I mentioned, and an open floor  
19 plan, kitchen, dining and an open living space in  
20 the back. So the actual addition is 14 feet from  
21 the rear of the existing building.

22 That takes us back to 60 feet, so our  
23 back wall is at the permitted 60 feet.

24 The third floor plan is the second of  
25 the triplex, a guest bedroom, a double high space in

1 the rear, so this living room will have a 20 foot  
2 high ceiling approximately, as well as the  
3 connecting stair and bathroom.

4 The fourth floor bedroom plan, three  
5 bedrooms, ancillary spaces.

6 Our roof plan, so we are proposing 26  
7 solar panels, an array of 26 solar panels, for an  
8 equivalent of 7.28 kilowatts. We think it will  
9 power the small common area, as well as a  
10 substantial portion of the third floor apartment.

11 So that accounts for it, and I will go  
12 through the variances as well as Ed Kolling will,  
13 but that accounts for one of the variances that we  
14 are asking for, which is a roof coverage variance.  
15 If you subtract the solar panels, we meet the -- we  
16 are below the ten percent requirement.

17 Sheet Z-7 shows our facades.

18 The building was designed specifically  
19 for the owner, and I mention that because although I  
20 think it is a beautiful building, it is not  
21 something this Board may have seen come from our  
22 office. So if I could pass around this rendering,  
23 which we are calling Sheet Z-2, it reflects a color  
24 version of the two-dimensional drawing that you got  
25 as part of the plan set. We don't need a facade

1 material variance.

2 Almost the entirety of the front facade  
3 is limestone, so I can pass it around.

4 You can also see the relative heights  
5 of the adjacent building to our south and the  
6 building to our north.

7 Looking at the rear facade on Sheet  
8 Z-7, this tells the story in terms of height as its  
9 largest point.

10 At the rear yard, where in this  
11 particular case the basement grade is lower, so 15  
12 feet NABD is what we are proposing our first floor  
13 apartment to be. Again, the requirement in Hoboken  
14 is 14 feet. We are proposing to raise it up 12  
15 inches beyond that just to allow some more usable  
16 space or more easily usable space for storage in  
17 that ground floor, what was an apartment, for ground  
18 floor storage space.

19 The first floor of the residential  
20 apartment number one, three bedrooms. The second  
21 floor, which is the first floor of the triplex, so  
22 it is two, three, and four.

23 This is the stair system as I described  
24 in the plan more easily seen in the elevation.

25 So we have got a five foot deck

1 extending off the back of the building at the lowest  
2 level of the upper unit, and then a stair connecting  
3 that space, that second floor to the rear yard.

4 Detailed flood vent system, we have  
5 gotten an approval, and I have met with the Hoboken  
6 Flood Plain Administrator, so everything that you  
7 see here is in accordance with the requirements.

8 In terms of variances, we do need a  
9 height variance. We need it for both stories and  
10 feet. The feet section is kind of twofold of a  
11 reason of why we are asking for it. One reason is  
12 because we are proposing 12 inches higher than that  
13 14 foot Hoboken requirements.

14 The second reason is because the  
15 Hoboken zoning ordinance hasn't caught up yet with  
16 the flood plain requirement. The Hoboken zoning  
17 ordinance is at 12 feet, which is the advisory base  
18 flood elevation. The Hoboken flood plain ordinance  
19 is 14 feet, so two feet of that variance is  
20 accounted for by that change, that difference in  
21 height in terms of the regulations.

22 Our lot coverage is 60 percent on  
23 floors three and four. The lot coverage is 67  
24 percent on the second floor, and the additional 7  
25 percent is that relatively shallow deck that I have

1 mentioned.

2 On the first floor, it's 60 percent.

3 It's relevant for the floor that's connecting. We  
4 need a variance for setback, although the existing  
5 building is at zero lot line, we are proposing in  
6 essence a fourth floor addition, and that is also at  
7 zero lot line. However, the requirement is for that  
8 to be set back five feet, so we think in this case  
9 having a continuous front facade seems to make sense  
10 and a variance that's worth pursuing. Again, Mr.  
11 Kolling will go through these in more detail.

12 We are not proposing or asking for a  
13 facade material calculation, and we are not asking  
14 for a density calculation. We are actually reducing  
15 the density from four residential units to two  
16 residential units.

17 So in conclusion, this is really --  
18 there are details, of course, involved, but the  
19 purpose of this application is to remove, because we  
20 were required to remove space from within the flood  
21 plain, raise that basement level, where it was an  
22 apartment, residential apartment, fill it in solid,  
23 so that water will drain from street level back and  
24 not just pool within the building. That is a  
25 Hoboken ordinance requirement and replicate that

1 space -- pardon me -- with a small addition that  
2 takes us to the property lot coverage that is  
3 permitted at the fourth floor level.

4 Again, in terms of the street scape and  
5 context, we think this building fits in well, and I  
6 can't think of a better reason for a variance than  
7 this particular project, but, of course, that is for  
8 you to decide.

9 (Laughter)

10 MR. MATULE: Frank, if I might, on  
11 Sheet Z-2 in the existing site plan, there is a  
12 stucco shed at the rear of the property?

13 THE WITNESS: Yes. Thank you, Bob. I  
14 had forgotten to mention that.

15 There is an a stucco shed that is about  
16 ten feet in depth by a full 22 feet in width, and  
17 that will be removed as part of this proposed  
18 construction.

19 MR. MATULE: And while you are on that  
20 sheet on the right-hand side, could you just  
21 highlight for the Board where the buildings on the  
22 adjacent properties --

23 THE WITNESS: Yes.

24 MR. MATULE: -- no, on the proposed one  
25 relative to our building, proposed building?

1 THE WITNESS: Yes.

2 So to make it easier to read, I will  
3 color the perimeter in blue. That is our 60 foot  
4 depth building at floors one through four.

5 The adjacent building to our south is  
6 four stories, and it has a one-story extension that  
7 goes back about 57 feet.

8 It does, however, have a three-story  
9 frame building that goes the full width of the lot  
10 set at the rear of the property, so this section is  
11 also residential use with a deck.

12 So in terms of impact, we think this 60  
13 percent, of course, is permitted, but 60 percent  
14 with this small deck addition has, we think, very  
15 little impact especially when considering the  
16 adjacent building to our south.

17 The building to our north, the  
18 two-story structure, goes more than 60 feet, to  
19 about 67 feet, but then there is a one-story  
20 section.

21 Let me back up. The first 67 feet is  
22 two stories, and then about 20 feet after that is a  
23 one-story section with a small rear yard.

24 So in terms of its context and the  
25 adjacent properties, I don't think that this

1 proposed deck, which is what our lot coverage  
2 variance is driven by has any real impact. Again,  
3 that is for the planner to discuss, but in terms of  
4 design.

5 MR. MATULE: Mr. Minervini, you  
6 received Mr. Marsden's letter of February 23rd,  
7 2015?

8 THE WITNESS: Yes.

9 MR. MATULE: And if you have not  
10 already, you have no issue addressing any of the  
11 comments raised in that letter?

12 THE WITNESS: No.

13 MR. MARSDEN: If I may, Bob, that was  
14 revised April 20th.

15 THE WITNESS: Yes.

16 MR. MARSDEN: Do you have that letter?

17 THE WITNESS: I have.

18 MR. MATULE: Mr. Minervini says he has  
19 that, and again, he has no issues with that.

20 THE WITNESS: I don't.

21 MR. MATULE: Those are all of the  
22 questions I have for Mr. Minervini at this time.

23 CHAIRMAN AIBEL: Great.

24 Board members?

25 VICE CHAIR GREENE: On the second,

1 third floor plans, the addition to the west, I am  
2 not following exactly what the utilization of that  
3 space is. You talk about it being double height and  
4 open above.

5 THE WITNESS: Here?

6 VICE CHAIR GREENE: Yes.

7 THE WITNESS: That is the second floor.  
8 That is the living room space.

9 You get to the third floor, which is  
10 the middle level of the upper residential apartment.  
11 It is open with no floor section. So what that  
12 does, the actual floor section ends here, and this  
13 becomes an open office with a railing looking down  
14 into that double high space, so it is less floor  
15 area, same volume.

16 The ceiling, when you are standing in  
17 the living room at that second floor, will be 19  
18 feet just in that section as X'd.

19 VICE CHAIR GREENE: Thank you.

20 CHAIRMAN AIBEL: Anybody else?

21 COMMISSIONER BRANCIFORTE: I'm sorry.

22 Would it be possible, if you had to, to  
23 lose that space on the east side, the open space and  
24 basically push the building, the top floor back, set  
25 it back?

1                   If you were to set the top floor back,  
2                   could you push it into that open space in the rear?

3                   THE WITNESS: Well, the open space ends  
4                   at the fourth floor.

5                   So if you go to Sheet Z-6, our fourth  
6                   floor is -- that space is being used for a master  
7                   bedroom.

8                   COMMISSIONER BRANCIFORTE: Oh, okay.

9                   THE WITNESS: But I understand now, we  
10                  have had this discussion many times with this Board  
11                  about setting back that upper floor in certain cases  
12                  makes sense given the context, and I think the  
13                  elevation floating around tells part of the story.  
14                  But in terms of proportions, the building absolutely  
15                  makes perfect sense as a four-story structure and in  
16                  terms of context, if we look at our street  
17                  elevation, I don't really see how setting that back  
18                  is a benefit, and I think it would actually look  
19                  kind of odd in terms of the traditional architecture  
20                  that's being proposed.

21                  COMMISSIONER BRANCIFORTE: Okay.

22                  CHAIRMAN AIBEL: How much taller is the  
23                  building than the one to the south?

24                  THE WITNESS: I'm sorry?

25                  CHAIRMAN AIBEL: How much taller is the

1 building than the one to the south?

2 THE WITNESS: To the south, you got  
3 about 25 feet in height -- I'm sorry -- to the  
4 north. That is to the north, so there is about a  
5 four foot difference.

6 CHAIRMAN AIBEL: Mr. Cohen?

7 COMMISSIONER COHEN: With respect to  
8 the one-story property in the backyard that is on  
9 the south side, that is -- no, the --

10 THE WITNESS: Oh, this here?

11 COMMISSIONER COHEN: That one, yeah.

12 So are there any windows on the  
13 property line there?

14 THE WITNESS: No, there are not.

15 COMMISSIONER COHEN: Okay.

16 So that addition just looks back and  
17 not to the side?

18 THE WITNESS: That's right. It looks  
19 back towards the three-story accessory structure.

20 COMMISSIONER COHEN: Okay.

21 COMMISSIONER BRANCIFORTE: Is this  
22 going to be concrete floors?

23 THE WITNESS: I don't think so. It has  
24 yet to be determined, of course, but I don't think  
25 so.

1 CHAIRMAN AIBEL: Mr. Matule?

2 MR. MATULE: If I might, just to Mr.  
3 Cohen's point, in Mr. Ochab's report, there are  
4 photographs of those buildings in the back. I think  
5 they give you a better sense -- oh, he has them --

6 COMMISSIONER COHEN: I see it.

7 THE WITNESS: We got it on the bird's  
8 eye views as well.

9 COMMISSIONER BRANCIFORTE: Just -- I am  
10 sorry -- one quick question.

11 On the first floor then, from the floor  
12 to the top of the ceiling, the height is ten feet or  
13 the interior eight?

14 THE WITNESS: From the floor to the  
15 next floor, it's from finished floor to finished  
16 floor, it's ten feet.

17 COMMISSIONER BRANCIFORTE: So when you  
18 are standing on the first floor, the height of the  
19 ceiling above you will be at nine?

20 THE WITNESS: Nine.

21 COMMISSIONER BRANCIFORTE: And the  
22 pretty much lowest you could go would be eight, I  
23 suppose for the first floor?

24 THE WITNESS: Eight is the lowest --  
25 well, seven feet six is permitted residential use.

1 It is not very comfortable --

2 COMMISSIONER BRANCIFORTE: Sure.

3 THE WITNESS: -- and ten feet is mostly  
4 the standard on any of the new structures that we  
5 brought to -- or renovated -- brought to this Board,  
6 excuse me.

7 COMMISSIONER BRANCIFORTE: I'm  
8 wondering if there was any way you could lower the  
9 height of the floors to try to lower the height of  
10 the building. That's why I asked.

11 THE WITNESS: Well, we do, but we have  
12 to discuss this with the applicant.

13 I mean, we have the opportunity or the  
14 possibility of dropping that first residential floor  
15 12 inches, but the result of that is really unusable  
16 space, even for storage, because then it really does  
17 become a crawl space, and that is really the  
18 generating factor for raising it up 12 inches.  
19 There is nothing else behind that.

20 COMMISSIONER BRANCIFORTE: I am good.  
21 Thank you. Sorry.

22 COMMISSIONER GRANA: I have a question.

23 Thank you, Chair.

24 The structure -- the building to the  
25 north, I think you showed there's a two-story

1 structure --

2 THE WITNESS: Yes.

3 COMMISSIONER GRANA: -- so I'm just  
4 sort of curious.

5 So that will -- I don't know how long  
6 that structure will be there, if it relates to the  
7 restaurant, it may be there over time, so the north  
8 facing wall of your proposed building will be  
9 probably exposed for some time.

10 Do you have any thoughts of what the  
11 treatment will be on that wall?

12 THE WITNESS: It's a very good  
13 question.

14 In the past it would have been stucco,  
15 and I think a lot of it has to do with the structure  
16 of the stucco method, if we use masonry, then  
17 applied stucco would probably make sense. But if we  
18 don't use masonry, it will be Hardy board or some  
19 composite siding. That's more like it.

20 COMMISSIONER GRANA: Okay. Thank you.

21 MR. GALVIN: Yes. I don't like too  
22 many options. I think at some point you have to  
23 nail it down.

24 THE WITNESS: Then I think the Hardy  
25 siding is what I would say. It's a brand name, but



1 debate last week on the definition of adaptive  
2 reuse.

3 THE WITNESS: I heard about it. Don't  
4 worry.

5 (Laughter)

6 MR. GALVIN: So this would not be an  
7 adaptive reuse.

8 THE WITNESS: Right.

9 COMMISSIONER DE FUSCO: So I guess, I  
10 mean --

11 THE WITNESS: That's right. It's not  
12 changing the use --

13 COMMISSIONER DE FUSCO: -- I mean, if  
14 we were going to go with your logic that there's --

15 MR. GALVIN: No. That is not why I  
16 don't think it is an adaptive reuse, because  
17 essentially we are not saving the structure.

18 THE WITNESS: Okay. Do you want to  
19 have this discussion? Because in my opinion, and I  
20 think it's --

21 MR. GALVIN: You are entitled to your  
22 opinion, and if you want to debate it on some public  
23 forum --

24 THE WITNESS: We'll save it for another  
25 time.

1 CHAIRMAN AIBEL: It doesn't matter to  
2 anything.

3 MS. BANYRA: It's not relevant.

4 COMMISSIONER DE FUSCO: Where does your  
5 new door sit in correlation to -- in height -- in  
6 correlation to the building immediately to your  
7 south?

8 THE WITNESS: The building immediately  
9 to our south, I think the rendering may show that.

10 It is right over there.

11 THE WITNESS: Thank you.

12 COMMISSIONER DE FUSCO: So it is lower.

13 THE WITNESS: Slightly lower. There is  
14 residential space below here.

15 COMMISSIONER DE FUSCO: So what you  
16 just mentioned is that, you know, doors would need  
17 to shift. Windows would need to shift. So from  
18 what I'm seeing there, it's actually the first  
19 habitable level is actually --

20 THE WITNESS: Our first floor level is  
21 here as exists. It is higher than this one.

22 COMMISSIONER DE FUSCO: Currently your  
23 first floor level is higher than --

24 THE WITNESS: Correct. Than the  
25 adjacent one to the south.

1                   COMMISSIONER DE FUSCO: So does that  
2 clear base flood elevation?

3                   THE WITNESS: No -- well, it does, but  
4 it doesn't allow use of the space below.

5                   Remember, we have to vacate that  
6 residential space on the floor -- I'm sorry --  
7 vacate what was previously existing as residential  
8 space, and the floor has to be raised up to -- in  
9 this case, to sidewalk level.

10                  COMMISSIONER DE FUSCO: Yeah, but I  
11 mean, the first residential floor could easily --  
12 from what I am gathering -- could easily be built  
13 into the existing facade without -- and still clear  
14 base flood elevation is what I'm gathering from what  
15 you're saying.

16                  THE WITNESS: It would be the second  
17 residential floor as exists.

18                  COMMISSIONER DE FUSCO: Correct.

19                  THE WITNESS: Certainly if there was an  
20 option, then you would have a larger space that  
21 can't be used for habitable use, because what you're  
22 suggesting --

23                  COMMISSIONER DE FUSCO: Even if it's  
24 not habitable space -- here's what I'm getting at,  
25 and maybe you can answer the question.

1                   This is one of the most historically  
2 beautiful street scapes in Hoboken, and this is a  
3 historic building, and I --

4                   THE WITNESS: I'm sorry. A historic  
5 building?

6                   COMMISSIONER DE FUSCO: Yeah.

7                   THE WITNESS: Really?

8                   I know it is a matter of opinion, but  
9 in terms of -- the condition of the building is  
10 certainly not something that you would think -- but  
11 if you're are referring to the architecture, I  
12 absolutely understand.

13                   COMMISSIONER DE FUSCO: I mean, talking  
14 probably about late 1800s --

15                   THE WITNESS: Yes, for sure.

16                   COMMISSIONER DE FUSCO: -- you know,  
17 brownstone building, that neighbors to the south  
18 have done what appears to be a lovely job, you know,  
19 repurposing --

20                   THE WITNESS: Yes. We were the  
21 architects for that one.

22                   COMMISSIONER DE FUSCO: Very nice job.

23                   THE WITNESS: Thank you.

24                   (Laughter)

25                   COMMISSIONER DE FUSCO: So I guess I

1 just would put that into the open, that if there's a  
2 way -- you're setting a standard for the block here,  
3 that, you know, I don't want to see any applicant  
4 lose the space that they currently have. That is  
5 not what I am getting at.

6 What I am saying is that you are  
7 setting a standard for the development of the block  
8 in the future that may not be in line with this sort  
9 of context, so --

10 THE WITNESS: So you are not speaking  
11 to the esthetics and the architecture of the facade.  
12 You are speaking to the actual volume of the  
13 building?

14 COMMISSIONER DE FUSCO: I'm talking  
15 about the historic context of the building, and if  
16 the door lines line up in the existing building as  
17 they do with your proposed building, it just seems  
18 to me that there's an opportunity to save that  
19 facade.

20 THE WITNESS: Well, the existing entry  
21 is higher than this one and higher than the adjacent  
22 one.

23 We remember are proposing to raise this  
24 an additional 12 inches, so as per the ordinance it  
25 would be right about here, the stair.

1                   COMMISSIONER DE FUSCO:  So I mean,  
2           hypothetically speaking, if that didn't raise 12  
3           inches --

4                   THE WITNESS:  It would be lower.

5                   COMMISSIONER DE FUSCO:  -- it would  
6           still clear base flood.  It would just be an  
7           unusual -- it would be a crawl space --

8                   THE WITNESS:  Exactly, right.

9                   So that is, again, the only purpose of  
10          raising our proposed first floor, which is in  
11          essence lowering the second floor as exists, 15 feet  
12          as opposed to 14 feet.

13                  COMMISSIONER DE FUSCO:  Yeah.  Again, I  
14          don't see any -- I don't want to cut off any  
15          applicant's opportunity for livable space, and quite  
16          frankly, I think it could be argued that height is  
17          called for.  But what I am alarmed at is the  
18          possibility of losing picturesque Hoboken as a  
19          result of this application.

20                  THE WITNESS:  Well, this is something  
21          that this Board and we as designers are going to  
22          have to deal with more and more in the future as  
23          these buildings get renovated.

24                  Another option could have been to keep  
25          that second floor as it exists.  That would then

1       become our new first floor. You would have a lot of  
2       uninhabitable space at grade level and a much larger  
3       stoop.

4                   Our thought was to keep -- to minimize  
5       the overall height of the building by doing this,  
6       and if you accept the notion that the reason for  
7       this variance is to replace what has been taken away  
8       because of the flood regulations at the base floor  
9       level, at the top floor, I think this is the best  
10      way to minimize height.

11                   I am not sure if that is an answer.

12                   COMMISSIONER DE FUSCO: It is certainly  
13      an answer.

14                   THE WITNESS: Yes.

15                   Thank you, Bob. You just reminded me  
16      that renovation of the adjacent building predated  
17      it.

18                   COMMISSIONER DE FUSCO: Thanks very  
19      much.

20                   COMMISSIONER MC ANUFF: Just out of  
21      curiosity, was there any consideration to using  
22      traditional material, rather than the limestone or  
23      back to brick?

24                   THE WITNESS: Limestone is a request of  
25      the property owner. If this Board has other

1 suggestions, they certainly would be open-minded.

2 COMMISSIONER MC ANUFF: I know it is  
3 not one of the variances you're going for. I just  
4 was curious why instead of red brick or anything  
5 else.

6 COMMISSIONER BRANCIFORTE: I know at  
7 Garden Street, sometimes basement apartments aren't  
8 technically legal. Is this a legal basement  
9 apartment?

10 THE WITNESS: This was. This was a  
11 legal basement apartment with windows at the rear  
12 and windows at the front, and it's on the tax  
13 records a four-unit building.

14 COMMISSIONER BRANCIFORTE: Okay.

15 CHAIRMAN AIBEL: How is the backyard  
16 going to be used?

17 THE WITNESS: It is to be used by the  
18 owners of the triplex.

19 It is landscaped, and I've got a design  
20 showing it. It will be completely permeable,  
21 although limestone is shown, as we discussed on  
22 previous applications, the water will be allowed to  
23 drain through the spaces between the stone.

24 The detail that I discussed with the  
25 Board engineer didn't make this plan set because

1       this was prior to that, but it will be completely  
2       permeable.

3                   CHAIRMAN AIBEL:  Is there any need for  
4       the second floor deck?

5                   Can you just create a stairwell down to  
6       the backyard and --

7                   THE WITNESS:  There is certainly a  
8       stair that would serve the purpose of transporting  
9       people.  The thought was that it is a very small and  
10      shallow one at five feet, just some place to put a  
11      couple of chairs.

12                   Does it have to be there?

13                   Of course not.

14                   CHAIRMAN AIBEL:  You have 67 percent  
15      lot coverage on that --

16                   THE WITNESS:  At that point, yes.

17                   CHAIRMAN AIBEL:  Anybody else?

18                   COMMISSIONER DE GRIM:  I do have a  
19      question.

20                   What -- how is the basement apartment  
21      that is currently there, how is that going to be  
22      filled in?

23                   THE WITNESS:  It will have to be filled  
24      in.  Of course, it hasn't happened yet, but I am  
25      going to assume that we will ensure that the side

1 walls are strong enough to handle it. If not, they  
2 will have to be reinforced with gravel and soil and  
3 concrete.

4 COMMISSIONER DE GRIM: Then the  
5 basement will be -- because if I am reading it  
6 correctly, it is about 47 feet.

7 THE WITNESS: Yes -- oh, I'm sorry. It  
8 is 57 with that small addition --

9 COMMISSIONER DE GRIM: Well, that  
10 includes -- well, the one-story stucco is 57, but  
11 that is eleven feet --

12 THE WITNESS: That's right.

13 COMMISSIONER DE GRIM: -- does the  
14 one-story stucco also extend underground?

15 THE WITNESS: Let me ask the question,  
16 if you don't mind.

17 John, is there a basement underneath  
18 that one-story addition as exists?

19 A VOICE: The basement apartment  
20 doesn't have a basement.

21 THE WITNESS: No. Just that small  
22 extension to the back, is it --

23 A VOICE: That is where the original  
24 furnace was located.

25 THE WITNESS: Yes, that's right. Thank

1       you for that.

2                       So it was at grade level as opposed to  
3       subterranean, and that's where the furnace for the  
4       building was.

5                       COMMISSIONER DE GRIM:   Okay.

6                       So you have to fill in 47 feet worth  
7       and then extend the slab out?

8                       THE WITNESS:   Exactly right, at the  
9       same sidewalk level approximately.

10                      CHAIRMAN AIBEL:   Eileen?

11                      MS. BANYRA:   Frank, would you mind, I  
12       think I'm picking up on what Michael had said in one  
13       of the questions.

14                      When you are looking at your building  
15       design and the building next door, is there a way --  
16       I know you said when you come into the building, is  
17       there a way you can better line up the windows, so  
18       that there's not like a zigzag?

19                      I think, you know, one of the things  
20       that everybody likes is there is a rhythm on the  
21       doors and windows, and is there a way you can raise  
22       up, lower, so that there is a little bit better --  
23       I'm going to say symmetry there?

24                      THE WITNESS:   Well, the reason for this  
25       change is that their floor-to-floor height is much

1 greater than we are proposing, and that explains  
2 that.

3 We've had in terms of the architecture  
4 and the perceived window opening, try to make it  
5 align a bit more, but actually what may be a better  
6 solution is to carry this all the way through. It  
7 would be a slightly more modern look, but there then  
8 isn't an issue of window heads not meeting and  
9 window sills not meeting.

10 MS. BANYRA: But I guess when you  
11 explained the first floor there, I guess what I  
12 didn't understand is the floor level, I understood  
13 it to be the sill basically. You kind of used that  
14 as --

15 THE WITNESS: That is the existing  
16 floor level, the existing second floor --

17 MS. BANYRA: Gotcha. Right.

18 THE WITNESS: -- our proposed first  
19 floor at 15 feet above sea level -- pardon me --  
20 it's right here.

21 MS. BANYRA: That is your first floor.  
22 Okay.

23 THE WITNESS: Yeah.

24 So the windows then won't make sense if  
25 you go ten foot floor to floor --

1                   MS. BANYRA: But you can't just kind of  
2 raise them up or make them a little bit larger, so  
3 that they seem to -- I mean, I think that's really  
4 where, you know, it throws -- when I am looking at  
5 it, that is where it throws my eye off.

6                   If you look down the street, you know,  
7 that pattern is -- you know, everybody is sort of  
8 lining up. Their cornices line up. Their windows  
9 line up. It's, you know --

10                  THE WITNESS: Well, but they have not  
11 dealt with this issue, but they will.

12                  Any renovation to a subterranean  
13 apartment, and there are many apartments along the  
14 street, will have to deal with the exact same thing.

15                  Unfortunately, we are here first, so  
16 our job becomes to make it look Hoboken-like, for  
17 lack of a better term, but still meet those  
18 requirements, and I don't think we can and still  
19 have it match in terms of window heights and window  
20 lines with buildings that are preflood that have yet  
21 to be renovated.

22                  MS. BANYRA: So what you are suggesting  
23 is that everybody else is going to ultimately line  
24 up with yours?

25                  THE WITNESS: Any building that has

1       apartments, which the Board understands, has a  
2       subterranean apartment, they are going to do a major  
3       renovation on a building, and this one didn't need  
4       it, will have to deal with exactly the same thing  
5       that we're dealing with, and that means  
6       floor-to-floor heights.

7                   MR. MARSDEN:  Can I just -- we just  
8       want to clarify then -- your entry way is at  
9       thirteen --

10                   THE WITNESS:  Yes.

11                   MR. MARSDEN:  -- so the top of your  
12       stairs is at 13, and inside the building you walk  
13       another two feet to the first floor.

14                   THE WITNESS:  Right.  But to do what  
15       you're suggesting makes our condition worse, not  
16       better.  But then what we have done to alleviate  
17       this problem as much as we can is have this lower,  
18       so our floor -- I know you pointed this out -- our  
19       floor level is about here, and that is why you see a  
20       railing behind it,

21                   So if we were to follow the ordinance  
22       specifically and then have windows with the standard  
23       30 inch window sill, this window would be here.  
24       This one would be here, and this one would be here,  
25       and I think maybe in a worse condition, but it is

1       certainly something we could look at, and I could  
2       draw that, and if the Board wanted, you could  
3       compare the two, because I don't think it matters in  
4       terms of the owners, but in terms of proportions, I  
5       just think as an architect this makes more sense  
6       considering what we are working with and the flood  
7       plain regulations.

8                   COMMISSIONER GRANA:  Just a quick  
9       question.

10                  Frank, what would be the heights of the  
11       floors inside of the new structure?

12                  THE WITNESS:  Ten feet floor to floor.

13                  COMMISSIONER GRANA:  Are you familiar  
14       with the kind of architecture of the late 19th  
15       century buildings next door?

16                  THE WITNESS:  Of course.

17                  COMMISSIONER GRANA:  What are the  
18       average heights, did you find in common --

19                  THE WITNESS:  The upper floors are  
20       similar, slightly largely.  The first to second is  
21       about two feet taller.

22                  COMMISSIONER GRANA:  Okay.

23                  So, in fact, by building ten feet  
24       floors, you got different floors in the -- different  
25       heights in the historic -- for lack of a better

1 term -- it would be -- how complicated now is it to  
2 align those floors that do not --

3 THE WITNESS: Well, frankly to align  
4 the floors would mean to make the building taller --

5 COMMISSIONER GRANA: Thank you.

6 THE WITNESS: -- and it can be -- if  
7 the direction the Board wants to go --

8 COMMISSIONER GRANA: You answered my  
9 question.

10 MR. GALVIN: No. But sometimes if you  
11 get a better result, even if you need a variance,  
12 that's why they have other variances or waivers that  
13 are required.

14 COMMISSIONER GRANA: But my question  
15 was answered, so I will leave it at that.

16 MS. BANYRA: But that's still -- I  
17 didn't finish one. I have one more question. I'm  
18 sorry.

19 So the other thing was when you are  
20 lining it up on the street scape, and I know it  
21 might not be as relevant to this one, but when you  
22 are lining up the windows, and then you're lining up  
23 the top floors, you know, one of the things I guess  
24 I got into a discussion with someone today about, as  
25 if those floors were set back, I'm going to say the

1 top floor, the fourth floor, fifth floor, whatever  
2 they are, if it's set back, you can keep the front  
3 street scape, and then have the other top floor  
4 recessed back, so that it becomes -- it reads still  
5 as a common street scape --

6 THE WITNESS: Do you think?

7 MS. BANYRA: Well, no, because of the  
8 way the windows are --

9 THE WITNESS: But regardless of --

10 MS. BANYRA: -- yeah -- what I'm  
11 saying -- so if it was taller, and maybe the top  
12 floor -- maybe the top floor ends up being smaller  
13 in height, you know, Frank, you would have to tell  
14 me if that works. But at some point I guess the  
15 question we always come down to, and everybody is  
16 looking at these things and having trouble trying  
17 to, you know, harmonize them.

18 So what I am suggesting, and it may not  
19 be this one, is that the windows make a difference  
20 obviously, and then the top floor, this one is only  
21 a few feet above it, but if it was on one that's a  
22 little bit prominent, if it's pushed back, the  
23 rhythm of the street stays the same. You still get  
24 a -- I am going to say the basement apartment ends  
25 up being typically a more marginal apartment. Maybe

1       there is bump-ups instead of full floors on the top,  
2       and maybe everybody gets everything they want.

3                   THE WITNESS:  But the rhythm doesn't  
4       stay the same, because even if we set this back,  
5       that doesn't change where these windows are.  I  
6       mean, it could potentially move this up a little bit  
7       and that up a little bit, but it is not going to  
8       change.

9                   What we have done with this idea was to  
10      have it match as close as possible to the ground  
11      level, so it becomes this kind of a -- which is more  
12      important, ground level or not.  And our thought,  
13      and that's how this design came about, was to match  
14      the ground level as much as possible.

15                  COMMISSIONER GRANA:  Can I look at this  
16      exhibit, please?

17                  (Board members talking at once.)

18                  CHAIRMAN AIBEL:  Okay.  Let's keep  
19      going here.

20                  COMMISSIONER GRANA:  Sorry.

21                  COMMISSIONER DE GRIM:  Just to follow  
22      up on Ms. Banyra's point.

23                  Are you suggesting, the building on the  
24      right, if Frank were to stay with that height and  
25      put his fourth story on top of that and set it back,

1 is that what you are looking for?

2 MS. BANYRA: Right. I mean if --

3 THE WITNESS: Maybe I misunderstood  
4 then.

5 MS. BANYRA: -- yeah.

6 I am saying that when these building  
7 are coming in one way to kind of keep the street  
8 scape looking like it's reading, you know, without  
9 bumping up everything, and all of a sudden, it looks  
10 like we have new --

11 THE WITNESS: Okay. So using --

12 MS. BANYRA: -- is by having a half  
13 structure --

14 COMMISSIONER DE GRIM: Using the  
15 building to the right --

16 THE WITNESS: Which is slightly off  
17 from our existing building --

18 COMMISSIONER MC ANUFF: Getting the  
19 story on top of that and setting it back --

20 THE WITNESS: -- so this would be the  
21 height, and then what we would do then would have to  
22 be to raise the second apartment first floor  
23 approximately where it is now, it would raise the  
24 total height here by two feet or so. But if we set  
25 back this floor section, we can do our best to

1 continue this cornice line.

2 I don't think that is a problem in  
3 terms of the owner, but we'll discuss --

4 MS. BANYRA: I was suggesting --

5 THE WITNESS: However --

6 MS. BANYRA: -- for consideration in  
7 the future because I think --

8 THE REPORTER: Wait second. You can't  
9 be talking at the same time.

10 MS. BANYRA: -- it is always the same  
11 issues coming up in terms of the look, and if we are  
12 doing something different relative to the flood  
13 plain, and everybody understands that, how do you  
14 maintain the look and address the flood --

15 THE WITNESS: I understand.

16 MS. BANYRA: -- so I am trying to say  
17 how do we do that and not maybe give a full story.

18 But you know what?

19 If that bottom space was a compromised  
20 space or it's a half space, let's give a half space  
21 on top, set it back generously, the street scape is  
22 maintained, bump up nice spaces up on top, line --  
23 everything lines up, and maybe we have it all.

24 THE WITNESS: But what we are ignoring  
25 if we do that is that buildings that will come to

1 follow that will have the same situation.

2 COMMISSIONER DE FUSCO: No, because  
3 you're already aligning -- you're setting the  
4 precedent, and I think that is the interesting part  
5 about this is that it can be done correctly or it  
6 can be done --

7 THE WITNESS: I understand.

8 MS. BANYRA: Yeah.

9 COMMISISONER DE FUSCO: -- not in line  
10 with the rest of the block --

11 THE WITNESS: I certainly have to talk  
12 to the applicant, but that --

13 COMMISSIONER MC ANUFF: I think by  
14 setting it that way, you are setting the precedent  
15 for future buildings, and you're also maintaining if  
16 no one else changes on the block.

17 THE WITNESS: Okay.

18 MS. BANYRA: Just a thought.

19 COMMISSIONER GRANA: Can I ask one more  
20 question, just so I understand what is being  
21 discussed here?

22 So in that scenario, you are raising  
23 the building and actually pushing back the top few  
24 feet of the building and recessing it back from the  
25 zero lot line. Is that correct?

1                   Is that what is being proposed?

2                   THE WITNESS: Yes.

3                   As I understand it, we would be raising  
4           this -- let's look at it this way -- from this  
5           window sill level -- I'm sorry -- this window sill  
6           level would then match this one. This one would  
7           match this one, and set back anything here. But if  
8           I may, it is still not going to align unless we  
9           raise this whole thing up to here, because where  
10          this first floor level is, it is no longer  
11          permitted.

12                  COMMISSIONER GRANA: Let me ask my next  
13          question.

14                  If we do that, if you look at the -- so  
15          looking at the context of the buildings that are  
16          maybe three or four lots to the south, but in fact  
17          the heights of the buildings further on down the  
18          block do change in height -- you don't need to  
19          look -- I'm just --

20                  THE WITNESS: Okay.

21                  COMMISSIONER GRANA: -- but one of the  
22          consistencies is the fact that the entire facade of  
23          the building comes right up regardless of the  
24          height, so aren't we now changing the cornice line  
25          by pushing that top part back?

1                   THE WITNESS: Yes. We are fixing one  
2 problem and creating another.

3                   COMMISSIONER GRANA: Changing the  
4 visual element of the block by pushing that top  
5 piece back, are we not?

6                   COMMISSIONER MC ANUFF: Well, I would  
7 think the cornice that could be brought across and  
8 the other piece set further back would not have the  
9 cornice on it.

10                  MS. BANYRA: You know what, if I may, I  
11 think that the question that was raised, and I am  
12 sorry, maybe I am not intending to redesign the  
13 building here. I think that is always a bad  
14 mistake.

15                  I guess I am asking Frank to give that  
16 type of idea consideration in future proposals,  
17 because I think the rhythm of the street is  
18 important. The building heights, the cornice line,  
19 and I think there appears to me that there is a  
20 solution here that could get, you know, the whole  
21 enchilada so to speak.

22                  THE WITNESS: To that point this facade  
23 can be redesigned, even keeping the floor levels as  
24 they are to come closer to that ideal.

25                  Right now the windows are shown at

1 floor level. That could be raised a bit getting  
2 closer to this, and the same would happen here, and  
3 then what we would do is instead of having this very  
4 tall window, we would make it more narrow, have a  
5 lower cornice, and then this upper section could be  
6 just a masonry piece. I don't think it is a perfect  
7 solution. It could go very wrong, but it's a  
8 response to the concerns.

9           Again, that's why I'm here. My opinion  
10 is to let's make it what it is supposed to be and  
11 other buildings that come will have to follow.

12           COMMISSIONER COHEN: Just a quick  
13 comment.

14           I don't think we should be redesigning  
15 this building on the fly.

16           I know this isn't the time for  
17 questions, but since so many people are commenting,  
18 I just want to say that I think this is a perfectly  
19 fine design. I think that it is in keeping with the  
20 general block. I think that if we start trying to  
21 micro design this building to match the building to  
22 the south, without looking at the entire block, I  
23 don't think we are doing a service to the block.

24           CHAIRMAN AIBEL: Okay. Well, let's  
25 save the comments for later. Let's keep going.



1 not matching, but there are other conditions as you  
2 go further down the street, which will be closer to  
3 this one and closer to that one --

4 MR. GALVIN: Our planner made a  
5 suggestion. We've evaluated it, and let's move on.

6 THE WITNESS: Understood.

7 CHAIRMAN AIBEL: And I'm just going to  
8 make a quick observation before I open it up to the  
9 public. I also think that the limestone calls out  
10 the difference, so you might consider a brick front  
11 that would blend more naturally into the rest of the  
12 street scape. I'm going to open it up to the  
13 public.

14 MR. MARSDEN: Mr. Chairman?

15 CHAIRMAN AIBEL: Jeff, what?

16 MR. MARSDEN: I'm sorry. Two quick  
17 questions.

18 Frank, on your first sheet, you have a  
19 note that says this building will be certified and  
20 you didn't give any testimony to that.

21 THE WITNESS: Yes.

22 Well, the LEED certification here, and  
23 this is just a straight LEED certification, the  
24 biggest part of that is our solar array, and we will  
25 also propose -- do you want me to go through all the

1 list?

2 MR. MARSDEN: No. I just wanted to  
3 bring that --

4 THE WITNESS: Thank you for that.

5 MR. MARSDEN: -- also your solar  
6 panels, you don't show mounting heights.

7 Will they be contained behind the  
8 parapet --

9 THE WITNESS: Yes, they will, and I can  
10 provide this Board with a section drawing.

11 CHAIRMAN AIBEL: Okay.

12 Let me open it up to the public.

13 Anybody wish to question the architect?

14 Please come forward and state your name  
15 and address.

16 MS. HEALEY: Leah Healey, 806 Park.

17 Mr. Minervini, can you tell me what is  
18 presently in the basement apartment unit? Is it a  
19 one-bedroom?

20 THE WITNESS: Two-bedroom.

21 MS. HEALEY: Two-bedroom.

22 And what else is in that basement area?

23 THE WITNESS: That is the extent of it.

24 MS. HEALEY: Are there any common  
25 element features down there in the basement area?

1                   THE WITNESS: I don't recall. The  
2 heating and cooling system is not. That's off the  
3 back of the building and higher. There may be a  
4 small stair connecting that second floor to the  
5 first -- the basement level. I don't recall,  
6 though.

7                   MS. HEALEY: And the square footage of  
8 that unit?

9                   THE WITNESS: I don't know.

10                  MS. HEALEY: And I know you are the  
11 architect on 258 8th Street.

12                  How large -- how tall is the height of  
13 that crawl space, storage space?

14                  THE WITNESS: 258 8th Street?

15                  MS. HEALEY: That you are the architect  
16 on.

17                  THE WITNESS: I am. Is that relevant?

18                  I'm happy to answer the question,  
19 but --

20                  MS. HEALEY: It's relevant to the  
21 concept of what is viable storage space, and in that  
22 indication, I think it was 7 foot 4.

23                  THE WITNESS: Yes. And that is a  
24 requirement then because of its location, that  
25 height had to be achieved because you are further

1 into the flood plain.

2 We can certainly, as an option, raise  
3 the entire building. As I mentioned, we have more  
4 space down below, but because of where we are  
5 located geographically in terms of the flood plain,  
6 we don't have to.

7 MS. HEALEY: No.

8 I am suggesting that you are asking for  
9 the additional height to make the storage space  
10 better.

11 THE WITNESS: Make it usable. It would  
12 be five feet as proposed.

13 MS. HEALEY: Five feet tall?

14 THE WITNESS: Five feet, yes.

15 MS. HEALEY: And what's the height of  
16 it that you're asking for?

17 THE WITNESS: Which height are you --

18 MS. HEALEY: For the storage space,  
19 what's your floor-to-ceiling height?

20 THE WITNESS: We are 6.7 feet from  
21 sidewalk level, which is the same level as our new  
22 storage space has to be to the first floor. So take  
23 out 12 inches plus of structure, you're at 4.7 feet.

24 MS. HEALEY: So the floor-to-ceiling  
25 height of that storage space is how tall?

1 THE WITNESS: 5.7 feet.

2 MR. GALVIN: So that might be duct  
3 space then.

4 THE WITNESS: That's the reason, as I  
5 mentioned, for the additional 12 inches.

6 CHAIRMAN AIBEL: D-u-c-k?

7 (Laughter)

8 MS. HEALEY: And is there no way to  
9 save a facade of a building when you do demolition  
10 in a flood zone?

11 THE WITNESS: Well, there are so many  
12 factors to answer that question.

13 If you have to realign windows, then  
14 the answer is no.

15 If you were realigning floors, pardon  
16 me, which, of course, changes the windows, then the  
17 answer is no.

18 MS. HEALEY: Are there any other  
19 limestone residences on the block?

20 THE WITNESS: Not that I am aware of.

21 MS. HEALEY: Do you know if there are  
22 any other limestone residences in the next two or  
23 three blocks?

24 THE WITNESS: No. The closest I think  
25 would be Hudson Street.

1 MS. HEALEY: And what kind of use is  
2 that that has limestone?

3 THE WITNESS: Residential.

4 MS. HEALEY: The stair -- the basement,  
5 how does the upper triplex unit access the basement?

6 THE WITNESS: Go to the floor plans.

7 There is a common area --

8 MR. MATULE: Just so I am clear, are  
9 you talking about the crawl space?

10 THE WITNESS: Thank you, Bob.

11 MS. HEALEY: Yes. Access the --  
12 sorry -- crawl space.

13 THE WITNESS: Only from the back of the  
14 building exterior. There is no internal connection.

15 If you would like to look at the  
16 basement floor plan --

17 MS. HEALEY: Yeah.

18 And how does -- how do the upper units  
19 get to the basement?

20 THE WITNESS: Externally.

21 MS. HEALEY: So from the rear yard and  
22 not from the front?

23 THE WITNESS: Correct.

24 MS. HEALEY: Okay. I think that is it.

25 CHAIRMAN AIBEL: Anybody else,

1 questions for the architect?

2 Please come forward.

3 MS. CALANDRA: Yes.

4 MR. GALVIN: Name and address, please?

5 MS. CALANDRA: My name is Jackie

6 Calandra, and I own a house at 732 Bloomfield

7 Street, which is directly -- our backyards --

8 MR. GALVIN: Could you spell your last

9 name?

10 MS. CALANDRA: Yes. It's

11 C-a-l-a-n-d-r-a.

12 MR. GALVIN: Okay.

13 MS. CALANDRA: Excuse me.

14 Well, I guess I want to preface my

15 statement by saying --

16 MR. GALVIN: No, no, no, no. At this

17 point we're just asking questions of the witness,

18 and then probably in about 20 minutes we will take

19 comments.

20 MS. CALANDRA: Okay. Well --

21 MR. GALVIN: Don't feel like you have

22 to form your comments through a question. I assure

23 you, the next witness won't be long, and then we

24 will be ready to listen to your comments.

25 MS. CALANDRA: Well, I guess my first

1 question would be and my opposition would be to the  
2 additional one foot of the crawl space that you are  
3 requesting because that increases the height of the  
4 building.

5 Number two: You said that the  
6 ordinance requires that the floors only have to be  
7 seven foot eight inches high.

8 You are requesting ten feet, and you  
9 said at one point --

10 MR. GALVIN: Wait a minute.

11 Stop.

12 You have to ask questions, so you have  
13 to say, "Isn't that true?"

14 MS. CALANDRA: Is that true?

15 (Laughter)

16 I'm sorry. I am not familiar with --

17 MR. GALVIN: That's okay. I'm here to  
18 help you. That's all right.

19 THE WITNESS: No, it is not.

20 Seven foot six is the minimum required.  
21 That's not a comfortable dimension, and it's not --  
22 anybody that would want residential use --

23 MS. CALANDRA: Well, yeah, that's true.  
24 However, ten feet is excessive I would think.

25 MR. GALVIN: Wait.

1                   THE WITNESS: It's ten foot floor to  
2 floor, so you have a proper understanding, it's only  
3 nine feet.

4                   MS. CALANDRA: Yes. I understand that,  
5 but it could be dropped to eight feet, which many  
6 residences have, including my own.

7                   MR. GALVIN: Wouldn't you agree it  
8 could be dropped to eight feet?

9                   THE WITNESS: Yes.

10                  MS. CALANDRA: Yeah.

11                  Wouldn't you agree that it could be  
12 dropped to eight feet, and in that way, because you  
13 are saying in one portion of the open building,  
14 there is actually 19 feet, so this is a very open  
15 expanse that you're allowing --

16                  THE WITNESS: That is because --

17                  MS. CALANDRA: -- that all --

18                  THE WITNESS: -- if I may, that's  
19 because we are not proposing a floor section there.

20                  MS. CALANDRA: Yeah, I understand that.

21                  MR. GALVIN: Ms. Calandra.

22                  MS. CALANDRA: I also -- would you  
23 agree that you can satisfy all of your needs for  
24 space in this building without -- without impeding  
25 our life because the height of the building will not

1           only -- will not only cause us to suffer less light  
2           and loss of air --

3                       MR. GALVIN: Time out. Time out.

4                       CHAIRMAN AIBEL: You are going to have  
5           that chance in 15 minutes to make that comment.

6                       You just have to ask him a question.

7                       MR. GALVIN: Wait a minute.

8                       MS. CALANDRA: Do you agree --

9                       MR. GALVIN: I'll do it for you --

10                      MS. CALANDRA: -- do you agree --

11                      MR. GALVIN: Wait a minute, ma'am. I  
12           will do it. I'll do it.

13                      We want to know about, it is an  
14           additional three feet in height, and we want to know  
15           about it casting a shadow or blocking anyone's light  
16           and air. Do you want to comment on that?

17                      THE WITNESS: I think it would be  
18           negligible.

19                      MR. GALVIN: Why do you think it would  
20           be negligible?

21                      THE WITNESS: Because the additional  
22           three feet, and the reality is it's an additional  
23           one foot.

24                      Two of those feet, as I mentioned to  
25           this Board, and I'm sure some people in the audience

1 don't understand it quite yet, is because the  
2 Hoboken zoning ordinance hasn't quite caught up yet  
3 to the Hoboken ordinance in terms of flood plain.

4 So the Hoboken zoning ordinance allows  
5 us -- requires us to start our height dimension  
6 measurement at 12 feet above sea level.

7 However, the Hoboken flood plain  
8 ordinance requires the first floor to be at 14 feet,  
9 so two feet of that variance is for those two feet.  
10 I don't think that will change -- can change.

11 However, could the cellar -- pardon  
12 me -- the basement -- the crawl space be reduced by  
13 one foot?

14 That's certainly something we can look  
15 at.

16 MS. CALANDRA: Would you also agree  
17 that if you changed the height of the ceilings, that  
18 you could accommodate all of your needs and not  
19 impede on the value, the light and the air in my  
20 house?

21 You have to understand that.  
22 Extensions have been built in 728 --

23 CHAIRMAN AIBEL: Ma'am --

24 MS. CALANDRA: -- and on 8th Street --

25 CHAIRMAN AIBEL: -- you are commenting.

1 We're trying to ask questions, so can --

2 MS. CALANDRA: -- would you -- do you  
3 know that other buildings have been extended to the  
4 point, where our life has been severely hampered by  
5 the other --

6 MR. MATULE: I am going to object to  
7 the question.

8 CHAIRMAN AIBEL: Okay.  
9 I think we all understand.  
10 Thank you, ma'am.

11 MS. CALANDRA: Thank you.

12 CHAIRMAN AIBEL: Anybody else have a  
13 question?

14 MR. GREGERSON: Yeah, I have one quick  
15 question.

16 CHAIRMAN AIBEL: Please come up.

17 MR. GREGERSON: Chris Gregerson.

18 THE REPORTER: How do you spell your  
19 last name?

20 MR. GREGERSON: G-r-e-g-e-r-s-o-n.

21 I own the top floor of 735 Garden  
22 Street just to the south.

23 Just a quick question about the solar  
24 panels on the roof.

25 Are they contained within the profile

1 of the parapet?

2 THE WITNESS: Yes. The required  
3 parapet on the side is 30 inches, and we will be  
4 below that.

5 MR. GREGERSON: So they are not any  
6 higher than the building?

7 THE WITNESS: No.

8 CHAIRMAN AIBEL: Anybody else have a  
9 question?

10 Please come forward.

11 MR. GALVIN: State your name for the  
12 record.

13 MR. CALANDRA: Yes.

14 Frank Calandra, 732 Bloomfield Street.  
15 We owned that for 25 years.

16 MR. GALVIN: Could you spell your name  
17 for the reporter, please.

18 MR. CALANDRA: C-a-l-a-n-d-r-a.

19 MR. GALVIN: Thank you so much.

20 MR. CALANDRA: My question: You plan  
21 to extend the building by 14 feet, is that correct?

22 THE WITNESS: It's not an exact  
23 dimension because at one point it's less than that.  
24 At one point it's more than that approximately,  
25 because right now the existing building is kind of

1 odd shaped.

2 MR. CALANDRA: But from the current  
3 footprint --

4 THE WITNESS: 47 to --

5 MR. CALANDRA: -- each point will be 14  
6 feet?

7 THE WITNESS: 13 feet.

8 MR. CALANDRA: Okay. And you're also  
9 going to put a five foot extension deck, is that  
10 correct?

11 THE WITNESS: On the second floor.

12 MR. CALANDRA: On the second floor.  
13 But that goes all the way up on the  
14 top?

15 THE WITNESS: No. Only on the second  
16 floor.

17 MR. CALANDRA: Only on the second  
18 floor?

19 THE WITNESS: Yes.

20 MR. CALANDRA: Okay.

21 Now, you talked about the flood plain.  
22 I understand you have to comply with that.

23 THE WITNESS: Yes.

24 MR. CALANDRA: Have you looked at any  
25 other ways to prevent flooding in this proposed

1 area?

2 THE WITNESS: Well, there are  
3 requirements, and there are many, and we have to  
4 provide them all.

5 The foremost that we cannot change is  
6 floor levels, no matter what we do --

7 MR. CALANDRA: No, I understand --

8 CHAIRWOMAN WEFER: -- certainly we  
9 have --

10 MR. CALANDRA: -- when you say two  
11 feet --

12 THE WITNESS: -- as part of it -- so  
13 you have to understand, what we have to do here is  
14 we have to raise the crawl space level to match the  
15 sidewalk.

16 We have to provide flood panels, so  
17 that any water that gets in can easily get out, and  
18 that lower area has to be what it's called wet flood  
19 proofed. So if it gets wet, nothing is damaged.

20 MR. CALANDRA: But the net effect, is  
21 it two feet that increases the basement floor level?

22 THE WITNESS: One foot.

23 MR. CALANDRA: One foot. It's only one  
24 foot --

25 THE WITNESS: Yes.

1 MR. CALANDRA: -- that the flood plain  
2 affects the height of the building?

3 THE WITNESS: No, no. I'm sorry.

4 We are proposing to raise our new first  
5 floor one foot higher than is required --

6 MR. CALANDRA: Than is required?

7 THE WITNESS: Yes.

8 MR. CALANDRA: So if it's not required,  
9 you can bring it down one foot?

10 THE WITNESS: One foot.

11 MR. CALANDRA: So basically the flood  
12 plain requirement is increasing the need for one  
13 foot more in height?

14 THE WITNESS: Two feet.

15 MR. CALANDRA: Two feet?

16 THE WITNESS: Yes. And that's the  
17 difference between the Hoboken zoning ordinance and  
18 the Hoboken flood plain requirements.

19 MR. CALANDRA: And now your total  
20 building height will be how many feet?

21 THE WITNESS: Are you asking above  
22 sidewalk level?

23 MR. CALANDRA: No. Above what it is  
24 currently.

25 THE WITNESS: Above what it is

1 currently, well, we are about one floor above that.

2           Again, we are permitted from this 12  
3 point reference, 30 to 40 feet, so that would take  
4 it to about 40 -- so we're about two and a half feet  
5 taller -- three feet taller than what is permitted,  
6 so our total overall height from grade is 46.7 feet.

7           MR. CALANDRA: So you have three more  
8 feet than what's permitted?

9           THE WITNESS: Yes, because of, again,  
10 the inconsistency between the Hoboken zoning  
11 ordinance and the Hoboken flood plain ordinance. We  
12 are allowed 40 foot with the Hoboken zoning  
13 ordinance above 12 feet above sea level --

14           MR. CALANDRA: To simplify it, though,  
15 you are going three feet above what is permitted or  
16 is necessary?

17           THE WITNESS: We're going -- yes, three  
18 feet above what is permitted --

19           MR. CALANDRA: What is necessary --

20           THE WITNESS: -- as total height.  
21 Twelve inches of that is what we can control.

22           MR. CALANDRA: Only 12 inches you can  
23 control?

24           THE WITNESS: The other option would be  
25 to compress four floor heights, which would make not

1 very livable spaces and ten feet --

2 MR. CALANDRA: And what is the --

3 THE WITNESS: -- is the standard --

4 THE REPORTER: Wait a second. You  
5 can't talk when he's talking.

6 MR. CALANDRA: Okay, sorry.

7 THE WITNESS: It is a discussion we can  
8 have another time because it is not relevant here.  
9 We are proposing a ten foot floor, which is comon in  
10 almost every new structure or renovated structure  
11 now has this ten feet floor-to-floor height.

12 The code, the construction code,  
13 permits seven feet six as a minimum --

14 MR. CALANDRA: Okay. But ten feet  
15 isn't required. Your --

16 THE WITNESS: Seven feet six is  
17 required clear. We are proposing nine feet clear.

18 MR. CALANDRA: Nine feet clear?

19 THE WITNESS: Yes.

20 MR. CALANDRA: That comes up to 36  
21 feet --

22 THE WITNESS: Plus floor structure --

23 MR. CALANDRA: -- plus floor  
24 structure --

25 THE WITNESS: -- plus our height above

1 sidewalk.

2 MR. CALANDRA: Have you considered any  
3 other ways to prevent flooding of the apartment?

4 THE WITNESS: We are not allowed to  
5 prevent flooding. We have to accommodate flooding.

6 MR. CALANDRA: Accommodate it, so you  
7 prevent the basement from flooding?

8 THE WITNESS: No, no. That's not what  
9 we're allowed to do.

10 We are required to let water flow into  
11 that space and then flow out. That is a Hoboken  
12 zoning flood plain requirement.

13 MR. CALANDRA: What method is used to  
14 do that?

15 THE WITNESS: Flood vents.

16 MR. CALANDRA: Where will that water  
17 end up?

18 THE WITNESS: It will drain back to its  
19 lowest point.

20 MR. CALANDRA: Which is where?

21 THE WITNESS: The sidewalk in this  
22 case, which is why we have to meet the sidewalk.  
23 This is not, again, this is not anything we can  
24 control. These are ordinances that are handed to  
25 us --

1                   MR. GALVIN: It is beyond the local  
2 ordinance. It is a federal requirement now.

3                   MR. CALANDRA: In all that you are  
4 doing here, I understand that you are trying to  
5 accommodate the flood zone, but I mean, from our  
6 point of view --

7                   MR. GALVIN: No, no, no.

8                   Guys, if you can just give me like ten  
9 more minutes, we will get the planner on. The  
10 planner will be done, and you guys can just come up  
11 and tell us how you feel about it. All right?

12                   You should be able to ask any question  
13 you want to get information and to cross-examine the  
14 witness. But if you want to tell us that you don't  
15 like it, you probably should wait like ten minutes  
16 and then tell us you don't like it.

17                   MR. CALANDRA: Yes.

18                   One more final question.

19                   You have apartments in that place for  
20 3725 square feet, and do you think that helps you in  
21 satisfying the architectural needs of the -- of the  
22 window heights -- does that really help to  
23 support --

24                   THE WITNESS: I don't think it is  
25 relevant, nor related.

1                   If it's this property owner's wish to  
2                   have a larger apartment and ask for variances with  
3                   that, then that is his wish --

4                   MR. CALANDRA: I agree with that.

5                   THE WITNESS: -- in terms of  
6                   architecture, I don't make the decisions. I have to  
7                   accommodate what our design program is.

8                   MR. CALANDRA: I understand that, and I  
9                   agree with you.

10                  Everybody should do what they want as  
11                  long as it complies with the external --

12                  THE WITNESS: Right or ask --

13                  MR. CALANDRA: -- so I am asking you:  
14                  Does that 3725 square feet support the questions  
15                  that they have been asked here about being uniform  
16                  on a block -- on a -- basis --

17                  THE WITNESS: I'm not really sure I  
18                  understand the question.

19                  If you are asking is that size  
20                  apartment typical for the street, probably not, but  
21                  I don't understand, again, how that is relevant to  
22                  what people could see from the street.

23                  MR. CALANDRA: No. But I'm saying,  
24                  that there is a need to satisfy -- do you agree  
25                  there is a need to try to satisfy the requirement of

1 the building?

2 THE WITNESS: Of course.

3 MR. CALANDRA: Therefore, I am asking  
4 the question: How does 35 -- 3725 square feet  
5 support you in doing that?

6 THE WITNESS: I don't think you are  
7 understanding what the application is, because the  
8 volume could be four units as what was there  
9 previously. So what we have done is taken that  
10 volume with an extension that is permitted up to 60  
11 feet, and instead of having four units, we have  
12 compressed three of those units into two -- into --  
13 four units into two units.

14 So it is not a matter of whether one  
15 apartment is driving because of its size, the size  
16 of the building. We reduced density, meaning number  
17 of units, so maybe I'm not understanding -- but I --  
18 I don't understand.

19 MR. CALANDRA: I am not talking about  
20 the density.

21 I am talking about the fact that you  
22 created an apartment that is not consonant with the  
23 outside structure of the building.

24 THE WITNESS: I am truly not  
25 understanding.

1 MR. GALVIN: Time out.

2 Do you have something to offer, Mr.  
3 Matule?

4 MR. MATULE: Well, I was just going to  
5 ask Frank a question that I thought might, from what  
6 I'm hearing, elucidate things a little bit.  
7 Referring to your rendering --

8 THE WITNESS: Yes.

9 MR. MATULE: -- if you were not to have  
10 this fourth floor on the building at all, the  
11 mismatch of the windows would still be substantially  
12 the way they are right now?

13 THE WITNESS: If that is the question,  
14 having a larger apartment doesn't affect the non  
15 alignment with only the adjacent property. Again,  
16 as we looked at these photographs, the misalignment  
17 of this building and this building ends with the  
18 building behind it, so if you don't mind looking at  
19 that street facade, if that is the question.

20 MR. GALVIN: Okay.

21 Mr. Calandra, do you have any other --

22 MR. CALANDRA: Thank you very much.

23 CHAIRMAN AIBEL: Thank you.

24 MR. GALVIN: Thank you so much.

25 CHAIRMAN AIBEL: Seeing no further

1 questions --

2 MR. GALVIN: Oh, you have one coming  
3 up.

4 CHAIRMAN AIBEL: We have one. Please  
5 come up.

6 MS. SCULLY: I'm Sheila Scully, 724  
7 Bloomfield.

8 MR. GALVIN: Sheila, could you spell  
9 your last name?

10 MS. SCULLY: S-c-u-l-l-y, Sheila.

11 MR. GALVIN: Thank you.

12 MS. SCULLY: On the -- this here, it  
13 talks about the variances requested. I don't  
14 understand what expansion of nonconforming structure  
15 means exactly.

16 THE WITNESS: Because this building, as  
17 most in Hoboken, don't -- does not conform to the  
18 existing zoning requirements, and in this case in  
19 particular it is because we are at zero lot line  
20 requirement and not five feet setback, it is  
21 nonconforming. So in any way you make the building  
22 that is nonconforming, you have to ask for that  
23 variance.

24 MR. GALVIN: Any change to the  
25 building, they would have to come here.

1 MS. SCULLY: Okay.

2 And there is something also about  
3 design waivers, which the Board may deem necessary  
4 in order for the applicant to raise the -- what type  
5 of design waivers? Would that refer to the building  
6 material?

7 THE WITNESS: No. There isn't a  
8 regulation -- there is a regulation of the facade,  
9 which we do meet, just in terms of its masonry  
10 relative to window opening size.

11 Jeff, do you recall what --

12 MR. GALVIN: I never do well with  
13 waivers.

14 THE WITNESS: Well, are we asking for  
15 waivers here?

16 MR. MARSDEN: The waivers were  
17 specifically for things like providing at the  
18 initial submission drainage calculations and that  
19 kind of thing --

20 MR. GALVIN: No. He meant design  
21 waivers, like design requirements --

22 MR. MATULE: If I might --

23 MR. GALVIN: It would be the facade --  
24 I mean, you guys wrote the notice, so --

25 MR. MATULE: -- yes, if I might.

1                   One of the things we typically put in  
2 all of our notices is omnibus language after we call  
3 out the specific variances that we know we are  
4 asking for, which is "and any other variances and/or  
5 design waivers, which the Board may deem necessary."

6                   That's omnibus language that is put in  
7 there just, for example, during the course of the  
8 conversation about the facade of this building, if  
9 the architect said, well, we can do this, and we can  
10 do that, and the Board liked that facade better, but  
11 we didn't meet the 75 percent masonry rule anymore,  
12 instead of having to stop the hearing, renounce,  
13 come back and do this all over again, we created a  
14 safety net for us to ask for that additional  
15 variance.

16                   Now, that doesn't mean that we can come  
17 in and ask for the moon, but it gives us some  
18 leeway.

19                   Design waivers are more typically  
20 planning issues, which we are not really dealing  
21 with, so I hope that answers your question.

22                   CHAIRMAN AIBEL: It is academic.

23                   MR. MATULE: Very.

24                   MS. SCULLY: Also, what about the  
25 material for the back of the building? Is that

1 the --

2 MR. GALVIN: That is where the Hardy  
3 plank is going, right?

4 THE WITNESS: Yes. That is that cement  
5 board. It's meant to look like -- in this case it's  
6 a very smooth contemporary look, because it is not  
7 inside, and it's a larger board. We use that  
8 instead of stucco because it is a smooth look,  
9 maintenance free without all of the negative aspects  
10 of stucco.

11 CHAIRMAN AIBEL: Thank you.

12 Anyone else?

13 Now, seeing no further questions, can I  
14 have a motion?

15 COMMISSIONER COHEN: Motion --

16 COMMISSIONER GRANA: Motion to close  
17 public.

18 COMMISSIONER COHEN: -- second.

19 CHAIRMAN AIBEL: All in favor?

20 (All Board members answered in the  
21 affirmative)

22 MR. GALVIN: Thank you.

23 COMMISSIONER BRANCIFORTE: One other  
24 quick question for Frank, though.

25 You got an elevator, but there is no

1 machinery on the top of the --

2 THE WITNESS: No. This is called a  
3 residential use private elevator. It does not  
4 require that.

5 COMMISSIONER BRANCIFORTE: Okay, good.

6 That is all.

7 Thanks.

8 MR. MATULE: At this time I would like  
9 to call Ed Kolling.

10 MR. GALVIN: Raise your right hand, Mr.  
11 Kolling.

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

15 MR. KOLLING: Yes, I do.

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

18 MR. GALVIN: State your full name for  
19 the record and spell your last name.

20 THE WITNESS: Edward Kolling,  
21 K-o-l-l-i-n-g.

22 MR. GALVIN: Mr. Chairman, do we accept  
23 Mr. Kolling's credentials as a licensed planner?

24 CHAIRMAN AIBEL: Yes.

25 MR. GALVIN: You may proceed.

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

4                   THE WITNESS: Yes, I am.

5                   MR. MATULE: And you are familiar with  
6 the site and the surrounding area?

7                   THE WITNESS: Yes.

8                   MR. MATULE: And obviously, you are  
9 familiar with the variances that are being  
10 requested?

11                  THE WITNESS: Yes.

12                  MR. MATULE: Could you go through the  
13 variances that are being requested and give us your  
14 professional opinion with respect to the variance  
15 relief and whether it satisfies the statutory  
16 requirements?

17                  THE WITNESS: Just a couple of  
18 highlights. The building is a four-story building  
19 as it is today.

20                  The basement is considered a story for  
21 zoning purposes because it was occupied. There were  
22 four residential units in the building. The  
23 proposal is to reduce that from four units to two  
24 units.

25                  Four units were not permitted. Three

1 units would have been permitted, so we are bringing  
2 down that nonconformity significantly. I think that  
3 is a benefit, and it meets the purposes of zoning,  
4 and brings it into greater compliance with the  
5 zoning code in that regard.

6 The surrounding area, we have all gone  
7 through that. I don't want to continue with those  
8 sort of things.

9 The variances are for building height  
10 for the fourth floor expansion. We're calling it a  
11 fourth floor expansion. We're asking for a D  
12 variance, but it's really maintaining the number of  
13 stories that are there.

14 Had it not been for Sandy, had the  
15 flood regulations not changed, had we not had to  
16 lose it, this building could have continued as a  
17 four-story building because it preexisted and would  
18 always be there.

19 However, because of the situation with  
20 the change in the flood regulations, obviously that  
21 has to be changed, and the bottom has to be filled  
22 in as Frank has explained.

23 We are also looking for a C variance in  
24 terms of building height, 43 feet, and Frank also  
25 explained that the three foot variance, two feet are

1 really related to the measurements now taken from  
2 versus what the flood ordinance talks about.

3 We're looking for lot coverage for --  
4 only related to the rear deck. The building does  
5 comply.

6 I also point out that the rear deck is  
7 not covered. It's not really a building. Lot  
8 coverage is defined as the same as building  
9 coverage, and building coverage is defined as having  
10 a roof for a building, so the deck is really not  
11 building coverage, although it might be lot coverage  
12 under a different definition. So it is really  
13 rather de minimus. The extra couple percent is not  
14 going to impact air or light. It doesn't have a  
15 roof to it.

16 The front yard setback back is zero  
17 feet, and that's for the fourth floor going up. The  
18 existing building currently has that.

19 The extension of a nonconforming  
20 structure is really subsumed within the addition of  
21 the fourth floor. That is what is creating the  
22 expansion, and we are already asking for the  
23 variance for the height and the front yard setback.

24 I think the building height variance  
25 can be granted. Notwithstanding the fact that we

1 are trying to maintain the fourth floor, we are not  
2 asking for any more really intensity of development  
3 as defined by density.

4 We are reducing the number of units to  
5 less than what's permitted, so I don't think that  
6 the impact of the increased height is going to be  
7 any significant thing in terms of the additional  
8 floor.

9 In terms of the extra number of feet,  
10 it is a C variance, not a D variance. You can look  
11 at hardship therefore, and we are within the flood  
12 plain. We do have a situation of conflicting  
13 ordinances, and I think that hardship alone would  
14 drive the positive criteria for the height variance  
15 and number of feet.

16 Also, the thing to look at in terms of  
17 the negative impacts is that the rear yard is  
18 required to be 30 feet. We have a 40 foot rear  
19 yard, so even though we may be three feet higher  
20 than what the zoning ordinance permits, we are ten  
21 feet further back from the property line than is  
22 required for the rear yard to the building itself.  
23 Even the deck meets the 30 foot setback, and I think  
24 we are at 32.

25 So if you are thinking about the sun

1 angle and things of that nature, it is not going to  
2 affect the adjoining properties to the rear  
3 significantly from that wall because of that extra  
4 ten feet.

5 Another mitigating factor is right now  
6 there is a one-story structure at the rear lot line,  
7 which also is going to affect air and light and open  
8 space to the adjoining property. That is being  
9 removed, so it improved that situation.

10 So in terms of the lot coverage and in  
11 terms of the added height, I don't think that  
12 granting the variances results in any substantial  
13 detriment whatsoever to either the zone plan or to  
14 the general welfare.

15 I would also point out that in the rear  
16 yard requirements, rear yards are required to be  
17 landscaped and accessible to occupants. That rear  
18 deck and stairs allows the occupants to get to the  
19 rear yard, and therefore, makes a functional use of  
20 the space, which is important. For a family-type  
21 environment, you want to be able to get to the rear  
22 yard to use it and to maintain it.

23 The front yard setback is consistent  
24 with the existing building. It is consistent with  
25 the pattern not only on this block, but in general,

1       so I think that that variance is to be granted under  
2       C-2 criteria for the benefits outweighing the  
3       detriments.

4                 Expansion of a nonconforming structure,  
5       as I said, is subsumed within the variances that we  
6       are asking for.

7                 I think that the project meets the  
8       purposes of the Municipal Land Use Law. I think  
9       that because we are making this building more  
10      conforming in terms of the number of units, that the  
11      granting of the application, the variances, would be  
12      a municipal action, which would guide the  
13      appropriate use and development of the site, again,  
14      bringing it into conformance with the density  
15      calculations and therefore promote the public  
16      health, safety and general welfare.

17                It also promotes subparagraph (b) about  
18      securing safety from fire, flood panel, where the  
19      building is being redesigned to be in compliance  
20      with the flood regulations.

21                The granting of the variance would  
22      promote the establishment for appropriate population  
23      densities. Again, since we are bringing it into  
24      compliance with the density calculations, and that  
25      is subparagraph (e), and the property does meet the

1 minimum standards, it's actually a little bit  
2 larger, so that the property does provide sufficient  
3 space in an appropriate location for this use of  
4 this property.

5 So I think we have met the burden of  
6 the positive criteria in that the granting of the  
7 variances, the bulk variances in some instances fall  
8 under the C-2 category, where the benefits of  
9 granting the variances would outweigh substantially  
10 any detriment.

11 We do have the hardship of this being  
12 in the flood zone and the conflicting ordinances  
13 that affects the height. We promote the purposes of  
14 zoning for the Municipal Land Use Law. I don't  
15 think that these variances are very significant and  
16 would not rise to the level that they would result  
17 in a substantial detriment either to the zone plan  
18 or to the general welfare.

19 CHAIRMAN AIBEL: Board members?

20 Mr. Cohen?

21 COMMISSIONER COHEN: You mentioned that  
22 in the back of the rear yard, there's a stucco shed.  
23 It looks like a one-story shed.

24 THE WITNESS: Yes.

25 COMMISSIONER COHEN: We heard some

1 questions about a neighbor that is behind the  
2 property.

3 Can you tell what the impact of  
4 removing the one-story shed, which is on the lot  
5 line adjacent to that, what would be the impact of  
6 the light and air be on that neighbor by removing a  
7 one-story shed on their property?

8 THE WITNESS: Well, it's right up  
9 against the property line, which it does impact that  
10 area right adjacent to it.

11 It also sort of fills in the Hoboken  
12 donut. The idea is to keep the center part of the  
13 block open, so by removing that, you can open up  
14 that light and air in that location. I think that  
15 it would accommodate a better flow of air.

16 I don't think it significantly impacts  
17 light because buildings -- the taller building on  
18 the street is still going to cast some shadow that  
19 might go past that, but it may have some minimal,  
20 minimal impact.

21 COMMISSIONER COHEN: Do you have any  
22 opinion about the height of the building on the  
23 front, you know, vis-a-vis the block, and whether it  
24 is inconsistent with the profile of the block?

25 THE WITNESS: Well, I think the way it

1 was discussed previously, and I noticed from being  
2 there this afternoon, every building is not in the  
3 same alignment as it is.

4 The photographs that were taken  
5 demonstrate that the building immediately next door  
6 appears to be a twin of this one. But if you go to  
7 the next two buildings, the windows that are on  
8 the -- above the commercial area don't line up with  
9 the windows either next door to this property or to  
10 the subject property.

11 As you go further down the block, the  
12 windows again begin to move up.

13 About mid block, there's another  
14 building that looks like it's a good two or three or  
15 four feet taller, so there is -- although it is not  
16 significantly different, there is movement up and  
17 down as you go down the block.

18 I think the character of it, and the  
19 reason why it doesn't make it stand out in your eye  
20 that much is because they were all built with the  
21 same detail, and they all have similar masonry  
22 materials.

23 COMMISSIONER COHEN: All right.

24 One last question: With respect to the  
25 limestone treatment on the front, we heard some

1 questions about the character of that, and I guess  
2 there was some testimony that there is limestone on  
3 Hudson Street a few blocks away.

4 I mean, do you have any view as to  
5 whether, you know, not having the brick matching is  
6 an impact on the block, and what kind of an impact  
7 as a planner --

8 THE WITNESS: Well, it would obviously  
9 look different, but buildings are supposed to be  
10 more in character with the time that they have been  
11 renovated and reconstructed. My feeling of that  
12 limestone material is it's richer.

13 If you see some row houses that are  
14 built with brownstone or row houses built with  
15 limestone, and then you have brick row houses, too,  
16 I think it is a richer material, but I don't think  
17 it would be bad one way or the other.

18 COMMISSIONER COHEN: Okay. Thanks.

19 CHAIRMAN AIBEL: Mr. Greene?

20 VICE CHAIR GREENE: I recognize you did  
21 not write the planner's report and you're just  
22 reporting.

23 In a number of instances, it refers to  
24 the building height as 41 feet ABF, and the zoning  
25 block refers to it as 43 feet, and I believe the

1 testimony was 43 feet. I just wanted to clarify.

2 THE WITNESS: And I think what I was  
3 testifying to was using 43 because I picked that out  
4 as being a conflict. I think what happened was this  
5 report was prepared --

6 MR. MATULE: It was prepared based on  
7 the original plans that were submitted, which were  
8 41 feet, and then because of the change in the flood  
9 regulations, the plans were revised, but Mr. Ochab  
10 revised his report.

11 VICE CHAIR GREENE: So where it says  
12 41, we should read it as 43?

13 MR. MATULE: Correct.

14 THE WITNESS: Yes.

15 VICE CHAIR GREENE: Thank you.

16 MR. MATULE: That is what he would have  
17 testified to.

18 CHAIRMAN AIBEL: Anyone else, Board  
19 members?

20 Go ahead.

21 COMMISSIONER BRANCIFORTE: And the 43  
22 that we're talking about in height, that doesn't  
23 include the two and a half foot cornice on top?

24 THE WITNESS: Well, it never does.  
25 Height is measured to the roof.

1                   COMMISSIONER BRANCIFORTE: Right. For  
2 the reasons of the variance, we only measure to the  
3 height of the roof.

4                   THE WITNESS: Correct.

5                   COMMISSIONER BRANCIFORTE: But for the  
6 visual, we should still consider the extra two and a  
7 half feet, don't you think?

8                   THE WITNESS: No. Because when you're  
9 looking at the variance, the variance is as compared  
10 to other roofs, from roof to roof.

11                  COMMISSIONER BRANCIFORTE: So the extra  
12 two and a half feet, I should never mention, and we  
13 shouldn't think about it then.

14                   (Laughter)

15                   Okay. Thanks.

16                  CHAIRMAN AIBEL: Board members, anybody  
17 else?

18                  COMMISSIONER GRANA: No questions.

19                  MS. BANYRA: No.

20                  CHAIRMAN AIBEL: I am just going to go  
21 back quickly to your comment about the access to  
22 rear yard and just to make sure that my comment was  
23 clear, I am not suggesting eliminating the  
24 stairwell. I'm suggesting eliminating the deck, so  
25 that people could take advantage of the backyard,

1 and we wouldn't have the extra seven percent lot  
2 coverage be something lower than that, because it is  
3 being portrayed as a livable space, and I think we  
4 generally treat that as lot coverage.

5 MS. BANYRA: We have.

6 CHAIRMAN AIBEL: So anybody else?

7 Time to open it up to the public.

8 Questions for -- Mr. Matule, go ahead.

9 MR. MATULE: No, no, just for Mr.

10 Kolling.

11 CHAIRMAN AIBEL: Questions for Mr.

12 Kolling.

13 Anybody have questions for the planner?

14 Please come forward

15 MS. HEALEY: Mr. Kolling, I just want

16 to get back to the limestone for a second.

17 VICE CHAIR GREENE: I think she has to

18 introduce herself.

19 CHAIRMAN AIBEL: I'm sorry. Your name

20 and address.

21 MS. HEALEY: I'm sorry.

22 Leah Healey, 806 Park.

23 It seems that this building is being

24 changed in order to accommodate the flooding and

25 there has been some concerns about the difference in

1 height.

2 Do you not think that adding limestone  
3 as another change to this building is not in  
4 keeping -- is not an attempt to at all keep this  
5 building in keeping with the neighborhood?

6 MR. MATULE: May I answer that  
7 question?

8 I am going to ask Mr. Kolling not to  
9 answer the question yet because Mr. Minervini will  
10 be coming back up, and I can make a proffer right  
11 now that based on the Board's comments, the  
12 applicant is agreeing, and Mr. Minervini will talk  
13 about it, to take all of the limestone off the front  
14 of the building and make it all brick to better  
15 esthetically blend into the existing neighborhood.

16 So based on that proffer, I don't know  
17 if you still want to ask that question or not, but I  
18 suppose you could.

19 MS. HEALEY: Okay.

20 With respect to the rear deck, that's a  
21 C variance to get the rear deck coverage?

22 THE WITNESS: Yes.

23 MS. HEALEY: And what's the benefit to  
24 that deck that outweighs detriment of the coverage?

25 THE WITNESS: Well, the deck provides

1 rear access, which is really required. Part of the  
2 rear yard requirement is that access for occupants  
3 be to the rear yard.

4 So in this particular case, and in part  
5 because of the flood regulations that are here, you  
6 have to put stairs going down there because  
7 everything is at grade, so I think the benefit is  
8 that we are actually meeting a requirement of the  
9 zone plan in terms of providing access to the rear  
10 yard.

11 MS. HEALEY: So your question just  
12 previously as to whether access could be provided  
13 without a deck, so why is that an added benefit to  
14 have the deck in addition to the staircase?

15 THE WITNESS: I just think that it  
16 helps make better use of that because of the --  
17 again, because of the flood elevation requirements,  
18 everything gets pushed up.

19 MS. HEALEY: Better use of what?

20 THE WITNESS: Better use of the rear  
21 yard by the occupants.

22 MS. HEALEY: Having a deck versus just  
23 a staircase helps to make better use of the yard in  
24 terms of what? Looking at it?

25 THE WITNESS: And utilizing it.

1                   The public spaces of the second unit  
2                   are on that same level, and I think that -- I  
3                   believe the kitchen level is specifically back  
4                   there, so being able to utilize that space, being  
5                   able to just walk out from that second floor and  
6                   utilize the space is I think more beneficial.

7                   MS. HEALEY:    So you're measuring the  
8                   benefit to the unit occupants rather than the  
9                   community at large?

10                  THE WITNESS:   Well, I don't think it  
11                  has -- it's part of what the zone plan calls for.

12                  The zone plan says that the occupants  
13                  should be provided access there for the utilization  
14                  of it.

15                  MS. HEALEY:    Thank you.

16                  CHAIRMAN AIBEL:   And you can shorten  
17                  the building, too.

18                  Anybody else, questions for Mr.  
19                  Kolling?

20                  This is questions.   You will have a  
21                  chance to comment in five minutes.

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

24                  CHAIRMAN AIBEL:    Let me just make sure.

25                  COMMISSIONER DE FUSCO:   Do you have a

1 question?

2 COMMISSIONER COHEN: I'm sorry.

3 MS. CALANDRA: No. I'm sorry.

4 Jacqueline Calandra, 732 Bloomfield  
5 Street.

6 I just wanted to reiterate on the deck,  
7 it is really not necessary that there is access to  
8 that yard --

9 COMMISSIONER DE FUSCO: Ma'am, it's  
10 questions only.

11 MS. CALANDRA: I'm sorry?

12 COMMISSIONER DE FUSCO: It's only  
13 questions. Right after that, you can comment.

14 MS. CALANDRA: Is it possible for the  
15 people to have access to the backyard without a  
16 deck, which brings the building out further and is  
17 not in accordance with the ordinance?

18 Am I understanding that correctly?

19 THE WITNESS: Obviously, yes. You can  
20 access the yard with the stair.

21 MS. CALANDRA: So I would request that  
22 there would be no deck permitted then.

23 Thank you.

24 CHAIRMAN AIBEL: Thanks.

25 COMMISSIONER DE FUSCO: Motion to close

1 the public portion.

2 COMMISSIONER COHEN: Second.

3 CHAIRMAN AIBEL: All in favor.

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

6 MR. MATULE: At this time I would like  
7 to recall Mr. Minervini.

8 CHAIRMAN AIBEL: Welcome back.

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

11 MR. MATULE: Mr. Minervini, while Mr.  
12 Kolling testified, you had the opportunity to talk  
13 to the applicant and convey some of, in your  
14 opinion, the Board's concerns about the design  
15 that's been presented?

16 THE WITNESS: Yes.

17 We are proposing three revisions to the  
18 application as you see it.

19 The first would be the entire facade  
20 would be brick. We no longer are proposing  
21 limestone.

22 The second would be that we will remove  
23 the deck space off the second floor, keep, though,  
24 the stair access down to the rear yard.

25 And third, at Mr. Branciforte's

1 suggestion, we are going to drop the cornice 30  
2 inches, so that the cornice line starts at the roof  
3 line.

4 For an explanation on it, the reason  
5 why we do it this way is because we are required to  
6 have two side walls 30 inches at the property line  
7 above roof line on the two sides. It's called a  
8 fire stop, a fire barrier, so a fire won't jump from  
9 one building to another.

10 The reason why the cornice is raised  
11 higher, so you can seal those two side walls.  
12 However, listening to what the Board's comments are,  
13 we can drop this down, and we'll see just those two  
14 small wall sections.

15 COMMISSIONER BRANCIFORTE: So where  
16 would the new roof line be exactly?

17 THE WITNESS: Approximately here.

18 MR. MATULE: Where the white is?

19 THE WITNESS: Yeah, where the white is.

20 COMMISSIONER COHEN: Can I just ask you  
21 a question about that?

22 You mentioned that when other buildings  
23 rise up in order to accommodate the new flood  
24 requirements, is that going to make that roof line  
25 lower than the other buildings?

1                   I mean, I don't have a problem with you  
2                   accommodating Mr. Branciforte's comment, but if the  
3                   new buildings are built to accommodate that flood  
4                   issue, and their roof lines are higher than what  
5                   otherwise they would have matched for a design, I'm  
6                   wondering whether we're creating a problem.

7                   THE WITNESS: Well, we are not  
8                   proposing to change the roof surface height. We are  
9                   proposing just the cornice to match the top of the  
10                  cornice --

11                  COMMISSIONER COHEN: Right.

12                  Well, then change my question to the  
13                  cornice.

14                  THE WITNESS: Yes.

15                  COMMISSIONER COHEN: Then would the  
16                  cornice -- while it lines up well -- it would line  
17                  up now, would it be creating an artificially low  
18                  cornice for future buildings, or I guess we could  
19                  have similar -- we could have a similar solution for  
20                  those --

21                  THE WITNESS: Similar addition -- but  
22                  in each condition you would see then these two side  
23                  walls, so that is the purpose of, in this case, the  
24                  cornice to rise above the roof level, but we  
25                  certainly can drop it down and have less what would

1 be brick surface here and the perception of height  
2 would be lessened, which I think is your point.

3 COMMISSIONER BRANCIFORTE: Well, yeah,  
4 I'm --

5 VICE CHAIR GREENE: Well, would you  
6 then be seeing any of the solar arrays from the  
7 street?

8 THE WITNESS: No. If I recall the  
9 location, we can set them back, if they're not.

10 Yes. They are set far enough back, and  
11 even this smaller section that is eight or ten feet  
12 off the facade, you wouldn't see them.

13 Now, if you were at the same height  
14 across the street, you would see them, if we dropped  
15 the cornice down.

16 COMMISSIONER BRANCIFORTE: It is up to  
17 the Board to decide, not me.

18 I mean, no, if the Board wants to  
19 discuss it and talk about it, I'm not -- I'm only  
20 one person on the Board.

21 MR. GALVIN: So you offered us the  
22 option, and we'll consider it in deliberations.

23 THE WITNESS: Absolutely. Absolutely.

24 MR. MATULE: It is out there.

25 COMMISSIONER BRANCIFORTE: Now, the

1       only other question is, this idea of lowering the  
2       cellar -- I mean, the ceiling of the cellar is  
3       completely not possible because of the --

4                THE WITNESS:  It could be dropped 12  
5       inches and still meet then the flood plain --  
6       Hoboken flood ordinance.  However, that would render  
7       that space really useless, and not even for storage.  
8       It would be a crawl space, and you would have to  
9       crawl within it.

10               So that is again the purpose to raise  
11       that 12 inches to make that space slightly -- it's  
12       no where being --

13               COMMISSIONER BRANCIFORTE:  What would  
14       be the height at that point?

15               THE WITNESS:  It's 5.7 as proposed.

16               COMMISSIONER BRANCIFORTE:  And you'd  
17       lower it to 4.7?

18               THE WITNESS:  It would be 4.7 feet.

19               COMMISSIONER BRANCIFORTE:  And you  
20       would still lose a foot off the building?

21               THE WITNESS:  You would lose a foot off  
22       the building.

23               COMMISSIONER BRANCIFORTE:  That I'm  
24       more interested in than the cornice, but go ahead.

25               VICE CHAIR GREENE:  I'm sorry.

1                   Where were you going -- were you going  
2 to store trash and recycling in that space?

3                   THE WITNESS: That is the plan now  
4 because you can get in there. Although as I take  
5 that back, there is no access -- we are not  
6 permitted access form the front of the building to  
7 that space, not permitted, so chances are it would  
8 be kept within the apartments and put out on garbage  
9 and recycling day.

10                  COMMISSIONER BRANCIFORTE: So it's  
11 going to be more stuff, like lawn furniture and --

12                  THE WITNESS: Bicycles and --

13                  MR. MATULE: Tricycles.

14                  THE WITNESS: -- electric car  
15 station --

16                  (Laughter)

17                  CHAIRMAN AIBEL: Mr. Matule?

18                  COMMISSIONER GRANA: I just have a  
19 question.

20                  Mr. Minervini, you are proposing to  
21 remove the deck on the second floor, correct?

22                  THE WITNESS: Yes.

23                  COMMISSIONER GRANA: That is one of the  
24 proposals.

25                  What was the square footage of that

1 deck?

2 THE WITNESS: I don't recall. I can --

3 COMMISSIONER GRANA: Was it about 22.5,  
4 is that what I see it? Z-5.

5 MR. MATULE: No, that is the elevation.

6 THE WITNESS: That's the above sea  
7 level.

8 COMMISSIONER GRANA: Can you ball park  
9 it?

10 THE WITNESS: I may have it broken  
11 down, and it's on the tabulation chart. Let's take  
12 a look.

13 MR. MATULE: Five by 22.

14 THE WITNESS: I didn't break down the  
15 deck below the stairs --

16 MS. BANYRA: I'm sorry --

17 (Everyone talking at once.)

18 COMMISSIONER GRANA: You know, I just  
19 really wanted an estimate of what that square  
20 footage would be --

21 THE WITNESS: It's five by 22.

22 COMMISSIONER GRANA: Five by 22.

23 You still have to have a landing and a  
24 stair well there.

25 THE WITNESS: Yes.

1 (Everyone talking at once)

2 MR. GALVIN: I'm going to go, Hello.

3 Thank you.

4 COMMISSIONER GRANA: What would be the  
5 relative square footage at the second floor still  
6 having that landing in that stair -- how much are we  
7 losing by removing this deck?

8 THE WITNESS: Well, we would be losing  
9 120 square feet, but we would have to maintain this  
10 15 by three -- actually 15 by three feet six.

11 So there is going to be 50 feet there  
12 just for access and removing 122 -- 120 --

13 COMMISSIONER GRANA: So you are losing  
14 about 16 square feet.

15 THE WITNESS: About 16 square feet.

16 COMMISSIONER GRANA: Thank you.

17 CHAIRMAN AIBEL: Ms. Banyra has a  
18 couple of issues.

19 MS. BANYRA: Mr. Matule, I know you  
20 received my report late. There were a number of  
21 comments in there.

22 Could you just indicate whether or  
23 not -- I don't think Mr. Minervini addressed some of  
24 them relative to some of the details.

25 On the north side it's visible, and we

1 talked about the materials and coloration, hum --

2 MR. MATULE: I thought in testimony he  
3 did answer a question. I think Mr. Grana had asked  
4 since the north side of the building was going to be  
5 exposed for quite a while -- I don't recall your  
6 answer, Frank.

7 THE WITNESS: Hardy board.

8 MS. BANYRA: No, that's okay. As long  
9 as you addressed it.

10 Then the next one is six foot high rear  
11 fence, there's no detail, and it also indicates it's  
12 going to be a concrete planter there, so you should  
13 give us some detail on that.

14 THE WITNESS: Here is the planter. I'm  
15 sorry. It's Sheet Z-4.

16 MS. BANYRA: It says a six foot high  
17 fence, so is that the six foot high fence that's  
18 actually going to be the rear -- that concrete  
19 planter --

20 THE WITNESS: In this section, we will  
21 have a planter, which would be as the detail shows,  
22 six feet to this section, so it acts as a bench and  
23 a planter --

24 MS. BANYRA: So that's what I  
25 understand is your fence.

1 THE WITNESS: Yes.

2 MS. BANYRA: Then the next one, there  
3 was a tree on the earlier plan, and that's removed  
4 because I'm guessing the utilities --

5 (Everyone talking at once.)

6 THE WITNESS: Exactly right.

7 MS. BANYRA: And your block elevation  
8 shows the building at 45 feet, is that correct?

9 I mean, the testimony was about 43.

10 THE WITNESS: Well, in this case we are  
11 counted to the corner, so you could see the line  
12 behind it --

13 MS. BANYRA: So actually it's 43.

14 THE WITNESS: Yes.

15 MS. BANYRA: And then your rain garden  
16 in terms of the types of materials, who will be  
17 designing that and the types of appropriate material  
18 for that?

19 THE WITNESS: Our landscape architect,  
20 Adam Hoppe from Green Room Design.

21 MS. BANYRA: Okay. Thank you.

22 That's all I have.

23 MR. GALVIN: Did you get everything?

24 MS. BANYRA: Yes. The only -- I think  
25 if the Board sees fit to approve this, whatever is

1 going to come back to the Board, we should maybe  
2 have it prior to resolution, so we could see a  
3 rendering or something because it seems that some  
4 things have been changing, so I am not sure what  
5 it's going to look like, and I am not sure the Board  
6 will be through or not, so that's just my comment --

7 MR. GALVIN: Can you do that?

8 THE WITNESS: Oh, absolutely.

9 MR. GALVIN: Okay. So a revised  
10 plan -- so an extra condition would be the revised  
11 plan is to be reviewed and approved by the Board at  
12 the time of memorialization, so we have to make sure  
13 we have it, because I am not even sure if we've  
14 approved resolutions, where we had things that we  
15 were supposed to check, and we didn't check them, so  
16 let's make sure --

17 VICE CHAIR GREENE: And the rendering  
18 as well.

19 (Board members confer.)

20 CHAIRMAN AIBEL: Want to open it up to  
21 the public?

22 MR. GALVIN: Yes, sir.

23 CHAIRMAN AIBEL: Okay. Now is the time  
24 for comment. Anybody in the public wish to comment,  
25 please come forward.

1                   MR. GALVIN: I'm going to put you under  
2 oath. Raise your right hand. Do you swear to tell  
3 the truth -- it's not just you, it's everybody  
4 that's going to be sworn.

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

8                   MR. RAPPORT: I do.

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

11                  MR. RAPPORT: It's John Rapport,  
12 R-a-p-p-o-r-t. I'm at 728 Bloom.

13                  Can we just -- because we couldn't see  
14 what, when he was drawing on pictures and  
15 everything, what is the roof height going to be now  
16 with the lowered cornice?

17                  MR. GALVIN: These guys are going to  
18 answer it, not me.

19                  MR. RAPPORT: Is it going to be even --

20                  THE WITNESS: The rendering, this is a  
21 colored version of the front facade. The line would  
22 be approximately here.

23                  So what we're doing, because the  
24 cornice, as I explained, is there to conceal the two  
25 side walls that are required here and here, we are

1 going to drop this down to the roof level.

2 MR. RAPPORT: So we're standing on two  
3 feet?

4 THE WITNESS: Yes.

5 CHAIRMAN AIBEL: Anybody else wish to  
6 comment?

7 Please come forward.

8 MS. HEALEY: Leah Healey, 806 Park.

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

12 MS. HEALEY: I do.

13 MR. GALVIN: You can put your hand down  
14 now.

15 (Laughter)

16 I get paid to do that.

17 MS. HEALEY: I am happy to hear that  
18 this material has changed, because I think that the  
19 town has a real challenge on its plate in trying to  
20 accommodate the flood zone, and I have some personal  
21 experience with that around the corner from me.

22 And I understand the notion that if you  
23 are going to lose something in the flood zone, that  
24 you should be able to have -- gain it back, but I  
25 wanted to take the opportunity to say that I don't

1 think that the flood zone should be used as an  
2 opportunity to gain and then gain more. Gain back  
3 what you lost and then gain more.

4 So I think it is really important that  
5 when these applications come in, we examine them for  
6 what was lost, not how can we use the flood zone as  
7 an excuse to give us more.

8 So I guess I am happy to see that the  
9 rear shed is being taken away, because that opens up  
10 some of the lot coverage that we wouldn't have  
11 otherwise, if this renovation wasn't made, so  
12 I think that is a positive thing.

13 And I think that any attempt that can  
14 be made to recognize that this is the central core  
15 of the town, this is the area in the R-1 that we are  
16 trying to preserve, and we're not trying to create  
17 in the R-1 the kind of buildings that are being  
18 created in the other zones, such as the 14th Street  
19 building.

20 So what we are going to find I think as  
21 this flood zone issue progresses is many more  
22 tear-downs that I know even the previous planner was  
23 on record saying, that she could never imagine  
24 anybody would tear down buildings in Hoboken and  
25 build a new one. Well, she's been proven quite

1 wrong.

2 So we're going to have to go about  
3 examining each one of these until something else  
4 happens, and I am certainly learning a lot in these  
5 applications in terms of what should be changed in  
6 terms of zoning, but I think that we have to pay  
7 really close attention, and the developer should be  
8 much -- as sensitive as possible to the existing  
9 neighborhoods in which they are doing the flood zone  
10 changes, so -- but I am happy to hear that the  
11 applicant has responded to some of these changes.

12 Thank you.

13 CHAIRMAN AIBEL: Thank you, Ms. Healey.

14 Anybody else?

15 Please come forward.

16 MR. GALVIN: Raise your right hand.

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

20 MR. GREGERSON: I do.

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

23 MR. GREGERSON: Chris Gregerson,  
24 G-r-e-g-e-r-s-o-n.

25 MR. GALVIN: Thank you so much.

1                   Please proceed.

2                   MR. GREGERSON: I'm a resident at 735  
3                   Garden, and I lived there for 15 years, 11 as a  
4                   renter, and I have owned the top floor of the  
5                   building for the last four years.

6                   Part of the reason why I bought the top  
7                   floor of that building -- I used to live on a lower  
8                   floor -- was to gain more light and air.

9                   One of my big concerns with this  
10                  development in particular at the top floor being  
11                  kind of an adjacent resident to this project is the  
12                  14 foot extension in the back will block some of  
13                  that light that we get in our apartment, and I  
14                  brought some pictures with me. I don't know if it's  
15                  appropriate to show, but --

16                  MR. GALVIN: It is appropriate. I mean  
17                  the best way to do this is to pick -- no, no, don't  
18                  do it that way. Don't do it yet.

19                  How many do you have there?

20                  It looks like a lot.

21                  MR. GREGERSON: I could -- like four.

22                  MR. GALVIN: Okay. Three or four.

23                  Show Mr. Matule and see if he has got  
24                  has any objections.

25                  We are going to mark them N-1 through

1 N-4.

2 (Photographs marked N-1 through N-4).

3 MR. MATULE: Well, I don't have any  
4 objections per se, but I think it is important to  
5 question the relevancy in that the extension is  
6 within the permissible parameters of the zoning  
7 ordinance, the 14 foot extension.

8 MR. GALVIN: Well, he is still allowed  
9 to tell us how he feels about it.

10 MR. MATULE: That is why I am not  
11 objecting.

12 CHAIRMAN AIBEL: C-2 nonconforming --

13 MR. GALVIN: Okay --

14 CHAIRMAN AIBEL: -- gets him in play.

15 MR. GALVIN: -- so we are going to make  
16 them N-1 through N-4.

17 And who took the pictures?

18 MR. GREGERSON: My wife did.

19 MR. GALVIN: Okay.

20 And when did she take them?

21 MR. GREGERSON: This morning.

22 MR. GALVIN: Okay.

23 MR. GREGERSON: So I guess they just  
24 show basically --

25 MR. GALVIN: We are going to put little

1 tags on them and what we do is we refer to the --

2 MR. MATULE: I am going to put little  
3 tags on them.

4 (Laughter)

5 I would just ask you, you know, for the  
6 record and for the benefit of the Board members and  
7 the public, just by referring to each number N-1  
8 through N-4, just describe what they are for the  
9 record, please.

10 MR. GREGERSON: Okay. So should I just  
11 hold them up?

12 MR. GALVIN: Yeah, yeah. Then you're  
13 going to hand them to the Board. We want to just --  
14 just tell us what it is and then hand it to us.

15 MR. GREGERSON: All right.

16 So N-1 is a photograph of the back of  
17 the building.

18 The red brick building is 735.

19 737 is this building, and this is the  
20 top floor, and the photographs you are going to see  
21 are kind of looking out of these two windows.

22 MR. GALVIN: I just want to say out  
23 loud, thank you for giving us the rear elevation of  
24 the building because we never get to see it.

25 (Laughter)

1                   MR. GREGERSON: N-2 is the view  
2 directly out of the top right window of 735 taken  
3 this morning at --

4                   VICE CHAIR GREENE: And when you say  
5 "Top right," is that window facing to the west or to  
6 the south?

7                   MR. GREGERSON: East.

8                   MR. GALVIN: East. It's in the  
9 morning, and the sun's in it.

10                  MR. GREGERSON: East.

11                  COMMISSIONER BRANCIFORTE: I'm sorry.  
12 What is your address again, 735?

13                  MR. GREGERSON: 735.

14                  COMMISSIONER BRANCIFORTE: Bloom?

15                  MR. GREGERSON: Garden.

16                  COMMISSIONER BRANCIFORTE: Garden,  
17 sorry.

18                  MR. GREGERSON: Yeah, we're directly  
19 adjacent to it.

20                  (Board members confer.)

21                  MR. GALVIN: Okay. Keep going.

22                  MR. GREGERSON: So N-3 is another view  
23 of that same window just back a little bit.

24                  VICE CHAIR GREENE: No. It's got to be  
25 the other way --

1                   COMMISSIONER BRANCIFORTE:  What floor  
2                   is this window on?

3                   MR. GREGERSON:  The top floor.

4                   COMMISSIONER BRANCIFORTE:  The top  
5                   floor.

6                   VICE CHAIR GREENE:  But this is the  
7                   rear.

8                   MR. GALVIN:  Yeah.

9                   VICE CHAIR GREENE:  So it can't be  
10                  facing east.  That's facing west.

11                  (All Commissioners conferring and  
12                  talking at once.)

13                  MR. GREGERSON:  So this is one last  
14                  view kind of showing the whole room.  It is  
15                  obviously our kitchen.

16                  When we renovated the apartment, we  
17                  located the kitchen there specifically because of  
18                  the light, and in fact, we moved partitions around  
19                  to gain access to two windows in the kitchen to  
20                  maximize the amount of light in that space.

21                  So, you know, I understand from a lot  
22                  coverage perspective, this is kind of as bright, but  
23                  it's an extension of the nonconforming structure, so  
24                  I wanted to see if there was any possibility for an  
25                  adjustment to that.

1                   What we -- you know, it is only morning  
2                   light that we get in the kitchen obviously, and at a  
3                   certain point when the sun is further overhead and  
4                   directly above us, shadows aren't as much of a  
5                   concern. But, you know, with this 14 foot  
6                   extension, it is going to cast a shadow across one  
7                   or possibly two of those windows in the morning.

8                   And so I guess, you know, at a minimum,  
9                   I hope if there was even a possibility of doing a  
10                  side yard setback or something to minimize the width  
11                  of that extension, so at least it, you know, limits  
12                  that shadow cast on the back of the building. If  
13                  that is a possibility, I would like the Board and  
14                  applicant to consider that.

15                  MR. GALVIN: All right. Anything else?

16                  CHAIRMAN AIBEL: Thank you.

17                  MR. GREGERSON: Oh, I had a concern --  
18                  my second concern was about the facade, but it  
19                  sounds like that's getting resolved through the  
20                  change of materials.

21                  MR. GALVIN: Thank you.

22                  CHAIRMAN AIBEL: Thank you very much.

23                  MR. GALVIN: Anybody else?

24                  CHAIRMAN AIBEL: Please come forward.

25                  MR. GALVIN: Raise your right hand.

1                   Do you swear to tell the truth, the  
2 whole truth, and nothing but the truth so help you  
3 God?

4                   MR. CALANDRA, JR: I do.

5                   MR. GALVIN: State your full name for  
6 the record and spell your last name.

7                   MR. CALANDRA, JR.: Frank Calandra, Jr.  
8 C-a-l-a-n-d-r-a.

9                   (Laughter)

10                  So I live at 732 Bloomfield Street.  
11 I've actually been in the residence for 20 years.  
12 I've been in Hoboken for 20 years now.

13                  So, I know, I don't have any pictures  
14 unfortunately, but it is in Photo 4 that you see,  
15 that is the building at 732 Bloomfield Street.

16                  To make it really short and sweet, you  
17 know, it is hard to tell from this picture, but  
18 there are a lot of structures in the back of our  
19 building now. There's a freestanding building at  
20 735. It was there. We never contested that.

21                  720 has expanded, Bloomfield Street,  
22 and we didn't contest that unfortunately.

23                  But over the past couple of years, we  
24 noticed and have noticed that we are really lacking  
25 a lot of light. I know it may be minimal,

1 especially in the summertime, but in the wintertime  
2 it does make all of the difference.

3 We have had a lot of issues with not  
4 enough sunlight going back there. We've a lot of  
5 ice damage happening back on the back of the  
6 building, so I would just take that into  
7 consideration, and also just the fact that once one  
8 building changes, this is looking south, all of the  
9 buildings then have the ability to go up and  
10 therefore, you know, further down the line, get less  
11 and less light, so I just would ask you to take that  
12 into consideration.

13 Thank you.

14 CHAIRMAN AIBEL: Anybody else?

15 Please come forward.

16 MR. GALVIN: Raise your right hand, Ms.  
17 Calandra.

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

21 MS. CALANDRA: I do.

22 MR. GALVIN: Okay. Spell your last  
23 name, please.

24 (Laughter)

25 MS. CALANDRA: C-a-l-a-n-d-r-a.

1 MR. GALVIN: All right.

2 MR. MATULE: New Jersey's number one  
3 bread.

4 MS. CALANDRA: Pardon me?

5 MR. MATULE: New Jersey's number one  
6 bread.

7 (Laughter)

8 MS. CALANDRA: I hope I get it right  
9 this time. I feel like I am on Jeopardy, and I am  
10 not asking the questions correctly.

11 (Laughter)

12 MR. GALVIN: Now you can be Trebek.  
13 You get to give us all the comments you want.

14 MS. CALANDRA: Well, in the first  
15 place, the comment I tried to make earlier was that  
16 we received a notice of this on Wednesday of last  
17 week, so we have had exactly four days to try to  
18 digest all of the information that's in here. We  
19 are neither lawyers nor architects, so it has been  
20 very difficult to do it.

21 Secondly, I would like to reiterate.  
22 I don't think that keeping the height of the  
23 building at its present time will cause any  
24 detriment to the people that want to develop their  
25 property.

1                   They could lower that one foot, that's  
2           12 inches, would bring it down one foot, and then  
3           you have four stories, so we are talking about an  
4           additional 24 inches. They could decrease the  
5           height of the ceiling by only six inches, which  
6           would not cause any problems for them as far as I  
7           can see. It would not change the height of the  
8           building. It would not interfere with ours.

9                   Now, you're talking about extending the  
10          building out in the wintertime when the sun is low,  
11          I can assure you that will cast a shadow all over  
12          our property.

13                  As my son reiterated, there have been  
14          extensions on 8th Street, which directly come right  
15          into our backyard.

16                  The building at 728 Bloomfield Street  
17          was extended 12 feet out, four stories up. I can  
18          assure you that blocked out a lot of our light, so  
19          we are getting just squeezed in this little area  
20          with no light and no air, and I ask the Board to  
21          please consider this, and since we have so little  
22          time to postpone any final decisions on this. We  
23          have had four days to digest this, and I think I am  
24          going to seek legal counsel.

25                  MR. GALVIN: All right.

1 MS. CALANDRA: Thank you.

2 MR. GALVIN: Thank you.

3 Next?

4 Anybody?

5 MR. CALANDRA: I guess to make it a  
6 full family thing.

7 (Laughter)

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

11 MS. CALANDRA: I do.

12 MR. GALVIN: And spell your last name.

13 THE REPORTER: What's his first name?  
14 I know his last name.

15 MR. GALVIN: Oh, so it's the first  
16 names I'm screwing up on. Okay.

17 (Laughter)

18 MR. GALVIN: What's your first name?

19 MS. CALANDRA: Frank, Sr.

20 MR. GALVIN: Thanks, Frank.

21 MS. CALANDRA: I am not trying to  
22 preach to the Board. I think the Board's -- the way  
23 they exhibit their questions, I am really very  
24 impressed. But I think, you know, what this  
25 position with this particular project is that you

1 are going to set a precedent.

2 I think the lady earlier said this.

3 You are going to change the nature of that whole  
4 block because what's happening is that the whole  
5 wetland problem is now being an excuse to change the  
6 nature of the whole block, and you have to accept  
7 that. That's what is going to happen, I think  
8 anyway, maybe I'm wrong. But I think that is a very  
9 strong possibility, that suddenly you don't have the  
10 same nature in terms of Hoboken, what it was or what  
11 it is today. It's going to change.

12 I understand things have to change, but  
13 I think this is a drastic change, an extension of an  
14 building by 14 feet. They give up ten feet of the  
15 shed, but that means you are taking two steps back  
16 and one back -- two steps forward and one back,  
17 because the net-net is that the area is four feet  
18 more being used.

19 That is my only comment.

20 MR. GALVIN: Thank you.

21 MS. CALANDRA: Thank you.

22 CHAIRMAN AIBEL: Anyone else?

23 Mr. Matule.

24 Oh, let me close the public portion.

25 COMMISSIONER BRANCIFORTE: Motion to

1 close public portion.

2 VICE CHAIR GREENE: Second.

3 CHAIRMAN AIBEL: All in favor.

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

6 Thank you.

7 Mr. Matule.

8 MR. MATULE: If I could, just a few  
9 comments before the Board deliberates.

10 I think some of the comments made were  
11 accurate in the sense that, yes, the neighborhood is  
12 changing, and the neighborhood will continue to  
13 change, and every time somebody buys one of these  
14 older buildings to renovate it, they are going to  
15 have to do the same thing. They're going to have to  
16 come into compliance with the new flood regulations.

17 I think there is a difference between a  
18 quote, unquote, excuse to do something and a reason  
19 to do something. I think the excuse certainly  
20 implies a negative content that somehow we are  
21 overreaching and trying to get more than, quote,  
22 unquote, we are entitled to, and I realize the Board  
23 understands this, but I feel for the record I should  
24 point it out.

25 The building extension to 60 percent is

1 within the permissible parameters of the zoning  
2 ordinance. The zoning ordinance contemplates 40  
3 feet above the flood elevation. As Mr. Minervini  
4 remarked several times, the two foot disconnect is  
5 between the two different ordinances. Frankly,  
6 whether we have a 4.7 or a 5.7 crawl space, I really  
7 think the one foot difference is de minimus in terms  
8 of impact on the neighborhood. We are removing that  
9 shed in the back.

10 I note the neighbor next door, who  
11 lives up on the top floor, he is looking out now at  
12 a three-story rear building there that has been  
13 substantially rehabilitated. We are reducing the  
14 density.

15 As far as the light and air goes, we  
16 are now going to have a rear yard of approximately  
17 40 feet with a three-foot stairway or a five-foot  
18 stairway, whatever the stairway is.

19 I am assuming that the Calandras' home  
20 is, if the people next door put an extension on of  
21 16 feet, I would assume their house is probably 45  
22 feet deep, so we are talking at least 80 feet  
23 between the face of the two buildings, which is more  
24 than the donut contemplated in our ordinance. The  
25 donut contemplated in our ordinance is approximately



1       there may be some minor, but I mean, the sun rises  
2       in the east. It sets in the west, and it circles  
3       around to the south. Those windows are facing due  
4       east, so I would again say I think the impact is  
5       probably going to be minimal, and we live in an  
6       urban environment.

7                   I think the applicant has tried to be  
8       sensitive to the Board's concerns in terms of  
9       changing the facade, in terms of lowering the  
10      cornice.

11                   You know, all of that being said, I  
12      think it is a good application and has minimal  
13      impact on the neighbors.

14                   CHAIRMAN AIBEL: Thanks, Mr. Matule.

15                   Board members, let me open it up.

16                   Anybody want to kick off?

17                   COMMISSIONER BRANCIFORTE: You know,  
18      while it's fresh in my head, you know, I still --  
19      listening to the comments of the audience, of the  
20      people in the audience tonight, it goes right along  
21      in line of what I am thinking, you know.

22                   You say that losing the foot is going  
23      to be de minimus to the -- or adding the foot in  
24      the -- have the extra foot in the cellar is going to  
25      be a de minimis impact on the neighborhood, but my

1 argument is losing the foot is going to be a de  
2 minimus impact on the homeowner. He is not going to  
3 be going down there every day. It's going to be --  
4 if he is not using it for storage every day, so I  
5 don't see why it is a huge problem.

6 The fact that if he just lost six  
7 inches off the first -- of the second floor  
8 apartment, and lost six inches off the third floor  
9 where his library is and the guest room, you know,  
10 you would be losing I guess two feet off the  
11 building altogether, so I don't feel there is any  
12 flexibility here on the height when there should be.

13 My objection -- what I always try to  
14 figure out is the problem the number of stories or  
15 the height. And here, I could never quite figure  
16 out which one it is, but here, I am not objecting to  
17 the number of stories. I am definitely objecting to  
18 the height.

19 And lowering the cornice doesn't --  
20 we've already had this discussion. Lowering the  
21 cornice doesn't lower the variance request.

22 So, you know, I said lower it, and I  
23 said, well, why don't we count it, and you said,  
24 well, we know. We don't talk about it. We don't  
25 talk about the cornice.

1                   And now you are suddenly coming back  
2                   and saying, well, let's talk about the cornice.

3                   So it's -- you know, the cornice  
4                   doesn't matter because the roof line in the rear is  
5                   still going to be the same line. You are not  
6                   lowering the building. You're just lowering the  
7                   cornice.

8                   So, again, my objection isn't to the  
9                   number of stories, it's to the height. And I don't  
10                  think we are being unreasonable to ask for six  
11                  inches off the third floor and six inches off the  
12                  second floor, and one foot off the cellar.

13                  That's all I have to say.

14                  Thank you, Mr. Chair.

15                  CHAIRMAN AIBEL: Anyone else?

16                  Mr. Cohen?

17                  COMMISSIONER COHEN: I don't agree with  
18                  Commissioner Branciforte.

19                  You know, we have had applications  
20                  about projects that have been rebuilt in a flood  
21                  zone. We heard some recently, where they didn't  
22                  really fit the block. They were way higher than  
23                  anything else on the block, way higher than the  
24                  corners, way higher than the neighbors, and people  
25                  said, well, everyone else is going to build like

1       this, and we said no, because it didn't really  
2       match.

3                       This is not that application. This is  
4       an application that is in keeping with the neighbors  
5       and with the neighborhood.

6                       You know, I understand that it is not a  
7       happy thing when your neighbor is looking to build a  
8       substantial addition onto their property, but I  
9       don't think the impact of this building is going to  
10      be as bad as the neighbors fear. I think that the  
11      removal of a major structure in the middle of the  
12      donut, which is going to be done, which is going to  
13      expand the light and air for the entire backyard  
14      area, it's a big positive impact.

15                      I think, you know, squeezing a foot  
16      down here or there is not going to make a  
17      significant impact on this block. I don't think  
18      we'll notice it. I don't -- if the other  
19      Commissioners think that moving the cornice down  
20      helps the sight line, I suppose that's okay. I  
21      don't really see it as a big benefit, and frankly, I  
22      think that other buildings will probably build to  
23      the same cornice line, and I don't really see it.

24                      I think it is a good application. I  
25      think that it does create a beautiful unit for the

1 homeowner.

2           Let me just say with respect to the  
3 limestone, maybe I'm in the minority here, but I  
4 think that if somebody is putting a big investment  
5 into their home to build their vision for where they  
6 want to live, that they should have flexibility with  
7 design elements like that, and even if it may not be  
8 historic in approach, I think that it would be  
9 interesting and I think it would be a visually  
10 interesting impact, so, you know, I wouldn't want to  
11 foreclose that.

12           I appreciate that there are other  
13 Commissioners who share that concern, and people in  
14 the community share that concern. I think that as  
15 long as you are dealing with authentic elements like  
16 limestone, like zinc, you know, like interesting  
17 design elements as opposed to stucco, some crappy  
18 thing that's slapped on the front, which has been  
19 done in the past in Hoboken, I think that these are  
20 viable design options, and we should be giving  
21 deference to applicants on it.

22           That's my point of view. It's just an  
23 academic issue because it's moot on this  
24 application, but I wanted to state it because I  
25 think that we should not be redesigning buildings on

1 the fly.

2 So I think that given the concessions  
3 that have been expressed, I think this is a good  
4 project. I think it adds value, and I think that  
5 it's a good precedent because when you're dealing  
6 with restructuring and a building that's been hit  
7 hard by flooding, that design that's sensitive to  
8 the block in keeping with the neighborhood is a good  
9 thing, and it's a good trend, which I think is  
10 helpful, so I am supportive of this application.

11 CHAIRMAN AIBEL: Mr. McAnuff?

12 COMMISSIONER MC ANUFF: I agree with --

13 VICE CHAIR GREENE: Could we just --  
14 Mr. Matule, can I see the rendering for a moment,  
15 please?

16 I'm sorry.

17 CHAIRMAN AIBEL: Go ahead.

18 COMMISSIONER MC ANUFF: -- I agree with  
19 everything Commissioner Cohen has said, but I am not  
20 on board with the limestone. I would rather prefer  
21 to see traditional materials on it and a traditional  
22 shaped window.

23 As far as the cornice, I think it would  
24 be a mistake to lower it. I would rather see it the  
25 same height it is, and I have no issue with the deck

1 on the back. Actually I prefer the deck to removing  
2 it, and that is it.

3 CHAIRMAN AIBEL: Anybody else?

4 Mr. Grana?

5 VICE CHAIR GREENE: No, go right ahead.

6 COMMISSIONER GRANA: So I see two  
7 things for this application. I will just address  
8 the concerns I hear.

9 I understand the concerns about change,  
10 and you know, I think personally as a Commissioner,  
11 I get very conservative when we get into the R-1  
12 district, and the challenge here is that change is  
13 going to come, because our flood regulations are  
14 going to drive that change, and that is inescapable.

15 I think that when I look at this  
16 application, I actually appreciate the fact that  
17 just from the architecture perspective, that we've  
18 actually tried to design the structure at least from  
19 the street point of view, that really reflects the  
20 historic architecture that we see in the R-1  
21 district. I actually get nervous when I don't see  
22 this kind of architecture proposed in the R-1.

23 I agree with Mr. Cohen. You know, to me, the  
24 limestone or brick is not a deal killer for me one  
25 way or the other, but I thought the -- I think

1       actually the limestone doesn't trigger a facade  
2       variance and actually is a traditional material in  
3       town. Maybe not on this block, but it is a  
4       traditional material.

5               I think with respect to the coverage  
6       and the height, there is a debate about excuses  
7       versus reasons and so forth.

8               I think my view is that the reasons  
9       have been that we are really asking for a small  
10      amount of lot coverage on the back, where  
11      substantial investments are going to be made in this  
12      property -- yes, the applicant would have benefited  
13      from that. It didn't seem like significant only on  
14      the second floor. The rest is egress.

15              And with respect to moving back to the  
16      60 feet, that would be as of right, so I don't see  
17      the issue there.

18              With respect to the height, I really  
19      think it is a simple -- if the applicant was trying  
20      to make something usable out of dead space versus  
21      something that will be fairly completely non usable.

22              There are at least two other structures  
23      on this block that are of similar height and are  
24      historic structures. So I mean, I won't debate the  
25      limestone versus brick part.

1           I also think in terms of what -- that  
2           the neighbors would be concerned, I respect that.  
3           You are going to see some improvements. That fire  
4           escape is going to come down in the back. All of  
5           the structures in the back that are consuming space  
6           now, even though they are recessed, is going to come  
7           down. If they could improve the appearance, I would  
8           be in support of the application.

9           Thank you for listening.

10          CHAIRMAN AIBEL: Thank you.

11          Mr. Greene?

12          VICE CHAIR GREENE: I think at the end  
13          of the day, the concerns of the neighbors, I don't  
14          want to say they are unfounded because they are  
15          their concerns, and they are legitimate, but I think  
16          at the end of the day this building as proposed is  
17          not really going to have any negative impact or any  
18          additional negative impact that they haven't already  
19          experienced from the other development.

20          The elimination of the shed is a  
21          positive. The creation of a landscape in the rear  
22          40 feet is certainly a positive.

23          The view of the back of the building  
24          with or without the deck is going to be an  
25          improvement over the existing view.

1                   So I think some of their concerns  
2 ultimately will be mitigated if and when this  
3 project is done.

4                   As far as lowering the height of the  
5 crawl space, I think doing that -- one of the  
6 reasons I asked for the rendering, if you do that,  
7 you will exacerbate the disconnect of the windows  
8 with the neighbors. It will make that view worse.

9                   At the end of the day -- I think I said  
10 that four times, I apologize --

11                   (Laughter).

12                   MR. GALVIN: No, no. You're looking  
13 for the end of the day.

14                   A VOICE: We're looking for the end of  
15 the day exactly.

16                   (Laughter)

17                   VICE CHAIR GREENE: Exactly.

18                   So to come to the end of the day, I  
19 think that ultimately what's been proposed is  
20 something that I can support.

21                   COMMISSIONER DE FUSCO: You know, I  
22 will just say, this was a tough one. I for one  
23 would be very happy when the council issues a new  
24 zoning ordinance that reflects the situation that a  
25 number of our neighbors face across the flood

1 district.

2 Listen, I am incredibly sympathetic  
3 with the Calandras. I do think, however, based on  
4 right, what this applicant would be willing to  
5 build, all due respect with the other Commissioners,  
6 is de minimus compared to, you know, to what their  
7 concerns are, and I don't think that their concerns  
8 are going to be as harsh as I think they fear.

9 What -- I am a little disappointed on  
10 this application is what Ms. Healey referred to as  
11 an over-ask, and that over-ask to me is cathedral  
12 ceilings, elevators, elements that are certainly,  
13 you know, elegant and make it feel like somebody's  
14 home. And -- but what the decision ultimately came  
15 down to for me or will come down to for me is  
16 whether the elimination of such elements would  
17 address the community's concerns, and I am going to  
18 reserve my vote until I hear what the Chairman has  
19 to say, but this is a close call.

20 VICE CHAIR GREENE: Can I just ask a  
21 question?

22 May I ask the Commissioner a question?

23 You mentioned, and not to be  
24 argumentative, you mentioned the elevator. I am not  
25 sure, and no one's objected to the elevator, and I'm

1 not sure what that has to do with it, and I would be  
2 interested to hear what you have to say.

3 COMMISSIONER DE FUSCO: Sure, sure,  
4 sure.

5 I would proffer that perhaps if the  
6 elevator weren't there, perhaps if the cathedral  
7 ceilings weren't there, I am not offering to  
8 redesign the building for Frank, but perhaps that  
9 fourth floor could have been recessed.

10 You know, that was never a part of the  
11 application. I'm not going to offer it, but that  
12 certainly would be an element that could have been  
13 considered as part of the design process.

14 VICE CHAIR GREENE: Okay.

15 COMMISSIONER GRANA: Can I go on for  
16 one more comment or --

17 CHAIRMAN AIBEL: Absolutely.

18 COMMISSIONER GRANA: Thank you.

19 I hear the concerns about the cathedral  
20 ceilings, and I think we did get testimony from the  
21 architect that the ten with the actual nine of  
22 actual usable space is increasingly standard, so  
23 somebody is redeveloping a property. It's not  
24 cathedral standard.

25 The second thing, and I didn't ask this

1 question of the architect, but if the architect were  
2 back, I would, but, you know, what did this  
3 applicant inherit when they acquired this property,  
4 and in fact, many of these old buildings that was  
5 the kind of ceiling height that would have existed  
6 in this building. I didn't ask that question, but I  
7 just wouldn't want the applicant to lose something  
8 that they possessed before they had to redevelop the  
9 project. That would be...

10 CHAIRMAN AIBEL: I hope somebody else  
11 can speak.

12 COMMISSIONER DE GRIM: No. I am not  
13 voting, so go ahead.

14 CHAIRMAN AIBEL: You don't want to  
15 speak?

16 MR. GALVIN: Okay.

17 CHAIRMAN AIBEL: You know, I think I am  
18 going to make a comment that is just very general.

19 We are the Zoning Board of Adjustment,  
20 and I think emphasis on the "adjustment," you know,  
21 I think our job is to apply the ordinance that  
22 exists, so we have an ordinance that allows a house  
23 to be built 60 feet into our properties.

24 I think what we have listened to  
25 tonight is something that we hear all of the time,

1 and it is a result of I think an ordinance that  
2 maybe allows too much development in the rear yard,  
3 but that's the ordinance.

4 So I am inclined to say my comments on  
5 the lot coverage were designed to get us to keep as  
6 close as we can to the ordinance. That is our job.

7 I think the changes that have been  
8 suggested here, you know, fall in my view in the  
9 realm of adjustment, and I am often on the other  
10 side of that, but on this one I feel it is probably  
11 a close call.

12 Ultimately, I think the issue that the  
13 city council may need to address is the extra floor  
14 and the rear extension. I hope it gets addressed by  
15 ordinance because that would maybe reduce the impact  
16 of these 15 by 22 extensions on the 45-foot standard  
17 Hoboken row house.

18 I live in one. I am very empathetic to  
19 the gentleman who spoke about light and air. I have  
20 that on my own block, and I guess I hold out hope  
21 that the ordinance will remain -- will continue to  
22 give the Zoning Board some ability to effect the  
23 change of an extension in the rear yard that doesn't  
24 work in context.

25 So, for example, had the extension been

1 built very close to the southern street blocking  
2 windows and air at the corner of our, quote, donut,  
3 I think there is still an opportunity for people to  
4 come in, make their comments and persuade us that  
5 that is a substantial detriment to light and air,  
6 and we would listen to those arguments.

7 Here, I am persuaded that the ordinance  
8 allows it. It is in the middle of the block, and  
9 yes, we are all suffering from some of these  
10 developments.

11 That having been said, I guess I am  
12 very much on the fence on this. I certainly hope  
13 that the exterior will be developed in a way that  
14 makes it very mindful of the rest of the block.

15 I hope, and I was going to suggest this  
16 later, that we talk about how you are going to  
17 finish the sills and lintels and, you know, maybe a  
18 brownstone material or something that would reflect  
19 the way our row houses are principally built. I  
20 don't know if brownstone at the bottom floor is  
21 something that you consider, but I leave that out.

22 I still feel that the decks should be  
23 reduced to create as little of an impact on the lot  
24 coverage as possible, and I think that was one of  
25 the proffers.

1           So open it up to a motion --

2           MR. GALVIN: I have three conditions.

3           CHAIRMAN AIBEL: Thank you.

4           MR. GALVIN: Thank you.

5           The rear facade shall be Hardy board  
6 siding.

7           Two: The plan is to be revised to  
8 replace the limestone with red brick and to  
9 eliminate the second floor deck except for the  
10 access.

11           Three: The revised plan and rendering  
12 are to be reviewed and approved by the Board at the  
13 time of memorialization.

14           COMMISSIONER DE FUSCO: Can I add a  
15 condition? I mean, with everyone's agreement.

16           I would just like to see an option  
17 without the second cornice. There's two cornices in  
18 the plan. I am not sure if that's a positive or a  
19 negative, but I would just like us to be able to  
20 take a look at it, if it's going to be four stories  
21 or three stories over one --

22           COMMISSIONER BRANCIFORTE: A second  
23 cornice --

24           MR. GALVIN: The one that goes across  
25 the building.

1                   COMMISSIONER DE FUSCO: So there's one  
2 above the third floor, and then there's one above  
3 the fourth floor, so I just question --

4                   COMMISSIONER BRANCIFORTE: Oh, I see.

5                   COMMISSIONER DE FUSCO: -- whether that  
6 is a necessary design element, and if it makes it  
7 look taller, I would just be curious to take a look  
8 at it.

9                   COMMISSIONER BRANCIFORTE: Well, it is  
10 a good point, Mike, because I hadn't thought about  
11 that.

12                   MR. MATULE: Mr. Minervini is  
13 indicating when he redesigns the facade, he can  
14 address that concern.

15                   CHAIRMAN AIBEL: Okay.

16                   MR. GALVIN: Do we need to see it both  
17 ways? Are you guys picking which one you want now?

18                   COMMISSIONER DE FUSCO: I think both  
19 ways just so we can --

20                   MR. GALVIN: Can you show both ways?

21                   A VOICE: Yes.

22                   MR. GALVIN: Okay. Thank you.

23                   VICE CHAIR GREENE: Can I also add, you  
24 referred to the Hardy board for the rear, but it's  
25 also the side --

1 MR. MATULE: North side.

2 MR. GALVIN: I'm sorry, guys. I missed  
3 that.

4 The rear and north side facade --

5 COMMISSIONER MC ANUFF: Can I just ask  
6 a question?

7 The part about the brick facade, are we  
8 just asking about a brick facade, or are we just  
9 saying we want something more traditional?

10 MR. GALVIN: Well, you know, I actually  
11 kind of like didn't put much there because I'm  
12 counting on -- since we are going to review the  
13 rendering before we say okay -- Mr. Matule, help me  
14 out here.

15 Do you guys understand what I'm talking  
16 about?

17 MR. MINERVINI: I didn't hear his  
18 comment.

19 MR. GALVIN: We're talking about to  
20 what level of detail do I have to go right now to  
21 give you your instructions.

22 I mean, I think I said --

23 A VOICE: On the brick.

24 MR. GALVIN: -- that we are going to  
25 revise the red brick because we know we are

1 eliminating the limestone, but now are you going to  
2 have other design features --

3 MR. MINERVINI: We'll have the same  
4 detail as this in terms of the rendering. We will  
5 provide lintels and --

6 MR. GALVIN: Compared to the -- right.  
7 Okay. And we'll look at that, and we'll -- and if  
8 we don't like it, we won't be able to approve it at  
9 the time of memorialization, so we will hold it  
10 another week or two --

11 MR. MINERVINI: You will have two  
12 options as I understand it.

13 VICE CHAIR GREENE: Should we be saying  
14 red brick?

15 Should we be saying Hudson River red  
16 brick?

17 MR. GALVIN: Well, listen --

18 COMMISSIONER MC ANUFF: The point I was  
19 trying to make is that there may not be an objection  
20 to the limestone, if it's used in a traditional  
21 manner --

22 MR. GALVIN: I don't think we need to  
23 go back that way.

24 I think we are already okay that it's  
25 going to be -- that we're going to go with the red

1 brick, and we're going to try to match the look of  
2 the house next door, and we're going to get two  
3 drawings. So I am comfortable that what we are  
4 going to do is we're going to -- whichever plan we  
5 pick, I am going to attach to the resolution as to  
6 what the front facade is going to look like.

7 If we weren't going to look at it, then  
8 I would absolutely be trying to get every single  
9 element so I knew what it was because then we would  
10 be relying on somebody else down the line,  
11 and we're not going to do that.

12 CHAIRMAN AIBEL: So are we okay?

13 COMMISSIONER GRANA: So we have the  
14 conditions?

15 COMMISSIONER DE GRIM: Excuse me.

16 I think part of the south wall is going  
17 to be exposed, so I think it is north and south for  
18 the Hardy board, no?

19 MR. GALVIN: Gentlemen?

20 CHAIRMAN AIBEL: Yes.

21 MR. MINERVINI: Yes.

22 MR. GALVIN: So it's rear, north and  
23 south?

24 MR. MINERVINI: There's a small section  
25 of the south --

1 COMMISSIONER DE GRIM: Yeah.

2 VICE CHAIR GREENE: Why can't we just  
3 say the exposed wall?

4 MR. GALVIN: Okay. I can do that.

5 It's the exposed wall, anywhere except  
6 the front facade shall be Hardy board siding --

7 THE AUDIENCE: Or brick.

8 MR. GALVIN: -- except for the front  
9 facade. The front facade is going to be brick.

10 CHAIRMAN AIBEL: So do we have it?

11 MR. GALVIN: Yeah.

12 COMMISSIONER DE FUSCO: All right.

13 In respect to the hardship, I am going  
14 to make a motion to approve this application.

15 COMMISSIONER COHEN: Second.

16 CHAIRMAN AIBEL: Okay.

17 Before we vote, I just want to say to  
18 the public, the people who were here for 704  
19 Madison --

20 (Laughter)

21 -- I apologize for our mismanagement of  
22 the time tonight. I appreciate that you waited. So  
23 before you leave, we are going to give you a new  
24 date, so please don't leave.

25 Pat, do we have a motion to approve?

1 MS. CARCONE: Oh, we are voting?

2 CHAIRMAN ABIEL: Yes.

3 MR. GALVIN: Who made the motion?

4 VICE CHAIR GREENE: Yes, we're voting.

5 MS. CARCONE: Mike DeFusco made the  
6 motion, and Phil Cohen made the second.  
7 Commissioner Greene?

8 VICE CHAIR GREENE: Yes.

9 MS. CARCONE: Commissioner Cohen?

10 COMMISSIONER COHEN: Yes.

11 MS. CARCONE: Commissioner DeFusco?

12 COMMISSIONER DE FUSCO: Yes.

13 MS. CARCONE: Commissioner Grana?

14 COMMISSIONER GRANA: Yes.

15 MS. CARCONE: Commissioner Branciforte?

16 COMMISSIONER BRANCIFORTE: No.

17 MS. CARCONE: Commissioner McAnuff?

18 COMMISSIONER MC ANUFF: Yes.

19 MS. CARCONE: Commissioner Aibel?

20 CHAIRMAN AIBEL: Yes.

21 MS. CARCONE: It is approved.

22 MR. MATULE: Thank you.

23 MR. GALVIN: We probably should have  
24 that plan like, you know, ten days before we  
25 memorialize the resolution or something, so you

1 know, Jeff and Eileen can take a look at it.

2 MR. MATULE: Okay.

3 CHAIRMAN AIBEL: So, Mr. Matule, 704  
4 Madison.

5 MR. MATULE: 704 Madison.

6 MS. CARCONE: The 12th, but Ken Ochab  
7 is not available?

8 (All Board members talking at once  
9 about scheduling)

10 (Discussion held off the record)

11 CHAIRMAN AIBEL: Okay. We are back on  
12 the record.

13 Everybody, please give us half a  
14 minute.

15 Pat?

16 MS. CARCONE: The 12th.

17 MR. MATULE: Yes. We can do 704  
18 Madison on the 12th. Mr. Kolling will testify again  
19 because it is a more viable evening than trying to  
20 do it on the 19th, and I extend the time within  
21 which the Board has to act through the 13th.

22 (Laughter)

23 CHAIRMAN AIBEL: So may I have a motion  
24 to carry?

25 COMMISSIONER GRANA: Motion to carry

1           704 Madison to May 12th without further notice.

2                   COMMISSIONER COHEN:    Second.

3                   CHAIRMAN AIBEL:   All in favor?

4                   (All Board members answered in the  
5   affirmative)

6                   CHAIRMAN AIBEL:    Any opposed?

7                   (No response)

8                   COMMISSIONER GRANA:  Motion to adjourn.

9                   CHAIRMAN AIBEL:    Motion to adjourn.

10                  COMMISSIONER DE FUSCO:  Second.

11                  CHAIRMAN AIBEL:    All in favor?

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

14                  CHAIRMAN AIBEL:    Thanks, everybody.

15                  (The meeting concluded at 11:35 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 testimony 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  
 My commission expires 11/5/2015.  
 Dated: 5/4/15  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.