

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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SPECIAL MEETING OF THE :
HOBOKEN ZONING BOARD OF : May 13, 2014
ADJUSTMENT : Tuesday 7:15 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Michael DeFusco
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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

- Eileen Banyra, Planning Consultant
- Paul Winters, PE, CME
Acting Board Engineer
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
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PAGE

Board Business

1 & 157

522 Hudson Street

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307 Newark Street

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1 CHAIRMAN AIBEL: Good evening,
2 everybody.

3 It is about 7:20. Sorry for the delay
4 in starting.

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

13 Please join me in saluting the flag.

14 (Pledge of Allegiance recited)

15 CHAIRMAN AIBEL: Thank you.

16 We are at a Special Meeting of the
17 Hoboken Zoning Board of Adjustment.

18 We are going to start with a couple of
19 pieces of administrative business. The first is we
20 have an amendment to a resolution that the Board
21 previously granted. It is really very much
22 administerial. The change in the resolution will be
23 a change from the following condition. In the first
24 resolution in December -- do we have a date there,
25 Pat?

1 MS. CARCONE: December 4th, 2013.

2 CHAIRMAN AIBEL: Thank you.

3 Condition One read: The applicant's
4 plan shall be amended to show synthetic slate as the
5 material to be used for the Mansard addition.

6 The amendment that we are going to vote
7 on tonight provides instead that the applicant's
8 plan shall be amended to show real slate as the
9 material to be used for the Manzard addition.

10 Those entitled to vote on this are Mr.
11 Greene, Mr. Branciforte, Mr. DeFusco, and I can vote
12 as well.

13 So can I have a motion to approve the
14 amendment?

15 COMMISSIONER BRANCIFORTE: Motion to
16 approve.

17 COMMISSIONER DE FUSCO: Second.

18 CHAIRMAN AIBEL: Okay.

19 MS. CARCONE: Commissioner DeFusco?

20 COMMISSIONER DE FUSCO: Yes.

21 MS. CARCONE: Commissioner Branciforte?

22 COMMISSIONER BRANCIFORTE: Yes.

23 MS. CARCONE: Commissioner Aibel?

24 CHAIRMAN AIBEL: Yes.

25 Thank you.

1 You can sign that later.

2 Do you want to do the business, the
3 honors on that?

4 MR. GALVIN: Yes.

5 Mr. Matule, I have your letter of May
6 13th regarding 810-12 Paterson Avenue. I don't know
7 when we deemed this complete, but just as a matter
8 of security can you grant us --

9 MR. MATULE: Yes.

10 Just for the record --

11 MR. GALVIN: -- a waiver of time?

12 MR. MATULE: -- Robert Matule appearing
13 on behalf of the applicant.

14 This was scheduled to be on tonight,
15 and frankly, based on some feedback from last
16 month's meeting, the architect and I met with the
17 client and suggested some changes to the plan, so I
18 had asked that it be carried. I don't know when it
19 could be carried to.

20 If we could set a date, I could consent
21 to an extension of time within which the Board has
22 to act to and through that date.

23 MS. CARCONE: June 17th is our next
24 meeting date.

25 MS. BANYRA: Yes.

1 MR. GALVIN: I mean, I don't know if we
2 are at the beginning of the 120 days or the end of
3 the 120 days. I am just doing it just to be
4 careful.

5 MR. MATULE: Yes. For the record,
6 well, why not?

7 MR. GALVIN: June 17th, is that going
8 to work for you?

9 MR. MATULE: Fine.

10 MR. GALVIN: What else do we have on
11 that night?

12 MS. CARCONE: Right now we don't have
13 an agenda.

14 MR. GALVIN: Well, that looks good.
15 Step right up.

16 (Laughter)

17 Did you make notice for tonight? No,
18 right?

19 MR. MATULE: Actually I had notice in
20 the newspaper, but when we realized we were going to
21 pull it, I didn't do my mailing, so we will
22 renotice.

23 MR. GALVIN: Renotice. All right.

24 MR. MATULE: Thank you.

25 MR. GALVIN: So you waive until at

1 least June 17th?

2 MR. MATULE: We have the time within
3 which to act through June 17th, 2014.

4 MR. GALVIN: I appreciate that.
5 Thank you.

6 MR. MATULE: Thank you.

7 CHAIRMAN AIBEL: The next piece of
8 business on our agenda is the approval of annual
9 reports. That is going to be deferred for at least
10 one meeting, and we will reschedule that at some
11 point in the near future.

12 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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522 HUDSON STREET	:
BLOCK 216.01, LOT 27	: May 13, 2014
Appeal of Denial of Zoning	: Tuesday 7:25 p.m.
Certification	:
-----X	

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Hoboken, New Jersey

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- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi (Recused)

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WITNESS

PAGE

JOHN KLAUSZ

15

1 CHAIRMAN AIBEL: We have two hearings
2 tonight.

3 What I would like to do is switch the
4 order and start with 522 Hudson Street, which is an
5 appeal of the denial of the zoning officer's
6 determination.

7 MR. DIMIN: Thank you very much.

8 Good evening.

9 Ladies and gentlemen of the Board, my
10 name is William Dimin.

11 (Board members confer.)

12 MR. GALVIN: I'm sorry. Mr. Tremitedi
13 will be stepping off for this application.

14 MR. DIMIN: I'm sorry?

15 MR. GALVIN: Mr. Tremitedi will not be
16 hearing this case.

17 MR. DIMIN: Okay.

18 (Commissioner Tremitedi recused.)

19 (Board members confer.)

20 MR. GALVIN: You're good to go, sir.

21 MR. DIMIN: Thank you very much.

22 Good evening, ladies and gentlemen.

23 My name is William Dimin. I represent
24 the applicant, who is Christina Tattoli, who is the
25 young lady, the handicapped individual, who is

1 sitting in the audience.

2 What we are doing, if you please, we
3 made an application to construct just a garage on
4 the site that fronts on Court Street. There was an
5 existing garage there before. It is part of
6 actually 522 Hudson Street.

7 It is an accessory and a permitted use.
8 The denial that we got, we received insufficient
9 plans submitted. I think we have rectified that
10 situation. We have submitted new plans.

11 What I don't understand, and I do
12 apologize, it says a bulk expansion on a lot with a
13 nonconforming use of density.

14 This is a permitted use. It's
15 preexisting. I don't understand. And if I am
16 wrong, so be it. And I don't understand the last
17 part either, where it says: New construction on an
18 undersized sub lot.

19 This is not a sub lot. This is one
20 lot. There was a garage there before, and all we
21 are trying to do is put another garage, so the
22 vehicle that moves Christina around the city,
23 because she does reside in the city, could be parked
24 there. That's all that this is about. We are not
25 putting any residence there. We are not doing

1 anything like that.

2 I am at a loss to understand why there
3 was a denial of the zoning certification, and I am
4 asking the Board to overturn that.

5 MR. GALVIN: Well, let's talk about the
6 property for a second.

7 MR. DIMIN: Sure.

8 MR. GALVIN: Are there any existing
9 nonconformities on the site?

10 MR. DIMIN: On the use, it is a
11 permitted use. I understand --

12 MR. GALVIN: No, no. That is use.
13 Let's talk about structure.

14 MR. DIMIN: -- I understand that there
15 are dwellings on the structure that are existing
16 there and are in existence. I think it is four
17 units.

18 MR. GALVIN: No, no. I am saying are
19 there any deficiencies in this lot at all. Any side
20 yard setback variances, front yard setback --

21 MR. DIMIN: No, not that I am aware of.

22 UNIDENTIFIED VOICE FROM THE AUDIENCE:

23 No.

24 MR. DIMIN: I have someone -- there are
25 none that we are aware of. I am not aware of any.

1 That is why I am confused -- that's why I'm here.
2 Otherwise, I would be making an application for a
3 variance application or what have you before the
4 Board in a different manner.

5 CHAIRMAN AIBEL: Are there four
6 stories?

7 UNIDENTIFIED VOICE: No.

8 MR. DIMIN: Three stories.

9 How many stories are there?

10 MR. GALVIN: Are you going to put
11 somebody under oath?

12 MR. DIMIN: Yes. Let me put Mr. Klausz
13 on. He's the architect.

14 Do you want to swear him in and I
15 could --

16 MR. GALVIN: Sure.

17 Raise your right hand.

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

21 MR. KLAUSZ: Yes, sir.

22 J O H N K L A U S Z, having been duly sworn,
23 testified as follows:

24 MR. GALVIN: State your full name for
25 the record and spell your last name.

1 THE WITNESS: John Klausz, K-l-a-u-s-z.

2 MR. GALVIN: Have you been previously
3 recognized by this Board as an architect?

4 THE WITNESS: No.

5 MR. GALVIN: Could you give us three
6 Boards that you appeared before recently?

7 THE WITNESS: I'm sorry?

8 MR. GALVIN: Tell us three Boards that
9 you have testified as an expert.

10 THE WITNESS: Yes.

11 In Jersey City, in New York City,
12 probably 20, 30 times.

13 MR. GALVIN: We don't like them too
14 much, so I was looking for three Jersey towns
15 actually.

16 (Laughter)

17 MR. DIMIN: Well, Jersey City and New
18 York City I think encompasses the gamut that is
19 required as an expert under our law.

20 MR. GALVIN: Okay. Do we --

21 CHAIRMAN AIBEL: We do.

22 MR. GALVIN: All right. We accept your
23 credentials. You're fine.

24 MR. DIMIN: You now have two in New
25 Jersey, Jersey City and Hoboken.

1 THE WITNESS: Thank you very much.

2 MR. DIMIN: The question is, it's on
3 the site right now, how many stories are there?

4 THE WITNESS: On 522 Hudson Street,
5 there are four stories.

6 On Court Street, where this garage, and
7 historically speaking, Court Street was a horse and
8 carriage street way back a hundred and fifty years
9 ago.

10 Over time it has been turned into
11 garages and backs of restaurants and things like
12 that, that actually face on Washington Street.

13 This garage that we are trying to build
14 was knocked down, but the original foundations are
15 still there, and --

16 MR. DIMIN: You are going to be
17 building within those foundations, correct?

18 THE WITNESS: Yes.

19 MR. DIMIN: We're not going outside of
20 the foundation walls?

21 THE WITNESS: We are going to hold the
22 dimensions, the size and the height of the original
23 garage that was there.

24 MR. DIMIN: You are not looking to put
25 any residential above?

1 THE WITNESS: No, no, no.

2 And the entire structure will be
3 totally fire proofed.

4 And any other questions you might have?
5 I am not sure what else to add to this.

6 CHAIRMAN AIBEL: Do you know how many
7 stories are permitted in the zone?

8 THE WITNESS: In that particular zone?

9 CHAIRMAN AIBEL: In that particular
10 zone.

11 THE WITNESS: It depends on when it was
12 built.

13 Four are permitted. On the Court
14 Street side, if a garage presently existed, I would
15 have the right to put up 30 feet of height and three
16 stories. We are only putting up one, and that is
17 the original garage.

18 CHAIRMAN AIBEL: No. I am inquiring
19 about 522 Hudson.

20 THE WITNESS: I'm sorry?

21 CHAIRMAN AIBEL: I am inquiring about
22 the principal building at 522 Hudson

23 THE WITNESS: It's four stories right
24 now.

25 CHAIRMAN AIBEL: It's four stories?

1 THE WITNESS: It exists, and it's been
2 there for a hundred years.

3 MR. GALVIN: Existing doesn't matter.
4 The fact that it exists, I was
5 asking -- I'm sorry, I didn't mean to interrupt.

6 THE WITNESS: Go ahead.

7 MR. GALVIN: One of the things that we
8 are contending is that our ordinance -- the Zoning
9 Board recently interpreted the ordinance. I know
10 that other people have interpreted this ordinance
11 other ways over the years, and it has been very
12 liberally interpreted, and a lot of zoning officers
13 have pretty much said, if you had existing
14 conditions, you can do stuff.

15 The way the Board recently interpreted
16 this case, in fact, on the resolution that was
17 approved tonight, is that any change to a
18 nonconforming structure requires a variance.

19 So in this instance, we want to collect
20 the facts from you, but I want you to understand
21 that that is our viewpoint. So telling us that
22 there are four stories existing out there, that is a
23 nonconforming condition, so now we are making a
24 change to the property, and then we have to
25 understand that change, and if we find that

1 change --

2 THE WITNESS: I beg to differ --

3 MR. GALVIN: -- to be an addition of
4 any space, it's probably going to require a
5 variance.

6 You might not get the variance based on
7 the different things you talked to us about,
8 bringing it up to code and all of that stuff, but
9 that is not what is done in an appeal
10 interpretation. We just have to decide whether or
11 not you need a variance.

12 MR. DIMIN: I understand that.

13 My argument is that because it is an
14 accessory use to the density, and let's use your
15 argument, you have an existing condition on the
16 site. This is an accessory use that had we come in
17 when the original application was made, we would not
18 need a variance for it. That is the whole point.

19 We don't need a variance for this
20 garage, so if we don't need a variance for this
21 garage under any circumstance, and we are not
22 expanding the offending structure, so to speak, all
23 right, then I would submit that the interpretation
24 is that we don't need a variance. Because if I came
25 back before the Board, what variance am I seeking?

1 Expansion of a nonconforming use?

2 No.

3 This is an accessory use. This is an
4 accessory -- and I will be quite candid. I did a
5 lot of work on this one, and I went through Cox --

6 MR. GALVIN: Well, we are going to
7 listen to you very carefully. I just wanted you to
8 know where I stood.

9 MR. DIMIN: I understand that that's
10 your position. You and I had this conversation, and
11 I do understand your position.

12 The point is that as an accessory
13 structure, it takes it out of the gamut of the
14 primary structure, so we are not dealing with a
15 primary structure. We are dealing with an accessory
16 use as a matter of right that I could argue, you
17 know, that it was a preexisting -- it's
18 preexisting -- it's not a preexisting nonconforming
19 use because it is a conforming use. We conform to
20 the zone.

21 MR. GALVIN: It's a preexisting
22 nonconforming structure.

23 MR. DIMIN: No.

24 MR. GALVIN: At 522, it is.

25 MR. DIMIN: 522, but not what we are

1 putting up there.

2 MR. GALVIN: But since you have a
3 nonconforming element to the property, if you going
4 to add something to it, it requires a variance based
5 on the way the ordinance reads.

6 MR. DIMIN: That is why I beg to differ
7 with you --

8 MR. GALVIN: Okay.

9 MR. DIMIN: -- because if I was doing
10 something to 522, if I was doing something to 522,
11 if I was adding onto 522 or making it further
12 nonconforming, I agree with you as it relates to
13 that, but that's not what we are doing.

14 We are dealing with a separate
15 independent structure that is accessory --

16 (Cell phone ringing)

17 -- and that is me. Excuse me. I
18 thought I shut it off. I am sorry. Let me just
19 shut that off. I humbly apologize. Normally that
20 would be confiscated.

21 CHAIRMAN AIBEL: Only in Weehawken.

22 (Laughter)

23 MR. DIMIN: I am sorry.

24 I thought I did that before I came in.
25 I apologize for that.

1 CHAIRMAN AIBEL: Is this lot separately
2 deeded?

3 MR. DIMIN: No.

4 CHAIRMAN AIBEL: So what is the
5 ownership structure?

6 COMMISSIONER FISHER: I thought it was
7 condos --

8 MR. DIMIN: Say it again.

9 CHAIRMAN AIBEL: What is the ownership
10 structure of the property?

11 MR. DIMIN: It's a condominium.

12 COMMISSIONER MURPHY: Are one of the
13 condo owners going to own this spot, because I think
14 any garage --

15 MR. DIMIN: No. This is a separate
16 lot -- separate ownership, not lot, but it's a
17 separate -- in other words, there are four or
18 five --

19 MR. GALVIN: That doesn't mean anything
20 to us.

21 On a condo we look at the whole site.
22 We don't treat it as a subdivided situation. I just
23 had a mess of this in Point Pleasant Beach and --

24 COMMISSIONER MURPHY: And my question
25 was that when we did garages in the past on Court

1 Street, it had to be owned -- use had to be for the
2 people living in the main building of the lot, so it
3 wasn't about being able to like have an apartment
4 and rent it. You know, it was the idea it had to be
5 owner use.

6 MR. GALVIN: You know, in all fairness,
7 I don't remember why we got to that spot in that
8 case, but you have to be careful --

9 COMMISSIONER MURPHY: Well, I am asking
10 if it is a rule.

11 MR. GALVIN: I don't know if it is a
12 rule.

13 MS. BANYRA: I think what Mr. Dimin is
14 trying to indicate is that you don't seek a D
15 variance for an accessory structure, right?

16 And then my question is then --

17 MR. GALVIN: It wouldn't be a D.

18 MS. BANYRA: I'm sorry?

19 MR. GALVIN: It wouldn't be a D. It
20 would be a C variance based on Engleside.

21 MS. BANYRA: But maybe the question,
22 though, is if it is independently owned and
23 independently treated because of its ownership, does
24 it become a principal -- is not accessory to
25 anything --

1 MR. GALVIN: Let me just say this --

2 MS. BANYRA: -- so, Dennis, what is it
3 accessory to?

4 MR. GALVIN: -- what I am saying is you
5 can't treat this as a subdivided lot because it is
6 not --

7 MS. BANYRA: Understood.

8 MR. GALVIN: -- so condo owners want to
9 do that. They want to treat each one of these
10 parcels like their operation separate from the
11 others, and you can't do that. We have to treat it
12 as one operational lot.

13 MS. BANYRA: Right. We're saying the
14 same thing --

15 MR. GALVIN: Okay. Thank you.

16 MS. BANYRA: -- what I'm saying is if
17 you are using the standards for an accessory use,
18 what is it accessory to, or who is it accessory to?

19 MR. DIMIN: Well, it is not who. It's
20 what, and it is accessory to the building, and that
21 doesn't change the fact that there are separate
22 ownership.

23 It is an accessory use, and I
24 understand what you are saying, because we don't
25 have an interest in any of the condominium units.

1 It is still an accessory use under the zone, because
2 you don't look to the ownership.

3 MS. BANYRA: No, but the ordinance does
4 speak to whoever -- property ownership and using the
5 parking for ownership on site versus ownership off
6 site --

7 MR. DIMIN: Well, it's --

8 MS. BANYRA: -- so there is language in
9 the ordinance to that effect.

10 So I guess what I am trying to
11 understand is, you know, if it's accessory to
12 something, then you can follow the accessory
13 standards.

14 If it is not accessory, which I guess I
15 am not clear that it is accessory to anything, then
16 it becomes -- either it's a second principal use on
17 the property, and I think if it is accessory, then
18 you don't have a D variance associated with an
19 accessory use, so we have to decide whether or not
20 it is accessory to something --

21 MR. GALVIN: But here's what --

22 MS. BANYRA: -- and then we decide
23 which variance.

24 MR. GALVIN: -- here's where I am.

25 I like what you are doing, but I think

1 I am in a different place, but I want you to
2 understand where I am at.

3 MS. BANYRA: Yes.

4 MR. GALVIN: The way the Board read
5 this ordinance in the recent case, I forget the
6 name.

7 What was the resolution?

8 MS. CARCONE: 157 11th.

9 MR. GALVIN: Yes.

10 The way they read the ordinance is the
11 way I have been reading it for about the two years
12 that I'm here, which is even though you want to do
13 something that's otherwise conforming on the lot,
14 any change to the lot that is nonconforming requires
15 a variance.

16 So even though you are doing something
17 that's completely permitted, it would still -- that
18 was the argument Ann was using previously, which was
19 if I can do something that's totally conforming, it
20 wouldn't need action of the Board, and she had the
21 authority to grant it.

22 We just slapped her hand and said, no,
23 you can't do that, and this is the first case that's
24 coming up after that.

25 MR. DIMIN: I love being the first case

1 on things, but let me ask a question, and I'm going
2 to pose a question.

3 What then makes it nonconforming?

4 MR. GALVIN: Just the mere fact -- the
5 nonconformity already exists in the four stories at
6 522 --

7 MR. DIMIN: But it's not --

8 MR. GALVIN: -- that means any change
9 to this property has to come back here.

10 MR. DIMIN: Change to the structure, I
11 would agree with you, and that is the distinction
12 between the use and the structure. We don't fall
13 into either of those categories.

14 Thus, we are conforming. It is
15 accessory to the use and the structure, and
16 neither -- we don't make either one of them
17 nonconforming nor are we expanding it.

18 That is why this is different. I don't
19 know what the other case you had was, but if they
20 were changing the structure by one -- the existing
21 nonconforming structure by a foot, by whatever, or
22 going up a level, that is one thing, and I agree
23 that you could interpret --

24 MR. GALVIN: Does the garage exist?

25 MR. DIMIN: The garage did exist.

1 MR. GALVIN: It doesn't now?

2 MR. DIMIN: Well, the foundation is
3 there. All I have to do is put up walls.

4 MR. GALVIN: No. That is a different
5 issue.

6 MR. DIMIN: Well, no. Look, I am not
7 going to get into a nonconforming, you know, the
8 rebuilding of a nonconforming use. That is not
9 where we are with that.

10 MR. GALVIN: Well, we might be. That
11 is the next step. That is the next issue for
12 consideration.

13 If you are telling me that there is a
14 garage there, and you are just renovating it and Ann
15 is stopping you, that's a different --

16 MR. DIMIN: No. I am not making that
17 representation.

18 The walls of the prior existing garage
19 are no longer there. The foundation is --

20 MR. GALVIN: How long has the garage
21 been unused?

22 MR. DIMIN: That, I can't tell you.

23 MR. GALVIN: Do you know there was a
24 recent case --

25 MR. DIMIN: How long? One year?

1 UNIDENTIFIED VOICE: It should be
2 probably three to four years.

3 MR. DIMIN: Three to four years.

4 MR. GALVIN: -- you know, there is a
5 case that just came out in Seaside Heights --

6 MR. DIMIN: I know.

7 MR. GALVIN: -- where in that case,
8 they found that taking all of the walls down
9 eliminated its right to exist basically.

10 MR. DIMIN: Yes. I am not making the
11 argument that we have a right to build as a
12 nonconforming use or structure. That is not the
13 argument, because once the walls come down, and it
14 is abandoned, as far as I am concerned, we are done
15 on that issue, but that is not the argument.

16 The argument is that this is different,
17 and again, I don't know the facts of the prior case,
18 but if we are expanding --

19 MR. GALVIN: Let me stop you.

20 Just tell me if I got you right.

21 MR. DIMIN: Go ahead.

22 MR. GALVIN: You are saying there is a
23 distinction between trying to build a whole new
24 garage that would otherwise be permitted and an
25 accessory and just rebuilding the garage that was

1 previously there.

2 MR. DIMIN: That's not what I am
3 saying. That's not what I'm saying.

4 MR. GALVIN: Okay.

5 MR. DIMIN: I am saying if we did
6 anything to the 522 structure, that that would
7 clearly, if I was going to even connect this
8 accessory use to 522, then I would have to -- then I
9 agree that that is -- I would have to come before
10 you and get a variance, but that's not what we are
11 doing, because I am not touching or impacting or
12 doing anything as it relates to the nonconforming
13 structure, which is different than a use.

14 MR. GALVIN: Then I have to tell you, I
15 like the way you are presenting your argument, and I
16 respectfully disagree with you as to that. It is
17 contrary to what the Board recently decided in this
18 other case, because what they basically decided is
19 that when you are going to build something on a lot
20 that is already nonconforming, it is going to
21 require at least at a minimum a C variance to be
22 able to build that next little piece of action, even
23 if it is totally conforming.

24 MR. DIMIN: Is that the opinion of the
25 Board?

1 MR. GALVIN: I don't know. We will
2 find out in a second, but --

3 CHAIRMAN AIBEL: I guess the other fact
4 that I am looking at is that there is an intention
5 to build a full cellar.

6 MR. DIMIN: Yes.

7 CHAIRMAN AIBEL: So from my
8 perspective, having been involved in the other case,
9 I think this falls under the principle that this is
10 an intensification of the use on a nonconforming
11 property. That comes to us for a variance.

12 MR. DIMIN: The use is --

13 MR. GALVIN: The structures is what you
14 meant --

15 CHAIRMAN AIBEL: Thank you, Counsel.

16 MR. DIMIN: -- there is a huge
17 difference between a nonconforming structure and a
18 nonconforming use. This is not a nonconforming
19 use --

20 CHAIRMAN AIBEL: I misspoke.

21 Do you propose a cellar?

22 MR. DIMIN: We proposed a storage
23 cellar, yes, just for the equipment that's needed
24 for Christina.

25 CHAIRMAN AIBEL: So my view is that we

1 are intensifying a nonconforming property -- lot by
2 building on a slab and also including a cellar.

3 MR. DIMIN: Then would you permit --
4 okay. Then I will ask: Would you permit -- if we
5 removed the cellar, all right, then does that --
6 does that negate your objection to it?

7 CHAIRMAN AIBEL: No. I think the
8 objection is the same.

9 You have nothing on this property. You
10 are building on a nonconforming property. I think
11 that is our view -- well, that's my view --

12 MR. GALVIN: That is the Chairman's
13 view.

14 CHAIRMAN AIBEL: -- that is my view,
15 and I guess I have the support of my counsel.

16 MR. DIMIN: I understand.

17 MR. GALVIN: Well, keep going, if you
18 think we don't got it --

19 MR. DIMIN: No, no. I understand.

20 Like I said, there is a distinction
21 between a use and a structure. We are not impacting
22 the structure. The use is a permitted use, and it
23 is accessory to the permitted use.

24 So ergo, we are not having any impact.
25 We are not violating the Municipal Land Use Law,

1 which requires variance relief. That is the
2 argument.

3 I don't believe under your ordinance or
4 under the Municipal Land Use Law that we require a
5 variance for what we are going to do.

6 Because if I came back in, it is
7 clearly not a D variance, it's clearly not a D
8 variance, because it is permitted.

9 So under C what do I require?

10 What do I require, and I pose that
11 question to counsel, what do I require for a C
12 variance?

13 I don't know.

14 MR. GALVIN: What you require a C
15 variance for is an addition to a nonconforming
16 structure. It is in the Engleside case, 301 NJ
17 Super 628, where Judge Serpentelli disagrees with
18 Mr. Cox.

19 MR. DIMIN: Yeah, I know. I am
20 involved with Judge Serpentelli now. In fact, I
21 will bring him in as an expert telling you why I am
22 right.

23 (Laughter)

24 MR. GALVIN: Well, if he finds out I am
25 here, he would probably be happy to come along and

1 join you.

2 MR. DIMIN: I'm sure he would.

3 (Laughter)

4 Look, I don't want to belabor the
5 point. I think I am well founded in where I am at
6 with it.

7 I do believe that under the
8 circumstances, all we are talking about is putting
9 in a garage for the use of a handicapped person, and
10 to make us now go through the exercise of having to
11 go and make an application for a C variance, with
12 all due respect, I think is wasteful. I think that
13 we meet the statutory requirements. We meet what we
14 are supposed to do, and I respectfully disagree with
15 counsel.

16 MR. GALVIN: Okay.

17 MR. DIMIN: This is my client.

18 MR. GALVIN: Your attorney's call.

19 MR. TATTOLI: My name is Danny Tattoli.
20 I'm Christina's dad.

21 CHAIRMAN AIBEL: Do we need to have the
22 witness sworn?

23 MR. TATTOLI: She owns this particular
24 lot. There is two parking spaces there as we speak.
25 That is a permitted use.

1 The only reason why we do want to do
2 the structure is because when I move the van out of
3 there, people block the area for me to go in and
4 out.

5 When you have a wheelchair going in and
6 out, it becomes a little bit out of control. I just
7 wanted to let you know that there are two spots
8 right now.

9 MR. GALVIN: Those are good reasons to
10 approve the variance, if we were to hear a variance
11 application. No question.

12 Anything else?

13 MR. DIMIN: No, Counsel.

14 CHAIRMAN AIBEL: I will open it up to
15 my colleagues, but I will just sort of lay the
16 groundwork. I think everybody is willing, and we
17 are eager to hear your variance application.

18 The principle that we established
19 previously, though, is very clear in our view. It
20 may disagree with your view of the law, but we have
21 established it. So I think my particular -- I would
22 urge you to file an application promptly, and we
23 will get you on promptly.

24 MR. DIMIN: I understand.

25 CHAIRMAN AIBEL: Let me hear from my

1 fellow Board members.

2 Anybody else want to comment?

3 COMMISSIONER BRANCIFORTE: You know, I
4 always assumed because it is on the same lot, tax
5 lot, block and lot, that we consider it all one
6 building, whether it is an accessory use or not, it
7 is still on the same property, so we are still
8 dealing with the same lot coverage issues and those
9 sort of things.

10 Now, if I am wrong, you know, please
11 correct me.

12 MR. GALVIN: No. That is what I am
13 telling you --

14 MS. BANYRA: And what I am going to
15 say, John, is lot coverage in the R-1 zone on Court
16 Street has a separate lot coverage for garages, and
17 there is a size limitation and a percent limitation
18 or a size limitation, so -- and it is not part of
19 the principal structure unless it is attached.

20 It would be an accessory structure,
21 yes.

22 COMMISSIONER BRANCIFORTE: But going
23 back to -- I guess my main point is, this is one big
24 lot that we are talking about. So as far as I am
25 concerned, this garage pad that's there now,

1 concrete pad, is attached to the condo association's
2 ownership of the entire property.

3 MR. DIMIN: Yes.

4 And you should also know that even if
5 the garage were built, there is still a sizable
6 amount as set forth on the plans of open space
7 between the building itself and where the garage is.

8 COMMISSIONER BRANCIFORTE: Well, I
9 mean, that is up to a planner to decide what sizable
10 means and all of the rest of it.

11 MS. BANYRA: There is a requirement,
12 too.

13 MR. DIMIN: I understand, and we
14 satisfy that requirement as far as -- as space
15 between the two, so that it's not even close to a
16 connection.

17 COMMISSIONER BRANCIFORTE: Yeah, and
18 I'm a little bit confused, too, as to why you need a
19 basement. You're saying you're not going to rip
20 up -- the foundation is there, but it's only a
21 concrete pad, and I don't understand how you're
22 going to --

23 MR. GALVIN: Let me just say this
24 also --

25 COMMISSIONER BRANCIFORTE: -- I know,

1 we shouldn't be talking about this.

2 MR. GALVIN: The question is, they
3 either need a variance or they don't need a
4 variance.

5 If they need a variance, they will
6 apply for the variance, and then we will hear the
7 case. We shouldn't get into the other aspects of
8 the case.

9 COMMISSIONER BRANCIFORTE: The
10 specifics of it, yeah, I understand.

11 I was going to throw it out for
12 discussion, but you're right.

13 Let's just talk about the appeal first.

14 CHAIRMAN AIBEL: Anybody else wish to
15 comment?

16 COMMISSIONER DE FUSCO: I think that it
17 clearly was parking there. I feel that -- and it
18 certainly is an accepted use for that space
19 especially along Court Street.

20 My concern with this is unfortunately
21 the basement, and I think that if the basement were
22 not there, this would be one for one, and granted it
23 is an expansion of a nonconforming structure, but
24 again, I always say this, to now drag people through
25 the bureaucratic process of this all, I for one

1 would have liked to see this go through tonight.
2 But the basement is really what is throwing me off
3 here, because I do view that and agree with Ann,
4 that a basement is an intensification of use.

5 MR. DIMIN: If I could respond to that.

6 MR. GALVIN: You have to let the Board
7 members deliberate.

8 MR. DIMIN: Okay. That's fine.

9 MR. GALVIN: Even if you could win Mike
10 over, it is like, you know, you got to take --

11 MR. DIMIN: I understand. One out of
12 seven is not going to sway --

13 MR. GALVIN: -- right. It is like the
14 judge deliberating, and you are interpreting.

15 MR. DIMIN: Listen, I don't want to do
16 that. I'm not going to do an exercise in futility.

17 COMMISSIONER BRANCIFORTE: Mike, I sort
18 of agree with you. I mean, you know, it is one
19 thing to say we are just going to put the garage
20 back up there, and it's another thing to say we're
21 going to intensify it.

22 COMMISSIONER FISHER: You know, I'll
23 add that we actually saw a case recently when we
24 were all there doing this putting a garage in, and
25 we had a lot of discussion on what that garage

1 looked like, what it should look like, et cetera

2 And we have unfortunately a situation
3 where our zoning permit is three stories, and it has
4 four. We have a technical issue, where it's a
5 nonconforming use or a nonconforming --

6 MR. GALVIN: Structure.

7 COMMISSIONER FISHER: -- structure.
8 and any changes to the full lot have to come in
9 front of the Baord, and we have seen those a few
10 times.

11 So although I appreciate there are
12 considerations here that we should, you know -- that
13 are important, I think it will be very helpful when
14 we look at the application, and there is a lot of
15 support, you know, for making positive improvements
16 on Court Street. Some of this is precedent setting.

17 It's hard to make an exception one
18 time. We haven't done it before and probably won't
19 do it again because we have a policy that we are
20 attached to, so I agree with what Chairman Aibel
21 said.

22 COMMISSIONER BRANCIFORTE: There is
23 another question I have, too.

24 What happens when this young lady
25 leaves town and decides she is moving out of Hoboken

1 and abandons her --

2 MR. GALVIN: Again, that shouldn't be
3 the -- that's why you shouldn't --

4 COMMISSIONER BRANCIFORTE: -- and where
5 does it go --

6 MR. GALVIN: -- that's usually the
7 consideration -- what's that?

8 COMMISSIONER BRANCIFORTE: No, I mean,
9 who actually owns this garage?

10 Is it the condo association?

11 I mean, this is thing, and it's a condo
12 association --

13 MR. GALVIN: In other words, we don't
14 care about who owns the specific pieces of the
15 condo. We have to look at the whole project, like
16 the number of stories and the garage as one
17 property. Even though that sometimes condo owners
18 want to separate and say, this is just my unit and I
19 want to do --

20 COMMISSIONER BRANCIFORTE: That is
21 where I am going with this comment is the fact that
22 we can never separate the two. Even though she
23 says --

24 MR. GALVIN: No, you can't separate --

25 COMMISSIONER BRANCIFORTE: -- it's

1 mine --

2 MR. GALVIN: -- you can't separate --
3 no, for purposes --

4 COMMISSIONER BRANCIFORTE: -- you can't
5 separate this from the condo association property,
6 which is there, so that reasoning, it's one big
7 property.

8 CHAIRMAN AIBEL: Right. You should
9 look at this as one owner, and the one owner is the
10 condo association.

11 Don't make me send you guys out of the
12 room, okay?

13 (Laughter)

14 CHAIRMAN AIBEL: So I think we are at
15 the point now where I would want to see a motion,
16 and I guess we are voting to -- I will entertain a
17 motion, that would be a motion to affirm the denial
18 of the zoning certificate by the zoning officer in
19 this case.

20 COMMISSIONER FISHER: I will make that
21 motion.

22 CHAIRMAN AIBEL: Can I get a second?

23 COMMISSIONER GRANA: Second.

24 MS. CARCONE: Who was the second, Owen?

25 COMMISSIONER FISHER: No.

1 COMMISSIONER GRANA: No.

2 MR. GALVIN: Mr. Grana.

3 CHAIRMAN AIBEL: Antonio.

4 MS. CARCONE: Commissioner DeFusco?

5 COMMISSIONER DE FUSCO: A yes would be
6 a denial?

7 MR. GALVIN: A yes would be to affirm
8 the zoning officer.

9 COMMISSIONER DE FUSCO: Yes.

10 MS. CARCONE: Commissioner Grana?

11 COMMISSIONER GRANA: Yes.

12 MS. CARCONE: Commissioner Murphy?

13 COMMISSIONER MURPHY: Yes.

14 MS. CARCONE: Commissioner Branciforte?

15 COMMISSIONER BRANCIFORTE: Yes.

16 MS. CARCONE: Commissioner Fisher?

17 COMMISSIONER FISHER: Yes.

18 MS. CARCONE: Commissioner McAnuff?

19 COMMISSIONER MC ANUFF: Yes.

20 MS. CARCONE: Commissioner Aibel?

21 CHAIRMAN AIBEL: Yes.

22 Thank you, Counsel. We will look
23 forward to seeing you.

24 MR. DIMIN: Thank you.

25 (The matter concluded.)

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 5/14/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

-----X	
307 NEWARK STREET	: SPECIAL MEETING
BLOCK 2.1, LOTS 7 & 8	: May 13, 2014
Preliminary Site Plan and Variances	: Tuesday 8 p.m.
-----X	

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Michael DeFusco
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi (Excused)

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

- Eileen Banyra, Planning Consultant
- Paul Winters, PE, CME
Acting Board Engineer
- Patricia Carcone, Board Secretary

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I N D E X

WITNESS	PAGE
JOHN NASTASI	58

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A-1	Deed, Consent Order & Amended Consent	50
A-2	Book of exhibits	59

1 CHAIRMAN AIBEL: It is eight o'clock.

2 We are back on the record.

3 Mr. Matule, 307-313 Newark Street.

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

6 Robert Matule, appearing on behalf of
7 the applicant, Gold Coast Parking, LLC.

8 Before I get into my presentation,
9 there are several attorneys here tonight with
10 respect to this project, so just procedurally, if
11 you want to have them put their appearances in now
12 or --

13 MR. GALVIN: I would really prefer to
14 go as we go along. Is that okay?

15 MR. MATULE: Fine.

16 Before I have Mr. Nastasi start to
17 testify, I would like to take a couple of minutes to
18 go through a somewhat protracted history of this
19 property in relationship to the Jefferson Trust
20 condominium project across the street because it
21 goes back to 1987. There is a tie-in there.

22 I have for Mr. Galvin a copy of a deed
23 from 1984, which puts some restrictive covenants in
24 place regarding parking, as well as a couple of
25 court orders from a lawsuit that was filed in 19 --

1 or in 2007, when the first application to build the
2 parking garage was put out in the public, so I don't
3 know if you want to mark these or not.

4 I guess they are pretty much public
5 documents, but there is a deed, dated December 4th,
6 2007, a consent order, an amended consent order and
7 a subsequent agreement regarding parking, but I just
8 would like counsel to have it for the record.

9 MR. GALVIN: Okay.

10 We will make that A-1.

11 MR. MATULE: Okay.

12 (Exhibit A-1 marked.)

13 Here you go.

14 So the history of the property, and I
15 hope I don't bore you to death with this, but it is
16 pretty convoluted.

17 Back at the time the approval for the
18 original Jefferson Trust Condominium site was
19 approved by the city, I guess Mr. Ganz and Mr.
20 Palone were the original developers of the site,

21 As part of that application, the
22 applicant provided for off-site parking at two
23 separate sites. One, which is the southeast corner
24 of the intersection of Newark and Willow. We will
25 call it 77-83 Willow Ave, which is behind the Public

1 Works garage. And then 307-313 Newark Street, which
2 is the site, which is the subject of our application
3 tonight, which is directly to the south of the
4 condominium building across Newark Street, and just
5 to the west of the building that used to be the Days
6 Auto Parts, where the Board recently approved a
7 seven-story residential building there.

8 (Commissioner Tremitedi entered the
9 hearing.)

10 MR. GALVIN: We are okay.

11 Mr. Tremitedi, if we have to make you
12 repeat the first part, we will --

13 MR. MATULE: I don't think we have
14 to --

15 MR. GALVIN: -- but he's an alternate,
16 and the seven voting members that are going vote --

17 (Commissioner Tremitedi confers with
18 Chairman)

19 COMMISSIONER TREMITIEDI: All right.
20 Good. Thank you. I'll go home.

21 (Laughter)

22 MR. GALVIN: All right. That sounds
23 good.

24 COMMISSIONER TREMITIEDI: I'm excused.

25 MR. GALVIN: But you have to call us

1 with the Ranger reports.

2 (Commissioner Tremitedi excused.)

3 MS. BANYRA: He didn't hear that.

4 (Laughter)

5 MR. MATULE: At the time the Jefferson
6 Trust condo building was approved, these two
7 off-site parking lots were provided, where they were
8 each going to have 42 cars on site. They were going
9 to be surface parking lots.

10 At some point down the road, those two
11 off-site properties were acquired by an entity
12 called 307 Newark, LLC. That was the applicant in
13 the original application for the parking garage on
14 our site at 307-313 Newark.

15 The plans were I guess filed, and a
16 lawsuit was started. I think probably -- I know
17 counsel for the condo association is here, and he
18 can correct me, if I am wrong, but I guess to make
19 sure that the rights of the condo association were
20 protected vis-a-vis the off-site parking.

21 At some point down the road, the
22 ownership of these two properties was split up. I
23 don't know how or why, but the properties were split
24 up, and I guess as part of the application for the
25 parking garage, an amended consent order was entered

1 into, which again, a long story short, provided that
2 the condo association would ultimately have the
3 right to park a hundred vehicles in that parking
4 garage.

5 There were other conditions that while
6 the construction was going on at that site, the
7 condominium association was going to park 17 cars in
8 Central Parking. They were going to Park 33 cars on
9 the other property on Willow Avenue, and up to an
10 additional 50 spaces as close as possible to
11 Jefferson Trust, with the understanding that once
12 the garage was up and running, all of that would go
13 away, up to 100 cars would park in the parking
14 garage, and the restrictions I assume on the other
15 property would be lifted.

16 In the consent order, it also provided
17 that the garage at 307 could be built before the
18 garage on the building at 77-83 Willow Ave, because
19 in the original consent order the order was
20 reversed.

21 Preliminary approval for the garage was
22 given by this Board in August of 2007.

23 In May of 2011, the applicant came back
24 before the Board for an amended preliminary and
25 final approval. At that time the parking

1 configuration was changed from a self-parking garage
2 to a valet parking garage with elevators, which
3 increased the parking from, I believe, 170 to 487
4 spaces. I am sure Mr. Nastasi will review it, but
5 the building was going to be a seven-story building,
6 a hundred percent lot coverage.

7 The application that we now have before
8 you is to amend -- well, it was originally filed as
9 an amendment. The Board's professionals advised us
10 that they thought it should be treated as a new
11 application rather than an amendment to existing
12 approvals. That is why we are making this new
13 application without prejudice to the existing
14 approvals that the applicant has to build the 487
15 space seven-story parking garage.

16 MR. GALVIN: Let me just say, if you
17 receive an approval tonight for this, then you would
18 have to abandon the prior approval.

19 MR. MATULE: And I believe the
20 applicant would consent to that, yes.

21 MR. GALVIN: Okay.

22 MR. MATULE: I just want to make it
23 clear for the record that in the absence of some
24 affirmative action on our part, we are not foregoing
25 that.

1 MR. GALVIN: I acknowledge it.

2 MR. MATULE: So essentially what is
3 happening here is we are asking the Board's
4 permission to introduce a residential component into
5 this project, 14 residential units on the upper four
6 floors of the building. There is a partial eighth
7 floor now.

8 We would still have 213 parking spaces,
9 which would more than satisfy the requirement for
10 Jefferson Trust.

11 There is also apparently a requirement
12 for property at 89 Willow Avenue, nine spaces, that
13 round building that I think Mr. White built on the
14 corner, and we would have approximately 89 spaces
15 over and above that for the public, and it is
16 operated as a public parking garage, so if for any
17 reason the Jefferson Trust people were not taking
18 their full hundred garage spaces, those spaces would
19 be turned over until such time as somebody in
20 Jefferson Trust wanted to exercise their right to
21 use them.

22 So that is kind of the history of the
23 various parcels. I just thought it was important
24 for the -- I hope I didn't confuse anybody -- but to
25 have that background to understand perhaps why there

1 are several other attorneys here who represent the
2 various other stakeholders, if you will, relative to
3 this parking situation.

4 We are going to present the testimony
5 of our architect, Mr. Nastasi, tonight. I had
6 advised the Board that Mr. Ochab was tied up in
7 another hearing tonight and couldn't be here, so we
8 obviously will have to return another night, and if
9 need be, we could also bring our traffic engineer
10 back.

11 So at this time what I would like to do
12 is have Mr. Nastasi come up and have him sworn. And
13 while he has testified here numerous times, there
14 are a lot of new Board members, and I would just
15 like to have him briefly give the new members the
16 benefit of his professional experience, if you will,
17 certainly to the Chair's approval.

18 CHAIRMAN AIBEL: Absolutely. Keep it
19 under 20 minutes.

20 (Laughter)

21 MR. MATULE: Thank you.

22 Mr. Nastasi.

23 MR. GALVIN: Raise your right hand.

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

1 God?

2 MR. NASTASI: Yes, I do.

3 J O H N N A S T A S I, having been duly sworn,
4 testified as follows:

5 MR. GALVIN: All right. State your
6 full name for the record and spell your last name.

7 THE WITNESS: John Nastasi,
8 N-a-s-t-a-s-i.

9 MR. GALVIN: All right.

10 MR. MATULE: Mr. Nastasi, you are a
11 licensed architect in the State of New Jersey?

12 THE WITNESS: Yes, I am.

13 MR. MATULE: Could you briefly give the
14 Board the benefit of your educational background,
15 your professional degrees and licensing and work
16 experience?

17 THE WITNESS: Okay. I have two degrees
18 in architecture, a bachelor of architecture from
19 Pratt Institute in 1986.

20 I have a second degree in architecture,
21 which is a master of design, with distinction from
22 Harvard University.

23 I have an office in Hoboken for 24
24 years in the Neumann Leather building. I am a
25 neighbor to this site, and I have appeared before

1 this Board many times.

2 MR. MATULE: And you appeared before
3 other Boards?

4 THE WITNESS: I've appeared before
5 other Boards as well.

6 MR. MATULE: Thank you.

7 I would ask that we accept Mr. Nastasi
8 as an expert in the field of architecture.

9 CHAIRMAN AIBEL: He will be accepted.

10 MR. MATULE: All right.

11 One other thing, if it makes things any
12 easier, Mr. Nastasi is going to be presenting a
13 series of boards tonight. He has been good enough
14 to put them all consolidated in an exhibit, which
15 also has the plans in it.

16 What I would like to do, rather than
17 marking each of the separate boards, we could just
18 mark this exhibit as Exhibit A.

19 Again, it's up to you.

20 THE WITNESS: Each page is numbered to
21 make it more --

22 MR. GALVIN: I would be okay with that.

23 Are they all colorized in there?

24 That is fine.

25 MR. MATULE: I have, if the various

1 Board members want to take one of these and look at
2 them as we go along, I would just like to collect
3 them up at the end of the night.

4 MR. GALVIN: So we will mark that whole
5 book as A-2, and then you don't have to mark them
6 individually.

7 MR. MATULE: So we're going to mark
8 this as A-2. I will give this one to the Board
9 Secretary for the record.

10 MR. GALVIN: And for our filing
11 cabinets.

12 Thank you.

13 MR. MATULE: Yes. We will be happy to
14 collect these up at the end of the night.

15 (Laughter)

16 (Exhibit A-2 marked)

17 MS. FISHER: Are there enough?

18 Do we have to share?

19 MR. MATULE: I think I gave you nine.

20 COMMISSIONER FISHER: This is what you
21 should require for all of them going forward. It
22 should set the standard.

23 (Board members confer.)

24 MR. MATULE: Okay. All right.

25 THE WITNESS: Should I start?

1 MR. MATULE: No. I will ask you.

2 Okay. Mr. Nastasi, what I am going to
3 do is ask you to describe the existing site and then
4 describe the proposed project, and when you are
5 referring to boards, I would just like you to refer
6 to the page number in the exhibit that we just
7 passed around.

8 THE WITNESS: Fantastic.

9 Okay. So we are here to talk about
10 this property on Newark Street, which is just to the
11 east of the Neumann Leather complex. And on this
12 first board on the left, which is Page 2 in the
13 booklet, is the building as it was approved in 2011
14 by the Zoning Board.

15 As Mr. Matule points out, this is a
16 seven-story 100 percent lot coverage parking
17 structure with -- it is my understanding it is
18 approved as 502 parking spaces with 78 feet in
19 height.

20 I have been asked by my client, Gold
21 Coast Parking, to take this project and completely
22 redesign it to a mixed-use building, where the base
23 of the building would be four stories of parking and
24 the top of the building would be 14-family based
25 residential units, and we devised a layout.

1 If you look at Page 1 in the booklet
2 that I submitted to you, we devised a layout, which
3 addressed the basic design issue on Page 1, that a
4 parking garage is based -- the optimized parking
5 garage is based on dimensions that allow for three
6 bays while a residential layout optimized with four
7 bays. So we have a four-bay module slipping behind
8 the facade, slipping behind the facade are the
9 three-bay module parking structure.

10 So the opportunity to put these big
11 family units up here allowed us to create this nice
12 layered -- nice layered facade that showed the
13 relationship between one organization, which is the
14 parking with the residential tucked behind carved
15 into the building.

16 And if you look at Page 4, you can see,
17 and I have the larger board here, that the building
18 we are talking about now is a building that is
19 carved away from the original building that was
20 proposed, and it picks up its scale and character
21 from the building just to the east, which was the
22 old Napa Auto Parts store.

23 This is the project as approved, final
24 site plan approval, the exact model. We pick up the
25 height here with the lower cornice. This is 321

1 Newark Street, which is the building that I have
2 been in for 24 years. This is the back of the
3 Neumann Leather complex, so this building is now
4 sitting in the complex of the Neumann Leather site.

5 And with further respect to massing, if
6 you go to Page 5, you can see from the south looking
7 northeast, and I am at Page 6, you can see how the
8 building carves away at the back to relieve the
9 massing, and then the residential sits set in from
10 the base, which is the parking.

11 So it is a residential building that is
12 sitting chiseled away and inside of a parking, a
13 brick parking structure, and even from the back you
14 could see the rear facade starts to tie into the
15 scale and character of the Neumann Leather complex.

16 If we jump to Page 7, you can see the
17 architectural character of the building comes simply
18 from its organization. Parking is sitting down
19 here. The mechanicals post Sandy are now up high on
20 the second floor above elevation 15.

21 We have entry and parking, parking
22 spaces here, and then the residential lofts slide in
23 and tuck in behind the masonry facade of this
24 building.

25 At the street level, let's start from

1 the east and work west. You have your fire egress,
2 your garage office, the garage doors that roll up,
3 and then the residential entry is on the westerly
4 side of the base of the building.

5 If you look at Page 8, you will see an
6 eye-level rendering of what that street scape will
7 be like. Then it is at this rendering that I
8 find -- it is this rendering that I find brings
9 scale and character to a street that I walked up and
10 down for 24 years.

11 And I think knowing this neighborhood
12 the way I do, having these high-end family
13 residential lofts here with a residential entry,
14 with white glove valet parking, I think this
15 significantly improves Newark Street in between
16 Willow and Clinton, and I have literally been for
17 two and a half decades on that street every day of
18 my life.

19 The next set of images, if you go to
20 Page 10, Page 10 describes in a very clear way how
21 this building is organized, and you can see the
22 model on Page 10.

23 We have cut away half of the building,
24 so that you can see our building, the garage of the
25 base, the residential units up above. You can see

1 its relationship to the Napa Auto Parts building,
2 which would be built just to our east, and then you
3 can see its relationship to the center of the
4 Neumann Leather complex.

5 And this cut-away image shows how the
6 residential is set back from the street, and the
7 setbacks for the residential are such that we have
8 approximately a nine-foot front yard setback and a
9 12-foot rear yard setback from the brick base of the
10 garage, and that allows us to carve away at this
11 building, so that the residential is subtracted, not
12 added.

13 The basic layout of the building, and
14 you can see from pages -- after Page 12 is the
15 entire set of zoning drawings. We are looking at 14
16 residential units of which we have the breakdown of
17 two one-bedroom units, five two-bedrooms units, and
18 seven three-bedroom units, so we are clearly tipping
19 the breakdown of the units towards twos and threes,
20 with the largest amount of units being the
21 three-bedrooms.

22 What we are trying to do is establish
23 the culture of families down at this side of this
24 part of the neighborhood, and we think that Newark
25 Street especially in this area would really benefit

1 from having family centric apartments for this part
2 of the neighborhood.

3 We think that the Jefferson Trust
4 people will benefit greatly, and I will add that I
5 lived in Jefferson Trust in 1987, the year it
6 opened, and I lived there the first year of its
7 existence.

8 I can tell you that having a white
9 glove valet parking building across the street from
10 you will be a significant improvement for the
11 quality of life and culture across the street at
12 Jefferson Trust as opposed to the empty parking lot,
13 where it is sort of an ad hoc system right now.

14 MR. MATULE: Could you take the Board
15 through the actual building design and dimensions
16 and things?

17 MS. BANYRA: Excuse me.

18 John, can you repeat the bedroom count
19 again --

20 THE WITNESS: Sure.

21 MS. BANYRA: -- I mean in terms of the
22 breakdown of ones, twos and threes?

23 THE WITNESS: Yes. We have 14
24 residential units. Two one-bedrooms, five
25 two-bedrooms, seven three-bedrooms, so it is tipped

1 in favor of the threes.

2 MR. GALVIN: The one-bedrooms are going
3 to be the affordable housing units?

4 MR. MATULE: I have not really
5 decided -- I mean, my client hasn't decided, but my
6 suggestion to my client was going to be to make one
7 of the two-bedrooms the affordable housing unit,
8 since the way the ordinance is structured, you can't
9 have more than twenty percent ones, 30 percent --
10 you have 30 percent twos, and then 20 percent
11 threes, so it seems the ordinance is skewed towards
12 the three-bedrooms -- two-bedrooms, so we thought we
13 would make a two-bedroom one the affordable housing
14 one.

15 MR. GALVIN: Thank you.

16 THE WITNESS: The basic dimensions of
17 the building are such that the initial building was
18 approved at 77 feet nine inches, and the building
19 that we are looking at today with the addition of a
20 eighth story penthouse is 92.

21 We keep the 100 percent lot coverage at
22 the base of the building, which is the parking
23 structure, so the parking structure is 100 percent
24 lot coverage, and then the building steps back 78
25 percent, 75 percent, and then the penthouse is 35

1 percent lot coverage.

2 MR. MATULE: Are you going to have any
3 green elements?

4 THE WITNESS: Yes.

5 In talking with my clients, Larry and
6 Monique, who are here tonight, we have a series of
7 sustainable systems that we are pursuing and we
8 would like to actively involve in the building.

9 The first is we always planned for a
10 generator on the roof for when the next storm hits
11 Hoboken and the power goes down.

12 Of course, we are showing on the
13 drawings stormwater detention and detention below
14 the slab.

15 We have on the drawings green roof
16 elements. If you look at Page 12, which is a detail
17 of the residential entry, integrated into the design
18 of the lobby is a subtracted bicycle parking area,
19 because we are so close to the Path station, the New
20 Jersey Transit station, that I could imagine the
21 residents of this building would very easily bike
22 back and forth.

23 Then we are also looking into the
24 emerging standards for electric charging stations
25 for the parking, and we are trying to find out what

1 valet building, it seems like every parking space in
2 a valet building is handicapped because the
3 handicapped person gets treated right at the entry
4 to the building.

5 MR. GALVIN: Okay.

6 THE WITNESS: We also have our
7 handicapped van parking set on the ground floor, so
8 that we have a non-drive aisle on either side of the
9 van, so in the event that a handicapped person is in
10 the van and not greeted by the valet at the entry,
11 we have areas where that person can unload out of
12 the way of the cuing cars.

13 MR. GALVIN: Yes.

14 Jeff just expressed some concern that
15 you needed to move them from one end to the other
16 end because they were like too far away from an exit
17 or an entrance.

18 THE WITNESS: But I think that in a
19 handicapped van, you have a private area to get out
20 of the van and into a wheelchair.

21 MR. GALVIN: I understood the point
22 about valet, and it seems logical to me, but
23 sometimes things that seem logical are not exactly
24 consistent with the law, you know, so we have to be
25 careful about that. We'll figure that out, since

1 you are not going to complete tonight, we will be
2 able to figure that out.

3 CHAIRMAN AIBEL: Is the parking going
4 to be around or is it mechanical lifts?

5 THE WITNESS: It is two vehicles with
6 elevators --

7 CHAIRMAN AIBEL: Elevators.

8 THE WITNESS: -- with valet. Those are
9 at the back, which would be the south of the floor
10 plan.

11 MR. GALVIN: So this is not automated?
12 I'm so sorry for interrupting.

13 THE WITNESS: It's not automated --

14 COMMISSIONER FISHER: It's not
15 automated. It just has garages. They put the cars
16 in and lift it up --

17 THE WITNESS: If anything, there are
18 stackers, which stack two cars high within one
19 floor.

20 COMMISSIONER BRANCIFORTE: And
21 attendants drive it into the elevator --

22 COMMISSIONER FISHER: Uh-huh.

23 COMMISSIONER BRANCIFORTE: -- stay with
24 the car until it gets to the floor, and they drive
25 it out of the elevator --

1 THE WITNESS: The valet takes care of
2 that, right.

3 COMMISSIONER FISHER: The attendants,
4 that's what he's saying.

5 COMMISSIONER BRANCIFORTE: Right, the
6 attendants.

7 But, John, the plans that we have are
8 not the most recent plans, I believe, because the
9 plans that we have are -- are they or ---

10 MS. BANYRA: Well, this book is the --
11 this was the preliminary plan it looks like, John.
12 I am just looking to see what was different on it.

13 Then the ones that were last submitted
14 were Revision 2 was 2/7/14, and your booklet, which
15 I am not sure that it really changes anything
16 because most of it is about your massing study were
17 the original submitted on 7/11/13. So I am just
18 comparing them to see if there is anything
19 different.

20 When you said the bike thing, I was
21 like, wow, how did I miss the bikes, and I did not
22 see them on here.

23 COMMISSIONER FISHER: The bikes are in
24 the picture I think. It's just in the picture I
25 think, yeah.

1 MS. BANYRA: Yeah, it is in the
2 picture.

3 (Board members confer.)

4 THE WITNESS: Yes. They are the same
5 drawings.

6 MS. BANYRA: The drawings are the same
7 in terms of your architectural layout is what I'm
8 saying.

9 THE WITNESS: Yes.

10 Then for the bike storage, it exists
11 right here in the front vestibule subtracted inside
12 of the building protected from the rain.

13 MS. BANYRA: So, John, maybe you just
14 didn't add the note on your plans. Maybe I am just
15 looking at the bubbles, so --

16 THE WITNESS: Yes. We will take a look
17 at that when we go back.

18 COMMISSIONER FISHER: I have a
19 question.

20 CHAIRMAN AIBEL: Go ahead.

21 COMMISSIONER FISHER: You mentioned
22 that the mechanicals -- I am certainly not an
23 engineer, so I will point to the -- but you
24 mentioned the mechanicals are on the second floor.
25 But given that it is an elevator that is going to

1 lift the cars up, and you have the stacking, I mean,
2 is this -- is there flood protection that will --

3 THE WITNESS: Yes. We are required --

4 COMMISSIONER FISHER: -- to put those
5 walls or --

6 THE WITNESS: -- at this first floor,
7 the ground level is completely flood protected.

8 That is why all of the mechanical systems are up
9 here on two at the front of the building out of the
10 flood plain, out of the 15-foot high --

11 COMMISSIONER FISHER: Right.

12 But the -- is there extra -- so the
13 water -- the water goes into the first floor, and it
14 gets into the elevator itself, so forgetting that
15 the mechanicals are on the second floor, but it gets
16 into the elevator, or it gets -- you know, it goes
17 five feet and it floods that first level?

18 THE WITNESS: I think -- I think the
19 intent of the code is that the base of this building
20 is built to withstand the hydrostatic pressure of
21 the water, and then you have a flood door.

22 COMMISSIONER FISHER: Okay. That was
23 the question. So there is a flood door?

24 THE WITNESS: Yes.

25 COMMISSIONER FISHER: Okay.

1 COMMISSIOENR BRANCIFORTE: So -- go
2 ahead, Anthony.

3 COMMISSIONER GRANA: On Page 4, you
4 mentioned that there was a plan for a generator to
5 be on the roof, is that right?

6 THE WITNESS: Yes.

7 MR. GALVIN: Yes.

8 COMMISSIONER GRANA: What would be the
9 location of that generator on Page 4?

10 THE WITNESS: We would have to plan a
11 space that probably is going to be here. It would
12 not be up here, but here.

13 COMMISSIONER GRANA: So towards the
14 front of the Newark side of the building in front of
15 the penthouse?

16 THE WITNESS: Yes.

17 COMMISSIONER BRANCIFORTE: Your
18 generator is shown on the second floor of the plans.
19 On Z-3, you have a generator room on the second
20 floor, Z-3? Next to the electrical service room,
21 you show generator room.

22 THE WITNESS: We are showing space
23 allocation there. I have not fully resolved where
24 it is going. I am trying to figure out if it is
25 quieter inside or up on the roof.

1 The building will definitely be fully
2 supported by a generator when the power goes out.

3 COMMISSIONER GRANA: So the generator
4 will either be on the second floor or on the roof?

5 THE WITNESS: In the mechanical area of
6 the second floor in an acoustical --

7 COMMISSIONER GRANA: But more on the
8 roof --

9 COMMISSIONER FISHER: Yeah, and --

10 THE REPORTER: Can you just say that
11 again because people were talking over you.

12 "In a mechanical" what?

13 THE WITNESS: In an acoustically sound
14 room, the mechanical area on the second floor or on
15 the roof.

16 THE REPORTER: Thank you.

17 COMMISSIONER GRANA: John?

18 COMMISSIONER BRANCIFORTE: Oh, thanks.

19 See, now I am starting to worry about
20 this building because you added an extra 22 feet to
21 it. Is that correct, an additional 22 feet in
22 height, correct?

23 COMMISSIONER FISHER: From the last
24 one.

25 THE WITNESS: Well, the original

1 approval was 77 feet nine inches, and we are at --

2 MR. MATULE: 14.

3 THE WITNESS: -- we are adding 14 feet.

4 COMMISSIONER BRANCIFORTE: Oh, 14 feet?

5 Okay --

6 COMMISSIONER FISHER: The plans say

7 96 --

8 COMMISSIONER BRANCIFORTE: -- with this

9 many people -- I am curious how many people are

10 going to be living in this.

11 COMMISSIONER MC ANUFF: 92.

12 THE WITNESS: 14 units --

13 COMMISSIONER FISHER: Perhaps it's

14 actual --

15 COMMISSIONER BRANCIFORTE: Okay,

16 yeah --

17 COMMISSIONER FISHER: -- it says 97 at

18 the top right here --

19 THE REPORTER: Wait a second. You

20 can't all be talking at once.

21 MR. GALVIN: Right. One at a time.

22 THE WITNESS: Go ahead.

23 COMMISSIONER BRANCIFORTE: With this

24 many people living there, how many -- I appreciate

25 that you are setting aside bicycle storage, but is

1 there going to be enough bicycle storage for all of
2 the families and kids and parents down on the first
3 lobby level, do we need more storage for that, for
4 the bicycles?

5 THE WITNESS: I don't know the answer
6 to the question. I don't know what the storage
7 requirement is going to be, but I think starting
8 with a large bicycle storage area at the front of
9 the building is certainly a good start.

10 COMMISSIONER BRANCIFORTE: Yeah, but
11 large. I don't know what you mean by "large,"
12 because on your diagram I see maybe five or six
13 bicycles lined up there, and I don't know if that is
14 representative of what is really going to be going
15 in. So I just wanted to make sure that if you are
16 using this idea that, you know, you are going to
17 have bike storage for the residents, I want to make
18 sure there is enough bike storage for the residents.

19 And the other thing, too, is I don't
20 see a lot of services. Like usually in the garages
21 of the residential buildings, we see a place now set
22 aside for garbage and recycling.

23 I see storage on Z-2, but --

24 COMMISSIONER MURPHY: Trash and
25 recycling on each floor.

1 COMMISSIONER MC ANUFF: Yes, there's a
2 spot by the elevator.

3 COMMISSIONER MURPHY: By the elevator.

4 THE WITNESS: Remember, the base of the
5 building is not a typical residential building in
6 Hoboken, where the ground floor garage is the
7 condo's garage. This is a valet parking garage, so
8 that we are doing distributed storage for trash and
9 recycling on every floor because you don't really --
10 it is not a big open ground floor. It is a
11 business, right?

12 COMMISSIONER BRANCIFORTE: Okay. So
13 you are not using like a compactor or anything like
14 that?

15 THE WITNESS: No.

16 COMMISSIONER FISHER: How does the
17 garbage then get removed?

18 THE WITNESS: I think the condo
19 association --

20 COMMISSIONER FISHER: Is it through
21 sort of some kind of a freight elevator or whatever,
22 people will come in and remove it?

23 THE WITNESS: I think you have a
24 service that comes and does it on a daily basis.

25 COMMISSIONER FISHER: Okay.

1 MR. MATULE: What was the question?

2 THE WITNESS: How does the garbage get
3 removed.

4 COMMISSIONER FISHER: Just because it's
5 elevated, so --

6 COMMISSIONER BRANCIFORTE: Well, I
7 mean, where does it get stored, if during the day
8 the maintenance guys come by and are cleaning out
9 the trash and recycling areas, where does he bring
10 it to store it before it gets picked up at nine
11 o'clock or ten o'clock at night?

12 That is kind of where I am going with
13 it.

14 THE WITNESS: Well, there's a
15 storage -- I think on every floor of the garage in
16 the southwest corner is a large storage room.

17 COMMISSIONER BRANCIFORTE: So that is
18 set aside for the condo association's use --

19 COMMISSIONER FISHER: So it sounds like
20 the garbage is accumulated on each floor for the
21 floor until the garbage is removed, you know,
22 whenever it gets removed --

23 COMMISSIONER BRANCIFORTE: Yeah. But I
24 mean the question is: Do they just bring it
25 downstairs and dump it at the curb at three o'clock

1 in the afternoon until it's picked up at ten o'clock
2 at night?

3 THE WITNESS: I would say that with the
4 trash and recycling on every floor, on every
5 residential floor, plus the storage room on every
6 parking level, it probably has 300 percent more
7 storage for garbage than any other typical building
8 in Hoboken.

9 COMMISSIONER FISHER: I think John was
10 asking a very technical specific question, which is:
11 There is like two levels of storage. One is when
12 someone throws their garbage out, and it sits on the
13 floor, but then the second is that somebody is going
14 to come and take it and take it down to something.

15 Is it just going to sit on the sidewalk
16 for five or six hours?

17 Like what's -- is it just going to sit
18 in front of the building, or is it stored somewhere
19 where it gets pulled out?

20 That's the -- I think that is what you
21 are asking, right, John?

22 COMMISSIONER BRANCIFORTE: Right,
23 exactly.

24 COMMISSIONER FISHER: Given --

25 THE WITNESS: I think it is a great

1 concern. I don't think as the architect, I am going
2 to testify how the person is going to throw the
3 garbage out, but as the architect I can give more
4 than ample or abundant space allocation for the task
5 of garbage removal, and then we will have to leave
6 it to the condo association to have a pretty serious
7 service to take care of their garbage because --

8 COMMISSIONER MC ANUFF: Well, once
9 it --

10 THE WITNESS: -- there's ample space --

11 COMMISSIONER MC ANUFF: -- once it
12 leaves the space on each residential floor, am I
13 correct in saying that it goes to one of the two
14 storage units?

15 THE WITNESS: On the southwest
16 corner --

17 COMMISSIONER MC ANUFF: Yeah. On the
18 elevator floor before it goes to the sidewalk, is
19 that correct?

20 THE WITNESS: That is a very reasonable
21 assumption at this point.

22 I mean, what you do as an architect is
23 you give ample space allocation for things to
24 properly be done, and then the actual procedure of
25 it being done gets passed to the condo association.

1 COMMISSIONER BRANCIFORTE: Yeah.

2 John, it's just that when you -- on Z-2
3 when you marked that corner as storage, you know,
4 you are not telling us that it is storage for refuse
5 and recycling to wait, you know, until it is picked
6 up later in the evening.

7 You are saying it's storage, so I don't
8 know if it is storage for the garage use or storage
9 for the condo use --

10 THE WITNESS: I agree. I agree --

11 COMMISSIONER BRANCIFORTE: -- and I
12 want to make that clear --

13 THE WITNESS: -- it is storage because
14 there is storage on every floor of the garage and
15 every floor of the residential.

16 COMMISSIONER BRANCIFORTE: So --

17 COMMISSIONER MURPHY: You got to have a
18 way to get out, too --

19 COMMISSIONER BRANCIFORTE: -- yeah.

20 COMMISSIONER FISHER: Hum, a technical
21 question.

22 On your plans, you show the height in
23 various places at 96.67, not 92 that you mentioned.

24 COMMISSIONER MC ANUFF: That is the
25 elevation. That's not the height.

1 COMMISSIONER FISHER: Oh, that's not
2 the height.

3 Sorry, my apologies.

4 COMMISSIONER DE FUSCO: Yeah.

5 Well, just to back up, John, I guess a
6 more direct way of asking is: Is there a place
7 within the garage that can be accounted for on the
8 plans for bike storage and trash --

9 THE WITNESS: Yes.

10 COMMISSIONER DE FUSCO: -- just to be
11 direct?

12 THE WITNESS: Yes.

13 COMMISSIONER DE FUSCO: Okay. So there
14 we are.

15 To back up to Tiffanie's question now,
16 the top of the seventh floor, how does that
17 correspond to the Napa Auto, what we are calling the
18 Napa Auto building that was approved by this Board?

19 Is that at the same height, the top of
20 the seventh floor, which seemingly corresponds?

21 THE WITNESS: Yes.

22 This is the exact model from my
23 colleague, Frank Minervini, who is the architect for
24 this building --

25 COMMISSIONER DE FUSCO: Sure.

1 THE WITNESS: -- to scale, and you see
2 what I call main cornice aligns, so we are picking
3 up the height of the Napa Auto building.

4 COMMISSIONER DE FUSCO: I see that you
5 did that, so this is my concern, that the main
6 cornice is there as almost an optical illusion, and
7 that the ceiling height is actually higher than its
8 neighboring building.

9 Is that -- am I incorrect in that?

10 THE WITNESS: I don't think you're
11 correct in that.

12 I think that this cornice is this
13 cornice. This goes back, and then this partial
14 eight-story setback steps up, and there is 35
15 percent lot coverage here, but this height is --

16 COMMISSIONER FISHER: Right.

17 COMMISSIONER DE FUSCO: So it
18 corresponds -- the two roofs correspond --

19 THE WITNESS: Yes.

20 COMMISSIONER DE FUSCO: -- and linearly
21 looking from the street, a passer-by would think
22 that those --

23 THE WITNESS: Yes.

24 COMMISSIONER DE FUSCO: -- buildings
25 were at the same level.

1 COMMISSIONER FISHER: What's the --
2 what's the height of the Jefferson Trust then?

3 THE WITNESS: Let me ask my colleagues.

4 UNIDENTIFIED VOICE: It's like 72 to 75
5 feet for the fourth floor, and nine foot times seven
6 is 63, plus seven feet -- yeah. It is about 70 to
7 74 -- I think 72 feet to the top of the parapet.

8 COMMISSIONER FISHER: So you are
9 looking at -- so you are -- so this building is --
10 will be the tallest building in its corner?

11 It is going to be 20 feet higher -- it
12 will be 20 feet higher than the Jefferson Trust and
13 ten plus feet higher than the one next door, the
14 Minervini building --

15 THE WITNESS: The penthouse would be
16 set back. This is aligned with the --

17 COMMISSIONER FISHER: The structure
18 that's being built will be higher?

19 THE WITNESS: -- at this point, yes.

20 COMMISSIONER DE FUSCO: Well, to that
21 point, the question is: Have you done a sight line
22 study?

23 It is a fairly narrow street. If I am
24 standing in front of the Jefferson Trust building
25 and I looked up, would I see the recessed penthouse

1 floor?

2 THE WITNESS: This is an image showing
3 you standing in front of the Jefferson Trust
4 building looking up, and you can see because the
5 residential is set back with the cornice, you will
6 not see that building from Newark Street --

7 COMMISSIONER DE FUSCO: So it --

8 THE WITNESS: -- it would be almost
9 just the angle that it is in here.

10 COMMISSIONER DE FUSCO: Right.

11 So it is fair to say that although the
12 building is taller with that penthouse level, it
13 would -- there will be no impact to street level
14 height -- you know, eyesight?

15 THE WITNESS: Yes. I would also say
16 that -- we do these models for a reason --

17 COMMISSIONER GRANA: Page 18.

18 THE WITNESS: What's that?

19 COMMISSIONER GRANA: It's at Page 18,
20 the description of the sight line --

21 THE WITNESS: There you go, so that is
22 a straight-on. Page 8 is a straight-on elevation.

23 COMMISSIONER DE FUSCO: The only other
24 question that I have for you is, you know, back in
25 2011 when we approved the parking only building, one

1 of the conversations was about its industrial makeup
2 of the building, and that building actually changed
3 a couple of times in review before it was eventually
4 approved, and I think the example that you brought,
5 and thank you for reminding us what we approved, was
6 popular at that time in front of the Board because
7 of its industrial nature and how it fit in with
8 Neumann Leather complex.

9 So I guess the question I have for you
10 is it's a beautiful design, do you feel that this
11 kind of architecture fits in with the industrial
12 nature of that block?

13 THE WITNESS: I think that, and I am
14 near and dear to Neumann Leather, you know, I am the
15 second oldest tenant in the building besides Tim
16 Bailey, who is a well-known painter in town. He got
17 there six months before I did.

18 I think this building fits the scale
19 and character. It fits the massing, and I think it
20 is an improvement to the neighborhood.

21 I actually think that this building is
22 a catalyst for what hopefully will be a
23 redevelopment of the Neumann Leather property.

24 So I think this building is definitely
25 a positive contribution to this area.

1 CHAIRMAN AIBEL: What are the heights
2 of the Neumann buildings?

3 THE WITNESS: Hum, there is 11
4 different buildings. I think the 321 building that
5 I am in right here is --

6 MR. MATULE: John, maybe you can pick
7 that up so they can see it.

8 THE WITNESS: Okay.

9 It is five industrial floors. Each
10 floor is 14 feet because I am on two of them.

11 Then the lower level is even larger, so
12 I think this cornice line is -- I don't know the
13 exact height, but it is in the area and scale of
14 this street. Jefferson Trust is where it is at, and
15 then there are two other buildings west of us that
16 are also in this height, so I think that scale of
17 Newark Street is clearly at that height.

18 CHAIRMAN AIBEL: Do you know offhand,
19 and maybe we should leave it for Mr. Ochab, who I
20 trust will give us some photos --

21 MR. MATULE: Yes, I am sure he has a
22 very comprehensive report.

23 CHAIRMAN AIBEL: -- do you know, Mr.
24 Nastasi, what the height of the buildings on the
25 north side of Newark are?

1 The heights of the buildings --

2 THE WITNESS: To the west of Neumann
3 Leather, over here?

4 CHAIRMAN AIBEL: On -- am I right, it
5 is north --

6 THE WITNESS: Yes --

7 MS. BANYRA: North is Jefferson Trust.

8 THE WITNESS: -- and northwest is
9 here --

10 CHAIRMAN AIBEL: -- and those are
11 the --

12 THE WITNESS: -- and northwest is
13 here --

14 COMMISSIONER FISHER: Those are the --

15 THE REPORTER: Wait, You can't all talk
16 at the same time.

17 MR. GALVIN: One at a time, please.

18 THE WITNESS: I do not know the heights
19 of those buildings.

20 MR. MATULE: Maybe we could get that
21 information for you and have it available when we
22 come back next time.

23 CHAIRMAN AIBEL: I am sure you will.

24 COMMISSIONER FISHER: I would
25 like --just to add to what Commissioner DeFusco

1 said, hum, I wasn't -- I wasn't here the last time,
2 but something I often raise in these meetings is one
3 of the tenents of the master plan just overall is to
4 preserve the old Hoboken look.

5 So like when I look at -- when I look
6 at the two renderings that you have, one is more of
7 the gray, what appears to be gray and maybe wood --
8 the wood slats and gray versus the one that was more
9 of a red brick, it's -- it is like -- do you think
10 that this is -- I totally agree that it is capturing
11 kind of the industrial look of the area, and it's an
12 upgrade, et cetera, but is it capturing enough of
13 the old Hoboken in your design?

14 THE WITNESS: I would say that as a
15 professional architect, who teaches design at
16 Harvard University --

17 COMMISSIONER FISHER: Uh-huh.

18 THE WITNESS: -- I would say that this
19 is a 21st Century building that actually --
20 accurately captures the essence and culture of
21 Hoboken.

22 I am not so sure that building, a one
23 off fake replica of something historic, is
24 necessarily good for a city in the 21st Century, and
25 I teach design professionally.

1 COMMISSIONER FISHER: Yeah. I don't
2 think that's what we are suggesting, that it is a
3 replica per se.

4 But like, as you mentioned Mr.
5 Minervini when he comes in, he spends a lot time
6 making sure that there is a certain number of the
7 red brick, and you know, different architectural
8 features or colors, et cetera, that we see across
9 Hoboken in his designs. We don't often see a light
10 gray brick. We don't often see wood slats.

11 THE WITNESS: I think your question is
12 a very good one, and I will give you my two-second
13 assessment.

14 COMMISSIONER FISHER: Uh-huh.

15 MS. BANYRA: John, maybe review the
16 design elements and call them out maybe.

17 COMMISSIONER FISHER: Yeah --

18 THE WITNESS: The industrial scale --

19 COMMISSIONER FISHER: -- thanks.

20 THE WITNESS: -- of this three-bay
21 system --

22 COMMISSIONER FISHER: Uh-huh.

23 THE WITNESS: -- is a large industrial
24 scale masonry structure.

25 The metal panels, the terracotta are

1 all in keeping with the historic character of
2 Hoboken, the carving, the articulation in carving of
3 the residences carved behind this three-bay is an
4 articulation of the function of the building --

5 COMMISSIONER FISHER: Uh-huh.

6 THE WITNESS: -- what we are definitely
7 not doing is taking applique and decorating a facade
8 with applique --

9 COMMISSIONER FISHER: Uh-huh.

10 THE WITNESS: -- I don't believe in
11 that. I don't think that makes a good design. I
12 don't think that makes good buildings, and it
13 doesn't make good cities --

14 COMMISSIONER FISHER: Uh-huh.

15 THE WITNESS: -- so we are carving and
16 expressing the function of the building, and I think
17 it is an honest expression.

18 Now, if it seems like the Board wants
19 the primary structure of the building, which is this
20 three-bay primary building here, this red
21 building -- red brick modules to emulate Neumann
22 Leather, then that is something that we would
23 consider.

24 We initially -- I think we had -- my
25 clients are behind me -- I think we had ten

1 buildings before we got to this one, and as soon as
2 we switched it from red brick to like a taupy
3 brick --

4 COMMISSIONER FISHER: Uh-huh.

5 THE WITNESS: -- there was like a
6 breath of fresh air on the model, and it clearly
7 meets the scale and character of the Neumann Leather
8 buildings, but it is just a little bit lighter and
9 brighter, and I think sometimes that is a relief,
10 so --

11 COMMISSIONER FISHER: Yeah. I -- I --
12 I don't disagree.

13 I think when you put your two -- my own
14 personal view -- when you have the two renderings
15 next to each other, I mean, the one that's all red
16 brick, you know, is dark and gloomy.

17 THE WITNESS: Heavy.

18 COMMISSIONER FISHER: Yes --

19 THE WITNESS: It's heavy.

20 COMMISSIONER FISHER: -- very heavy.

21 Hum, but having something so bright
22 next to something that is so giant and dark, you
23 know, it -- it seems to be more bright than it is
24 consistent, and so I am curious if there is
25 something that would, you know, look a little bit

1 more consistent with the overall. It's just
2 something to think about maybe for the next time
3 if --

4 MS. BANYRA: You're thinking about
5 something that transitions.

6 COMMISSIONER FISHER: -- just
7 transitions a little bit better.

8 This site, I think it's a nice
9 structure. I think it's -- my own personal view, it
10 is not old Hoboken, and when you look at Neumann
11 Leather, Neumann leather is a microcosm that is a
12 part of Hoboken that is old Hoboken, that's
13 industrial red brick, et cetera --

14 THE WITNESS: I think -- I think, and
15 this maybe not to the point --

16 COMMISSIONER FISHER: Yeah.

17 THE WITNESS: -- I think one of the
18 biggest mistakes we made in this town, and I have
19 been here forever, is we convinced ourselves is that
20 big buildings need to look like our brick row houses
21 on Garden Street --

22 COMMISSIONER FISHER: Oh, yes.

23 THE WITNESS: -- so you go to the
24 northwest, and you have these about big massive
25 buildings that are trying to look like these little

1 brownstones --

2 COMMISSOINER FISHER: And they are
3 terrible.

4 THE WITNESS: -- thank you. I don't
5 think we should be doing that.

6 COMMISSIONER FISHER: Right. I
7 don't -- I don't disagree, but imagine just
8 populating all of Hoboken with random, shiny, you
9 know, angular buildings that are completely
10 inconsistent with 85 percent of what Hoboken is. So
11 it is trying to just touch it a little bit, and I
12 would love to see something that looks like it
13 touches it a little bit more.

14 THE WITNESS: Fair enough.

15 Thank you.

16 COMMISSIONER FISHER: I have another
17 technical question.

18 On the west side of the building, there
19 is no windows -- or I looked in your --

20 THE WITNESS: It is property line --

21 COMMISSIONER FISHER: -- right.

22 THE WITNESS: -- so there's --

23 COMMISSIONER FISHER: Except you
24 have -- you have -- it looks like you have little
25 like alcove --

1 THE WITNESS: A carve-in --

2 COMMISSIONER FISHER: -- a carve-in?

3 THE WITNESS: -- to get light deep into
4 the apartments set back from the property line, but
5 this is the property line.

6 This building, which is a one and a
7 half story warehouse for Neumann Leather, probably
8 is going to be a taller building when Neumann
9 Leather gets redeveloped, if the planners do their
10 job.

11 MR. GALVIN: I think your finger went
12 up a little too high.

13 (Laughter)

14 COMMISSIONER FISHER: Yeah.

15 THE WITNESS: But this is the property
16 line, so you can't have windows, and the only place
17 we have windows is when we set back, and then we
18 have --

19 COMMISSIONER FISHER: Can I ask you a
20 question, a legal question?

21 MR. GALVIN: Sure.

22 COMMISSIONER FISHER: At our last
23 meeting we had a situation, where we had -- maybe it
24 is the size of the lot, and it doesn't matter. When
25 we had a small lot, and the question was: Could you

1 just put the two -- if the whole thing was going to
2 be developed, isn't there a requirement to have a
3 discussion to put them together?

4 Is it because it was a small lot, that
5 required that --

6 MR. GALVIN: That is what it was, yes.

7 COMMISSIONER FISHER: -- okay. So that
8 doesn't apply here, even though we know the entire
9 rest of the block is a redevelopment site?

10 MR. GALVIN: Well, we don't know that.
11 I mean, that is the problem. We have to deal with
12 the -- it's a problem that I have all the time here
13 is that you have a master plan and a zoning
14 ordinance, and you have to deal with them as they
15 exist today, not as people want them to be or as
16 there may have been discussions about them. The
17 same things with the conditions in the field.

18 It is highly possible that the Neumann
19 Leather property is going to be developed either by
20 variance or by redevelopment. I believe that there
21 is a discussions going on --

22 COMMISSIONER MC ANUFF: I think in the
23 previous case it was definitive that that second
24 property was going to be developed, and that's the
25 difference here.

1 MR. GALVIN: Oh, I know, but I am
2 trying to answer the overall question of --

3 COMMISSIONER MC ANUFF: Yeah, I get
4 you.

5 MR. GALVIN: -- Tiffanie is asking.

6 It would always be better planning, if
7 we knew how Neumann Leather was going to be
8 developed --

9 COMMISSIONER FISHER: It's more of a
10 legal question of: Did they have to pursue putting
11 the sites together.

12 MR. GALVIN: I'm saying, I am agreeing
13 that the -- that's an interesting thing about
14 zoning. When you changed the facts, you changed my
15 answer.

16 In that case, because it was an
17 undersized lot, and they were coming in with an
18 application like next Tuesday, and it didn't make
19 any sense to develop those two properties
20 separately, and they may still develop them
21 separately, but we felt they should have explored
22 combining them. I think it was appropriate because
23 that lot was so undersized.

24 This is a completely different thing.
25 One of the things to keep in mind is that they

1 already have an approval for the parking garage. So
2 if they are unsuccessful here, they still have the
3 approval for a parking garage. It is something that
4 needs to be weighed in.

5 If this were just a vacant lot, they
6 had never been here before, then we might want to
7 try to push some more to see what they're doing over
8 here --

9 COMMISSIONER FISHER: Is that what that
10 is, it's just --

11 THE WITNESS: And even though this lot
12 is adjacent to Neumann Leather, so it seems like a
13 small lot, it is actually twice the size of a
14 minimum required --

15 MR. GALVIN: I am agreeing. I'm saying
16 you changed the facts, you changed my answer --

17 COMMISSIONER FISHER: I'm just
18 asking -- I'm still --

19 THE REPORTER: Wait. You can't talk
20 when Dennis is talking.

21 I'm sorry, Dennis, what were you
22 saying?

23 MR. GALVIN: I will defer to Tiffanie.

24 COMMISSIONER FISHER: I am still new,
25 so this is a technical thing that came up that I

1 wanted to know if it applied this time, so...

2 MR. GALVIN: Okay. Right. We do have
3 a lot of Board members that are learning as they go,
4 so --

5 MR. MATULE: Yes.

6 I mean, the only thing I was going to
7 point out is in this zone, the minimize lot size is
8 5,000 square feet, and we are just a shade under
9 10,000, so...

10 MR. GALVIN: Right, right. The other
11 case we were talking about was the opposite.

12 MR. MATULE: Yes, so --

13 MR. GALVIN: -- instead of being 5,000,
14 it was --

15 COMMISSIONER FISHER: Like the --

16 MR. GALVIN: -- 3,000 or 4,000 --

17 MS. BANYRA: 1800 in a 2000 --

18 MR. GALVIN: -- yeah, it was 1800, so
19 that's why we were doing that, because it was so
20 small. It was a postage stamp lot.

21 CHAIRMAN AIBEL: I was going to ask
22 Eileen a question, but maybe she will beat me to the
23 question.

24 MS. BANYRA: Yeah. I have two
25 questions.

1 So, John, if this wasn't designed
2 residentially, what would you do different to the
3 structure?

4 If this was going to be a parking
5 garage, because you did do the design in the brick,
6 the red brick, correct?

7 So -- and that was a parking lot for --
8 I think the resolution that I read, and I think you
9 corrected it and said it was 502-ish --

10 THE WITNESS: It's 502.

11 MS. BANYRA: -- okay, but the
12 resolution said 487 --

13 MR. MATULE: That is the number I used.

14 MS. BANYRA: -- whatever it is, okay.

15 MR. GALVIN: What "ish"?

16 MS. BANYRA: Yeah, "ish," So it's
17 500-ish.

18 (Laughter.)

19 -- so if you were designing the parking
20 garage today, would you design it in red, or would
21 you do with it, if this wasn't including
22 residential, what would be the difference in your
23 building?

24 THE WITNESS: I probably would not
25 design it in red, because I think there is a lot of

1 red brick at Neumann Leather. It's everywhere, and
2 I think, if anything, you have to lighten it. It is
3 a little heavy.

4 MS. BANYRA: So your choice in 2011 was
5 just because you were pushed that way, or just a
6 different time?

7 THE WITNESS: I don't know if I want to
8 go into details on that. I might lose the client.

9 (Laughter)

10 MS. BANYRA: Okay. Then that's fair
11 enough.

12 So then my second question or my second
13 comment was relative to the question that
14 Commissioner Fisher had asked the attorney regarding
15 undersized lot, and I think that was explained.

16 But just so the Board is aware, and I
17 think I put this in my report, that there is an act
18 of redevelopment plan underway, which I am on the
19 team preparing that, and John knows that because I
20 actually met with him last week.

21 So our time line on that is we are
22 hoping for a public hearing in September and
23 hopefully an adoption in October.

24 Now, we haven't drafted up a plan per
25 se, but we are having next Tuesday night, while you

1 are at this meeting, there will be a meeting going
2 on as a preliminary meeting on the Neumann site, and
3 John has been nice enough to share some of his
4 models that we are going to be having there and just
5 some other images and things for the different
6 people in town and the neighborhood to look at.

7 But there is an active -- as opposed to
8 we talked about there is lots of redevelopment areas
9 in town, and there's not necessarily active plans in
10 town. This is an active plan with a shortened time
11 frame.

12 CHAIRMAN AIBEL: When you say "it," are
13 you talking about Neumann Leather or --

14 MS. BANYRA: I'm sorry. Neumann
15 Leather, but this site is included in that, though.
16 Both properties --

17 CHAIRMAN AIBEL: That was my question.

18 MS. BANYRA: -- I'm sorry -- that was,
19 yeah, kind of my point that I left off -- both
20 properties, that we just approved 301 and then this
21 is 307-313, both of them -- that entire block
22 including Neumann Leather and those two properties.

23 We did meet with the property owner on
24 301 and indicated to him that, you know, he has an
25 approval, as this applicant does as well. A

1 redevelopment plan may come that may give them
2 something better than an approval. You know, you
3 would hope, if you were the property owner, we have
4 not landed there yet, so we don't know what is going
5 to be permitted on the other properties, and we just
6 encouraged the property owner, if he wasn't rushing,
7 this is 301, if he wasn't rushing to construct,
8 that, you know, something better maybe developed
9 when we end up developing the entire property
10 because we will develop it out unless he starts
11 construction, so to speak, on that corner.

12 So that is all I wanted to add.

13 CHAIRMAN AIBEL: Thanks, Eileen.

14 MS. BANYRA: Okay.

15 CHAIRMAN AIBEL: John?

16 COMMISSIONER BRANCIFORTE: I am going
17 to have some really specific questions now.

18 Are you ready?

19 Do you have to do a traffic study for
20 this building? Is it required?

21 MR. MATULE: We have the traffic study
22 from the prior application, and I can bring Mr.
23 Stiagar back in, yes.

24 COMMISSIONER BRANCIFORTE: Okay.

25 Again, you just asked this question,

1 but before it was 487 spaces, is that what you said?

2 MS. BANYRA: That is what the
3 resolution said --

4 MR. MATULE: There is, yes, it's a
5 little --

6 MS. BANYRA: -- there's something -- I
7 don't know -- I think they asked for 502. The
8 resolution said 487. It is somewhere in between
9 that, because --

10 MR. GALVIN: Oh, no --

11 CHAIRMAN AIBEL: No, it's 487.

12 MR. GALVIN: -- no. It is what the
13 resolution says. So if I got it wrong, we are going
14 to have to amend the resolution. It is never an
15 "Ish" for me.

16 MS. BANYRA: Yeah --

17 MR. MATULE: The difficulty I have is
18 in looking at the resolution, at one point it says
19 487 spaces --

20 MS. BANYRA: In the beginning --

21 MR. MATULE: -- and then it breaks them
22 down with a hundred spaces for Jefferson Trust, nine
23 for 89 Willow, so that is 109; and 378 for the
24 public, so that is -- 478, 587 -- 486, so it is
25 either 487, you know, 487 is what I have.

1 Now, maybe when I -- I saw something
2 else also in the resolution, where it was quoting
3 somebody who spoke, who said they thought it was
4 going to be 500-some spaces, so maybe that is the
5 way it started out.

6 MR. GALVIN: Yes. That is what I
7 usually do. It's like factually, I will put what
8 somebody says, but that doesn't mean that that is
9 the end result. The plan showed 487 spaces.

10 MR. MATULE: I didn't present the
11 matter, but in just looking at that resolution, and
12 then some other comments from the operator about
13 moving some stuff around the ground floor, I get the
14 sense that they probably lost a few spaces by
15 changing some things around --

16 MR. GALVIN: That's possible.

17 MR. MATULE: -- on that original
18 application, so I think we should --

19 MR. GALVIN: But it didn't -- it
20 wouldn't go up without having to come back here to
21 get our approval.

22 MR. MATULE: I think we should stick
23 with the 487 number for the record.

24 CHAIRMAN AIBEL: I don't think we're
25 going to stick with it. It says: The Board made

1 the following findings of fact: The number of
2 parking spaces to be provided is 487, as opposed to
3 502, which were originally requested.

4 MR. GALVIN: That's pretty clear.

5 Hey, who wrote that resolution?

6 (Laughter)

7 CHAIRMAN AIBEL: You were practicing at
8 the time.

9 MR. GALVIN: I am sure.

10 COMMISSIONER BRANCIFORTE: So I'm just
11 curious as to whether we're going to hear from the
12 traffic expert.

13 The next question deals with safety of
14 people exiting the garage and entering, and, you
15 know, if we're increasing the number of cars coming
16 in and out, even if it is just by whatever,
17 20-something, John, you are going to have to explain
18 how you are going to keep that sidewalk safe for
19 pedestrians with the cars that are pulling in and
20 out.

21 THE WITNESS: I will.

22 Thank you.

23 We presented back in 2011 a traffic
24 study for the 487 parking spaces. This building is
25 213 parking spaces, all right? So that instead of

1 seven stories of parking, John, it is now four.

2 There are 213 parking spaces on four
3 levels, and the breakdown of the 213 is 100 parking
4 spaces go to Jefferson Trust --

5 COMMISSIONER BRANCIFORTE: Well, John,
6 not to -- I'm going to interrupt you, because the
7 breakdown is not important to me.

8 What I am discussing now -- what I want
9 to discuss now is when you get into your car, and
10 the valet brings your car down, and you jump in it,
11 and then you hit the gas and you zip out of your
12 garage, what kind of safety -- how are you going to
13 ensure the safety of the pedestrians, as these
14 people cross in front of the garage?

15 THE WITNESS: What I initially said was
16 that we presented parking testimony for 487 spaces.
17 We are proposing now something with less density, so
18 I assume that when we have our planning study, that
19 there will be a planning study that assesses the
20 less parking spaces in relationship to the 487
21 parking spaces, for which we already provided in the
22 testimony.

23 MR. MATULE: You mean the traffic
24 study?

25 THE WITNESS: Traffic study, yes.

1 From an architectural standpoint, my
2 level of responsibility, and I will use this board
3 here, I'll use this.

4 What I have provided here is I have
5 separated the residential use to the far west, so
6 that is the residential lobby of the building.

7 Parking, of course, is on center
8 because of the optimization of the layout.

9 This is a driveway pulling in and out.

10 There is already a driveway here
11 pulling in and out, so it is the same location on
12 the block, and then the parking office is over here,
13 so we separated the uses so they are not on top of
14 each other.

15 COMMISSIONER FISHER: Except -- except
16 interestingly, the uses are in an order where people
17 are going to come out of the building and walk
18 towards the Path nine times out of ten, and they are
19 going to walk right into the cars coming in and out
20 of the building as opposed to the entrance of the
21 building being to the east entrance of the garage,
22 where you wouldn't have as much of a conflict.

23 THE WITNESS: I understand your point.

24 If there is 213 parking spaces, let's
25 just say for argument sake, 213 people are using the

1 office. They are on this side, right?

2 The 14 units are here.

3 There is a higher use in the public
4 office of the parking garage than the private
5 residential lobby of the building. I mean, somebody
6 has to cross the driveway. It will meet all codes,
7 lights, sensors, everything, but we took the higher
8 use and put it here, and the lower use and put it
9 there.

10 COMMISSIONER GRANA: Does that mean
11 that a patron actually uses the office to collect
12 their car?

13 THE WITNESS: No. The patron has a
14 safe interior way to get into the garage, so they
15 don't have to come outside. So if it's inclement
16 weather, there is a passage right through into the
17 valet office.

18 COMMISSIONER GRANA: So I guess I'm
19 just confused.

20 Then how is the office representing a
21 higher use than the residential -- the higher amount
22 of pedestrian traffic than for residential --

23 THE WITNESS: I think the public is
24 using here.

25 The condo owners are using the private

1 entry --

2 COMMISSIONER GRANA: Understood.

3 THE WITNESS: -- so more people are
4 using this, if there's 213 parking spaces --

5 MS. BANYRA: Including Jefferson Trust?

6 THE WITNESS: -- including Jefferson
7 Trust.

8 COMMISSIONER GRANA: So, again, if
9 I'm -- how will I as a patron --

10 THE WITNESS: A non resident --

11 COMMISSIONER GRANA: -- a non
12 resident -- I'm sorry -- a non resident, what is my
13 relationship to that office?

14 Am I going in there to collect my car,
15 or to -- what is my purpose for going into and out
16 of the office?

17 COMMISSIONER FISHER: To pay.

18 THE WITNESS: Probably to pay.

19 COMMISSIONER FISHER: Yes.

20 COMMISSIONER GRANA: To pay, okay.

21 That was my question.

22 That was my question. Is that the --
23 is that the point at which I need to use that office
24 to collect my car?

25 MR. MATULE: If I can interject, and I

1 have the operator here, the way the plan is here
2 laid out, there is a customer waiting area outside
3 of that office. I can't tell the orientation. I
4 guess to the immediate southwest of the office,
5 there is a customer waiting area there.

6 THE WITNESS: And that customer waiting
7 area is set inside of the building, not on the
8 sidewalk, so it is in here.

9 COMMISSIONER GRANA: That likely
10 accesses the office --

11 THE WITNESS: They're in here in that
12 space. See those two people?

13 MR. MATULE: There is actually a
14 door --

15 COMMISSIONER MC ANUFF: On the first
16 floor plan, you walk in off the street to the
17 customer waiting area. There is an office there,
18 and that's where you pay in the waiting area?

19 THE WITNESS: Yes, and at no point are
20 you in the driveway.

21 COMMISSIONER MC ANUFF: Correct, and
22 you would collect the car --

23 THE WITNESS: Yes. So you do your
24 entire transaction without being in the driveway.

25 COMMISSIONER GRANA: I was just trying

1 to clarify the point, that there would be a reason
2 that there's a higher level of pedestrian use of
3 that side of the building versus the residential
4 side.

5 THE WITNESS: Yes, agreed, yes. I
6 agree with that.

7 COMMISSIONER GRANA: Okay, thank you.

8 COMMISSIONER BRANCIFORTE: But we
9 are -- getting back to my question.

10 You basically -- explain the safety
11 measures that you have right now when a car pulls
12 out.

13 THE WITNESS: Well, when the car pulls
14 out of the driveway, you will have an audible
15 device, an optical device, and it will function like
16 every other driveway in town, which meets code and
17 has optical devices --

18 COMMISSIONER BRANCIFORTE: Okay. Where
19 is the --

20 THE WITNESS: -- so that across the
21 street from Neumann Leather, when I go to Piccolo's
22 for a steak sandwich, there is a driveway and
23 there's an optical device. If somebody is pulling
24 out, the door is up, and the optical device is off,
25 and I don't walk into the driveway, right?

1 So now the thing is here, though, John,
2 that when your patrons are using the garage, they do
3 all of their transactions in an area that doesn't
4 infringe on the driveway.

5 COMMISSIONER BRANCIFORTE: I'm not
6 worried about people who are getting their cars.
7 I'm worried about --

8 THE WITNESS: Pedestrians?

9 COMMISSIONER BRANCIFORTE: -- the
10 little -- I've said it a billion times here, and
11 people are sick of hearing me say it, I am thinking
12 about the little kid on the Big Wheel. He's taking
13 off down the sidewalk and doesn't understand what a
14 flashing red light in front of a garage door means.
15 That's what I'm worried about, John.

16 And now we are talking about 213 cars
17 pulling out, and you know, it has come to my
18 attention more recently now that I live in a garage
19 building, and I see that blinking red light every
20 time I pull out, and I see people still walking in
21 front of the garage door, staring at their phones,
22 what I call making out with your phone now. That's
23 the new thing, people staring at their phones,
24 making love to their phones as they walk down the
25 street and are oblivious as to what is going on, and

1 the fact that there's a garage next to them when
2 they walk by, that's what I'm curious about.

3 We have to go above and beyond now the
4 basic, because now it's a family neighborhood. Now
5 it is a pedestrian friendly neighborhood, we just
6 can't have one flashing light and say, yeah, that's
7 it. We've met the minimum. It's safe. It has a
8 red flashing light, so you have to come up with
9 something that going to make it safer to pull cars
10 in and out of there, additional lights, mirrors, a
11 speed bump on their way out the door, I don't know.
12 I am not the architect. I'm not the traffic guy.
13 You tell me.

14 THE WITNESS: We can look in
15 coordination with the traffic guy at a series of
16 devices, such as an audible device.

17 COMMISSIONER BRANCIFORTE: Mirrors,
18 maybe a bump to slow people down from just gunning
19 it and taking off out of the garage --

20 THE WITNESS: I agree with all of your
21 concerns.

22 COMMISSIONER MC ANUFF: Well, I would
23 say as far as slowing down, when the valet brings
24 the car out, it is going to come to a stop at the
25 customer waiting area while the customer gets in

1 before they pull out, correct?

2 It is not going to be that you are
3 starting from back here and driving straight out.

4 THE WITNESS: Agreed.

5 COMMISSIONER BRANCIFORTE: Still, I
6 mean, if you are sitting in your car at that stop
7 line, your view, you know, I mean, your view is
8 going to be this.

9 MR. MATULE: I am sure Mr. Staigar will
10 address this, but in prior testimony with this
11 issue, you know, he has indicated, you know, that
12 people exit slowly and have to look in both
13 directions, you know. It is just normal safety.

14 You know, frankly, John --

15 COMMISSIONER BRANCIFORTE: Well, that
16 is the same way that people have to stop at stop
17 signs and wait for pedestrians to cross.

18 MR. MATULE: Exactly.

19 COMMISSIONER BRANCIFORTE: -- yet that
20 never happens in Hoboken.

21 MR. MATULE: Well, that's an
22 enforcement issue. That's not a design issue.

23 COMMISSIONER BRANCIFORTE: All right.

24 THE WITNESS: But I will say, though,
25 in support of your concern, I can imagine a solution

1 where we have planters on the column lines, which
2 will assure that kids on Big Wheels or people
3 texting as they are walking are not walking close to
4 the building, so that as the valet pulls up, they
5 don't walk into a moving car with their faces down.
6 So we can provide an architectural buffer at that
7 edge, which I think will help alleviate some of the
8 concerns you have.

9 COMMISSIONER BRANCIFORTE: Okay. Well,
10 obviously, we are not going to wrap this up tonight,
11 so you can make the changes and come back.

12 The other thing, too, with this
13 additional number of feet, I am starting to worry
14 about the amount of shadow you're going to cast
15 across the street, into the buildings across the
16 street.

17 How many people are going to lose their
18 light now with the additional 14 feet I think it is?

19 THE WITNESS: Well, remember, the
20 testimony was that the majority of the 14 feet, the
21 majority of it is set way back from the street.

22 COMMISSIONER BRANCIFORTE: But wait a
23 second.

24 Now, since we are talking about new
25 variances, we are not just talking about the 14 feet

1 anymore. We are talking about the entire -- a
2 shadow cast by the entire building, rather than the
3 additional 14 feet.

4 THE WITNESS: But you just asked me
5 about the 14 feet.

6 COMMISSIONER BRANCIFORTE: Yeah, I
7 know. That is my bag. Sorry, John.

8 (Laughter)

9 THE WITNESS: I'm just trying to answer
10 your questions.

11 COMMISSIONER BRANCIFORTE: I know.

12 Well, let's talk about the entire
13 building, not just the additional 14 feet, but the
14 shadow cast by this building across the street.

15 MR. GALVIN: Now that it is 92 feet in
16 height.

17 THE WITNESS: At that point.

18 MR. GALVIN: Uh-huh.

19 THE WITNESS: What I would say is that
20 your building is stepped, all right, so that your
21 shadow -- you're not taking that 92 feet all the way
22 to the street entrance, right. It is stepped back,
23 so you are terracing, and I think that minimizes the
24 shadow, and what we are doing is really picking up
25 the cornice line, which was pretty much a prevailing

1 cornice line in that neighborhood at this point,
2 including the neighbors across the street.

3 COMMISSIONER BRANCIFORTE: I am just
4 worried about -- I'm curious how many people across
5 the street are going to lose their light in the
6 morning, you know, because of this. Who is going to
7 lose their light, I don't know. I am not an expert
8 on shadows. That is why I am asking.

9 Maybe you can address that next time
10 with a shadow study or something?

11 THE WITNESS: I could very easily give
12 you a shadow study.

13 COMMISSIONER BRANCIFORTE: The only
14 other question on Z-4, you have parking space number
15 25.

16 Is that Z-4 numbered -- parking space
17 number 25, is there enough space in there for
18 somebody to get in and out of that storage unit with
19 a car -- to whatever -- to get around that car?

20 I mean, are you really trying to
21 squeeze the extra car in there?

22 THE WITNESS: Yes. We are trying to
23 squeeze the extra car. There is three feet of
24 space, which is code, and it is a valet building.

25 COMMISSIONER BRANCIFORTE: Okay.

1 COMMISSIONER FISHER: They will move
2 the car to get to the storage.

3 COMMISSIONER BRANCIFORTE: That is
4 fine.

5 MR. GALVIN: Very good.

6 COMMISSIONER BRANCIFORTE: Any -- any
7 storage just for Vespas, that kind of thing in this
8 building, scooters, and they will just be in regular
9 spots?

10 THE WITNESS: Yes. We would provide
11 that.

12 COMMISSIONER BRANCIFORTE: Okay.

13 COMMISSIONER FISHER: Did you -- just
14 to follow up -- I think you had mentioned or asked
15 the question about the traffic study, Mr. Matule.
16 Is --

17 MR. MATULE: I'm sorry?

18 COMMISSIONER FISHER: -- I think you
19 mentioned there was a traffic study done back in
20 2011.

21 MR. MATULE: Right.

22 COMMISSIONER FISHER: John, I think you
23 said or you were referencing that chances are that
24 the traffic expert will opine relative to that
25 study, i.e., the number of parking spots has gone

1 down by 60 percent. Therefore, they are going to
2 knock 60 percent off of all of the numbers?

3 MR. MATULE: He would update his
4 numbers --

5 COMMISSIONER FISHER: Okay. If he
6 can --

7 MR. MATULE: -- though --

8 COMMISSIONER FISHER: -- if he can
9 update his numbers, I think --

10 MR. MATULE: -- I'm sure Mr. Staigar
11 will update his numbers --

12 COMMISSIONER FISHER: -- well, no, not
13 just for the 213 parking spots. But traffic, you
14 know, if things have changes, because we've seen a
15 lot of demographic changes in Hoboken.

16 MR. MATULE: Just so I'm making myself
17 clear, and perhaps I haven't, when I say he will
18 update his numbers, Mr. Staigar does traffic studies
19 all over the city, so he is constantly getting
20 updated traffic counts from the streets and the
21 intersections as such.

22 I don't mean he will update his numbers
23 by saying, instead of 400 cars, now we're going to
24 have 200 cars. I mean, he will get the traffic
25 counts, and I think he will probably, as he usually

1 does, talk about peak hour trips and what kind of --
2 and maybe this will address some of Mr.
3 Branciforte's concerns -- also it's what kind of
4 trip generation we can expect from, you know, a
5 garage, that probably half of the spaces are going
6 to be for the local residents as opposed to, you
7 know, commuters driving into town wanting to park
8 there.

9 I suspect probably a lot of monthly
10 parkers is going to be people from the neighborhood
11 as opposed to commuters.

12 COMMISSIONER FISHER: Perfect.

13 I think part of the original -- I think
14 in your application, it said originally -- the
15 original approval really met a shortage of parking
16 in the area.

17 I think, you know, it is a shame that,
18 you know, you are getting rid of 250-ish parking
19 spaces.

20 MR. GALVIN: Let me just recommend, you
21 know, that that is more like a comment. You should
22 kind of like keep those until you get to the end of
23 the case, unless you're asking them to increase the
24 number of parking spaces as part of this plan. But,
25 again, that's to my point of you have to look at the

1 plan that is in front of you. This is the plan that
2 we have, and this is the plan they presented, so...

3 CHAIRMAN AIBEL: Mr. Nastasi, what is
4 the architectural benefit of the penthouse to the
5 community?

6 Is there any benefit to the community,
7 architecturally from the penthouse?

8 THE WITNESS: I think the benefit the
9 residential penthouse provides to a community is
10 probably found in the actual layouts of those
11 apartments, and that allowed us to have more
12 family-friendly apartments and less transient
13 apartments, and the client was clearly asking me to
14 build a building that was family centric and
15 neighborhood centric. We wanted to develop robust
16 family-sized apartments with a heavy bias on threes
17 and then twos, so I would say that the addition of
18 the penthouse, that decision came in the planning of
19 those apartments.

20 CHAIRMAN AIBEL: But you are adding 14
21 feet in height to the building, 14 feet higher than
22 your immediate neighbor, 14 feet higher than the
23 Jefferson Trust buildings across the street.

24 THE WITNESS: The application is for 14
25 more feet of which the penthouse is a percentage of

1 that, yes.

2 CHAIRMAN AIBEL: Will the penthouse cut
3 off sight lines from the Jefferson Trust building,
4 particularly on the higher floors on the south?

5 THE WITNESS: Sight lines to?

6 CHAIRMAN AIBEL: To the south.

7 Is it going to be a structure that I am
8 going to look out from my windows on the top floor
9 of Jefferson Trust and have it smack dab in my front
10 view mirror?

11 THE WITNESS: I would say the answer is
12 when you are in Jefferson Trust, and you are looking
13 across the street, you are looking at this building.

14 And when you are in this building
15 looking across the street, you are looking at
16 Jefferson Trust, and that is how cities are made,
17 right?

18 I can't testify that you won't see our
19 building when you look across the street. It is
20 across the street from our building, so it's a city
21 and it's across the street, so...

22 CHAIRMAN AIBEL: It's the 14 feet that
23 I'm inquiring about, but let me ask --

24 MR. GALVIN: Well, Mr. Chair, you don't
25 live in the Jefferson Trust building, right?

1 CHAIRMAN AIBEL: That's correct.

2 MR. GALVIN: Well, you said that.

3 (Laughter)

4 CHAIRMAN AIBEL: Does anybody else have
5 questions?

6 MR. MATULE: They are represented here
7 tonight --

8 COMMISSIONER BRANCIFORTE: Well, you
9 know about the traffic study, there is more to the
10 study than just how many cars are coming and going.
11 There is questions about cars coming down Newark
12 Street that have to stop to make a left-hand turn,
13 how many cars --

14 MR. GALVIN: Well, let me just stop
15 you --

16 COMMISSIONER BRANCIFORTE: -- that will
17 be a --

18 MR. GALVIN: -- stop, stop.

19 We shouldn't do that. Mr. Nastasi has
20 given us his best shot --

21 COMMISSIONER BRANCIFORTE: No, no --

22 MR. GALVIN: -- we shouldn't go into
23 that --

24 COMMISSIONER BRANCIFORTE: -- I'm
25 saying that will be addressed in the next traffic

1 study, that same question about cars cuing behind or
2 having to stop --

3 MR. MATULE: Yes.

4 In my experience, as part of Mr.
5 Staigar's or almost any traffic engineer's traffic
6 study, they do counts at all of the surrounding
7 intersections and determine the level of service
8 before and after --

9 COMMISSIOENER BRANCIFORTE: Okay.

10 MR. GALVIN: I think the part about the
11 inquiry about traffic that is fair is (a), we have
12 to park cars in the building, and it is part of the
13 architectural plan.

14 And (b) the safety issue about coming
15 out onto the sidewalk, you know, it has been a
16 concern for the Board --

17 MS. BANYRA: It's relative to design.

18 MR. GALVIN: -- yes, it is relative to
19 design, yes --

20 MR. MATULE: I don't disagree.

21 MR. GALVIN: -- but all of the other
22 steps have to wait until we have traffic testimony
23 or the planner's testimony.

24 CHAIRMAN AIBEL: So let me -- Board
25 members, do you have any questions for Mr. Nastasi?

1 COMMISSIONER MURPHY: Well, were you
2 thinking of doing a LEED building or --

3 THE WITNESS: Well, the categories of
4 LEED don't allow for 50 percent of it as parking --

5 COMMISSIONER MURPHY: Okay.

6 THE WITNESS: -- so you have to fit
7 these categories. But the systems, the sustainable
8 systems that I mentioned get right to the heart of
9 what LEED design is about.

10 So the things that I rattled off,
11 generators, stormwater retention, detention, green
12 roofs, bicycle parking, electric charging are all
13 key LEED items.

14 MS. BANYRA: Will that be HVAC as well,
15 John?

16 THE WITNESS: Yes.

17 CHAIRMAN AIBEL: They will be?

18 THE WITNESS: Yes.

19 COMMISSIONER BRANCIFORTE: John, I am
20 kind of stuck on something, and I'm real sorry about
21 this.

22 But on Z-3, okay, look at Z-3, where
23 you show your storage unit there in the bottom
24 right-hand corner.

25 THE WITNESS: Yes, in the southeast.

1 COMMISSIONER BRANCIFORTE: There is a
2 column there. Is that a column or you show a
3 square -- a box there.

4 THE WITNESS: Right. That is a private
5 storage room that because it is a valet building,
6 that they will --

7 COMMISSIONER BRANCIFORTE: But you step
8 outside of the storage room and just to the left of
9 the door --

10 THE WITNESS: That's a concrete column.

11 COMMISSIONER BRANCIFORTE: Concrete
12 column.

13 So how does a person walk in and out of
14 the storage when there's a parking space there, if
15 there's a car there?

16 THE WITNESS: Well, they would not. It
17 is a valet building. They would not walk out of
18 that storage unit if a car was there.

19 COMMISSIONER BRANCIFORTE: Now, if a
20 person needs to get into that storage room, and
21 there's a car there, how do they get into the
22 storage room without having to constantly move the
23 car?

24 I mean, it's not really a storage room.
25 It's a room that's tucked away behind a parked car.

1 It's sort of like an unusable --

2 THE WITNESS: John, from an
3 architectural perspective, as a valet building, if
4 you could provide storage in a poche of the
5 architecture, meaning the dead space, and you allow
6 those people who run the garage to have a room to
7 put stuff, that's out of the public's eye, I think
8 you do it, and I think that that alleviates the
9 visual clutter of a facility like this.

10 COMMISSIONER BRANCIFORTE: Okay.

11 I'm getting back to the same thing as
12 before. I don't see where you are putting -- I
13 don't see where you are storing your garbage when
14 you bring it down to the ground floor, because the
15 first floor -- I mean, it doesn't seem practical to
16 me.

17 In the bottom left-hand corner, you
18 have storage with a parking space in front of it.
19 On the right-hand side you have storage with a
20 parking --

21 THE WITNESS: But I never testified
22 that we were bringing the garbage down to the
23 garage.

24 I testified that the garage was a
25 separate facility, and I had probably 300 percent

1 more square footage for garbage storage than any
2 typically residential building in Hoboken, and that
3 I didn't say that we would bring it down into garage
4 because it's a separate facility. I said that the
5 condo association would set up a system to
6 adequately professionally do this.

7 MR. GALVIN: I agree with you. That is
8 what you said, you know, just if it makes you feel
9 better.

10 THE WITNESS: Thank you.

11 COMMISSIONER BRANCIFORTE: All right.

12 CHAIRMAN AIBEL: The Board is still
13 confused as to how it's going to eventually get out
14 of the building, but that is not your job to tell
15 us, like you said.

16 MS. BANYRA: I think just to go to your
17 point with storage space, I mean, I think when it is
18 pinched like that, that it's used in -- you know,
19 what you're putting in there is recognizing --

20 COMMISSIONER BRANCIFORTE: It's not
21 something you go --

22 MS. BANYRA: -- well, you wouldn't be
23 using -- exactly. You wouldn't be putting -- if you
24 ride your bike every day, it wouldn't go into here.

25 COMMISSIONER BRANCIFORTE: Road salt,

1 shovels, brooms --

2 COMMISSIONER FISHER: It is for the
3 parking garage company. They are going to store --

4 COMMISSIONER BRANCIFORTE: Right.

5 MS. BANYRA: We don't know what it is
6 for, but it is not going to be used -- you know, it
7 may be pinched. They recognize that, but it's still
8 there, and you can use it for something, so --

9 THE WITNESS: I would propose that I
10 meet with my clients, and when we come back, we will
11 give you a plan for garbage, storage, separation,
12 recycling and removal.

13 COMMISSIONER BRANCIFORTE: Great.

14 MR. GALVIN: I think you should have a
15 plan for like when you get that building done, what
16 are you going to do, so if you could tell us now,
17 that would be great.

18 THE WITNESS: Right. And what I have
19 done at this point is to provide adequate storage on
20 each floor --

21 MR. GALVIN: Yes, I agree.

22 THE WITNESS: -- I haven't been
23 negligent --

24 MR. GALVIN: -- No, I am not suggesting
25 that at all.

1 The Board is asking -- sometimes we ask
2 a question that might be useful.

3 COMMISSIONER BRANCIFORTE: Sometimes.

4 (Laughter)

5 THE WITNESS: All of Mr. Branciforte's
6 questions are useful.

7 MR. GALVIN: If you say so, yes.

8 CHAIRMAN AIBEL: Yes?

9 COMMISSIONER MC ANUFF: I would just
10 make a point with the storage.

11 I mean, as far as the small room, you
12 can just slide this wall and this wall a little
13 further back and have a smaller storage room with
14 easier access in and out of it, if you put your wall
15 and your door back here instead of over here.

16 THE WITNESS: Except that I think that
17 room is shovels, brooms, hoses --

18 COMMISSIONER MC ANUFF: Yes. You'd
19 still have this area, but if the concern is
20 access --

21 COMMISSIONER BRANCIFORTE: I say you
22 just -- yeah, you will figure it out. Just make
23 sure you have a place to store the trash, so we're
24 not leaving it on the street early in the day.

25 MS. BANYRA: Mr. Nastasi, I didn't

1 remember seeing the back of the building.

2 So are there windows on the back of the
3 building, or what is proposed into Neumann, because
4 we are not sure what is happening at Neumann, so...

5 THE WITNESS: This image, which is on
6 Page 5, shows a view looking from the southwest
7 towards the northeast.

8 You can see that at the base of this
9 garage is a red brick wall, which matches the
10 Neumann bricks, and because it is on the property
11 line, there are no windows. It is only when you
12 start stepping and terracing back in the residential
13 use, that you introduce windows.

14 MS. BANYRA: Thank you.

15 CHAIRMAN AIBEL: Thank you.

16 Can a building be constructed along
17 that property line?

18 MS. BANYRA: I think so, even if
19 hypothetically if Neumann, if we came up with a
20 design that built a building wall there, your
21 apartments are stepped back --

22 THE WITNESS: Yes.

23 MS. BANYRA: -- so I think it's where
24 it's -- when -- you can't butt them up against each
25 other. You have to give a certain space, so it's

1 either zero space or whatever the code is, five or
2 something --

3 COMMISSIONER FISHER: So they are just
4 taking that risk that it's lovely --

5 MS. BANYRA: Right, and I mean, I think
6 that is a logical risk given what is on the Neumann
7 site.

8 THE WITNESS: I would even state that
9 if you look at the 11 buildings on the Newumann
10 site, which I have done, this is a logical east
11 entry right from Willow facing the beautiful
12 smokestack. This will probably be a prime entry for
13 the Neumann Leather complex, which is a horrendous
14 entry now, but it could be a beautiful entry if
15 it's --

16 MS. BANYRA: Right.

17 CHAIRMAN AIBEL: Professionals,
18 anything for the architect?

19 Okay. Let me open it up to the public.

20 Anybody have questions for Mr. Nastasi?

21 This is questions for the architect.

22 Mr. Evers?

23 We are questioning the architect.

24 MR. EVERS: Yeah.

25 MR. GALVIN: Name, address.

1 MR. EVERS: Mike Evers, 252 Second
2 Street, Hoboken, New Jersey.

3 Okay. It is affordable housing time.

4 John, I have a question for you because
5 I looked at the plan of compliance, which seems to
6 have some of the features of the ordinance not
7 addressed, so I just wondered if I could ask you
8 about them in a friendly way.

9 THE WITNESS: Of course.

10 MR. EVERS: Okay, good.

11 The ordinance has very specific
12 requirements for the distribution of one, two and
13 three-bedroom apartments. The plan of compliance
14 just says there's one affordable unit.

15 Now, according to the ordinance, at
16 least 20 percent of all low and moderate income
17 units shall be three-bedroom units.

18 So it's safe to say that if the one
19 unit is a three-bedroom unit, then at least 20
20 percent of them are three-bedroom units?

21 MR. MATULE: Frankly, I don't
22 understand the question.

23 MR. EVERS: Well, if a hundred percent
24 of the units are three-bedrooms, then certainly at
25 least -- certainly at least 20 percent of them are

1 three-bedrooms. Is that correct?

2 MR. MATULE: Well, we are only
3 providing one unit, so whatever we provide, it is
4 going to be a hundred percent.

5 MR. GALVIN: Oh, I thought you were
6 providing two. You were just saying one
7 two-bedroom?

8 MR. MATULE: We suggested that we were
9 going to provide one two-bedroom unit, so that
10 satisfies the 30 percent minimum two-bedroom
11 requirement.

12 MR. EVERS: Okay.

13 But in the plan of compliance -- if I
14 may ask, if that is the case, Bob, then why isn't it
15 that the plan --

16 MR. GALVIN: Wait, wait --

17 MR. MATULE: It's okay.

18 MR. EVERS: -- okay, cool --

19 MR. GALVIN: -- proper respect, right?

20 MR. EVERS: Oh, no, I wasn't trying to
21 be rude.

22 MR. GALVIN: Okay.

23 MR. EVERS: The -- I was just trying to
24 ask it as a question.

25 According to the plan of compliance

1 requirements in the ordinance, and specifically Item
2 1C says: In statements setting forth the number of
3 affordable units required to be provided is based
4 upon the number of low income and moderate income
5 units, and the number of efficiency one-bedroom,
6 two-bedroom, and three-bedroom, the larger units to
7 be provided in each category.

8 So the question I'm asking is: Where
9 in the plan of compliance that's been offered so
10 far?

11 Do you satisfy that requirement that's
12 based upon the type of unit to be offered?

13 MR. MATULE: My response is when we're
14 only talking about supplying one unit, if your
15 interpretation of that ordinance is that we have to
16 comply with all of those numbers you just read off,
17 it is impossible to comply.

18 MR. EVERS: But clearly there has to be
19 a certain number -- wouldn't you agree there has to
20 be a certain number of bedrooms in the affordable
21 unit, whether it's zero, one, two, or three?

22 MR. GALVIN: He is offering a
23 two-bedroom. He said a two-bedroom.

24 MR. MATULE: I don't think we could
25 have a no-bedroom affordable unit, no.

1 MR. EVERS: But the plan of compliance
2 is supposed to state the distribution of units.

3 So my question is basically what kind
4 of unit is the one affordable unit listed as item
5 number (c) in the plan of compliance?

6 MR. GALVIN: What I'm saying is --

7 MR. MATULE: The testimony earlier this
8 evening was it was going to be a two-bedroom unit.
9 You know, I really don't know how else to address
10 your concern or your question, because --

11 MR. EVERS: So I'm saying --

12 MR. MATULE: -- we were providing one
13 unit.

14 If we were providing 12 units, then it
15 would be very easy to do the math and break them all
16 down.

17 MR. EVERS: So the answer to the
18 question is that it's a two-bedroom unit?

19 MR. MATULE: Yes.

20 MR. EVERS: Okay, terrific.

21 Hum, hum, the other question I just had
22 was on Item No. (F) of the plan of compliance.

23 The last section of Paragraph F ends
24 with the statement: If, and when necessary. The
25 plan of compliance doesn't say "if, and when

1 necessary."

2 Doesn't the plan of compliance say it
3 is required, not if you feel like it?

4 MR. MATULE: I know what the ordinance
5 says, and certainly, Ms. Banyra, you can chime in
6 here, but Shirley Bishop, who is the city's
7 consultant when we did the first one, when Mr. White
8 did the first one, it was such a convoluted and
9 detailed and painstaking and time taking and
10 expensive process to go through, that Ms. Bishop
11 suggested that at the preliminary site plan approval
12 stage, the cost benefit was not there to do all of
13 that analysis upfront when you don't know what it is
14 you're ultimately going to get approved for, and
15 that is why the language was suggested by the city's
16 consultant to change the form to say "if, and when
17 necessary."

18 My understanding of "if, and when
19 necessary" means, assuming this gets approved on a
20 preliminary level, when we come back for final site
21 plan approval, at that time we would have to supply
22 that information.

23 You know, quite frankly, I think the
24 whole process is a work in progress at this point,
25 because the consultant for the city is not really on

1 board, where applicants can interact with the
2 consultant. I tried doing that and Ms. Bishop has
3 advised me that that is not her belief at this
4 point.

5 So, again, it is an evolving process.
6 Hopefully at some point in time, we will have a
7 person in the city who we can interact with to
8 prepare this documentation, but that is the way I
9 was advised to submit the information.

10 CHAIRMAN AIBEL: So a condition of
11 approval would be supplying whatever the ordinance
12 requires?

13 MR. MATULE: Correct.

14 MR. EVERS: Wouldn't it be safe to say
15 then, Bob, that the statement is not "if, and when
16 necessary," it's prior to approval --

17 MR. MATULE: Not by the language --

18 MR. GALVIN: Well, I already made --

19 MR. EVERS: -- all right. Cool. All
20 right.

21 MS. BANYRA: I was going to say, Mr.
22 Evers, let me just say Mr. Matule correctly
23 paraphrased what Ms. Bishop -- to my understanding,
24 Ms. Bishop actually indicated that that section of
25 the ordinance she found inordinately difficult to

1 address to the extent where she -- I don't know if
2 you know, you probably know, she was the Director of
3 the Council on Affordable Housing.

4 She said she personally can't address
5 that section of the ordinance, and there may be one
6 or two people in the state who could address that.
7 So she said -- and also felt that it was
8 unnecessary, and -- I don't want to say superfluous,
9 but it was -- it was difficult, and she said, I
10 don't think it's necessary.

11 That was her statement to me. I think
12 that is what her statement was to you, Mr. Matule.

13 MR. MATULE: Yes.

14 MS. BANYRA: But I had quite a long
15 Sunday morning conversation on that particular issue
16 because I asked her -- we went through point by
17 point by point, and that is what she had responded
18 to me.

19 So I think she has advised the city of
20 that, and I think as we move through this process,
21 my understanding is Ms. Bishop will review
22 everything, and she's going to confirm that this is
23 good or not good, and that is really the end of it.
24 The Board won't be involved in deciding have they
25 satisfied this or not. We're going to send it on to

1 her. She's the expert, and we are going to leave
2 that up to her.

3 I mean, in terms of just the
4 affordability, whether it should be a one or a two
5 or a three, that would be Shirley Bishop's --

6 MR. GALVIN: I think what we should do
7 is -- you're talking about the compliance plan,
8 right?

9 MR. EVERS: I'm talking about the
10 compliance plan, but I'm asking here, and not to
11 give Bob a hard time about this at all, is the
12 reason we went through this whole hullabaloo of
13 recasting the ordinance was a decision by people who
14 are not judges, and who are not the elected
15 representatives who pass ordinances, decide whether
16 they are going to follow or not follow portions of
17 an ordinance. That's why I asked the question --

18 MR. MATULE: Well, I just --

19 MR. EVERS: -- not to pick on you.

20 MR. GALVIN: Wait a minute. Let me
21 just get this out is that what I want to put in as a
22 condition is, if we approve this application, even
23 though there is an uncertainty, that the affordable
24 housing compliance plan is to be submitted at the
25 time of final site plan approval.

1 We have time to work this out --

2 MR. EVERS: I understand.

3 MR. GALVIN: -- and I think where you
4 can help us is talk to the people that you have
5 relations with at the governing body to make sure
6 that we get this ordinance fixed.

7 So I want to comply and do everything I
8 have to do. But when the consultant says, some of
9 this isn't making sense or it's hard to apply it,
10 that makes me nervous, and we need to fix that, and
11 I don't know what to do, so...

12 MR. EVERS: Okay, that's fair. I'm
13 glad I asked the question.

14 MR. GALVIN: Okay.

15 MR. MATULE: Again, just for the
16 record, I have to take issue with the comment that
17 the elected officials who make the plans are the
18 ones that should be telling us how to do it.

19 Ms. Bishop is a consultant hired by the
20 City of Hoboken, so I think it is fair to say she is
21 an arm of the people who enacted this ordinance --

22 MR. GALVIN: Yes.

23 MR. MATULE: -- and if this is her
24 interpretation of the ordinance at the present time,
25 I don't think it is unreasonable to follow her

1 advice.

2 MR. GALVIN: I get it. Understood.

3 MR. ARROYO: May I approach the Board?

4 CHAIRMAN AIBEL: Please.

5 MR. ARROYO: Good evening.

6 My name is Manuel Arroyo. I represent
7 83 Willow, LLC, and I'm with the firm of Shapiro
8 Croland. I'm an attorney, and I have a question for
9 the witness.

10 I believe part of the testimony tonight
11 was that 100 of the 200 plus spaces that you propose
12 to develop --

13 MR. GALVIN: Oh, Counsel, can I ask
14 you, who do you represent?

15 MR. ARROYO: I'll repeat that for you.
16 It's 83 Willow, LLC.

17 83 Willow --

18 MR. GALVIN: Okay.

19 MR. ARROYO: -- just to put it in
20 context for the Board is a parking -- is a ground
21 parking facility. Maybe you could help me, but it's
22 that corner right there.

23 Mr. Matule very eloquently earlier took
24 you through some of the procedural history why 83
25 Willow is even implicated and why I'm here tonight,

1 because at a certain point in more ancient history,
2 this parcel and this subject parcel that's the
3 subject of tonight's proposed development and 83
4 Willow were joined in title.

5 Mr. Matule, can correct me if I am
6 wrong. Upon that title being fractured, there is a
7 deed that is a part of Exhibit A-1 that is now an
8 exhibit for tonight's testimony, and that deed
9 reflects a deed.

10 So the question I have relates to the
11 testimony as to the proposed parking and ways that
12 it's dedicated --

13 MR. GALVIN: All right.

14 MR. ARROYO: -- so I think the
15 testimony tonight was that of the 200 plus parking
16 spaces that are proposed to be developed at the
17 subject site, a hundred of those parking spaces are
18 to be dedicated for the benefit of the Jefferson
19 Trust. Is that right?

20 THE WITNESS: Correct.

21 MR. ARROYO: And do you understand --
22 or what's the basis for dedicating those hundred
23 spaces to the residents of Jefferson Trust?

24 MR. MATULE: I don't think the
25 architect can answer that question.

1 It is my understanding the basis is it
2 has its genesis in that original underlying site
3 plan approval for the Jefferson Trust condominium
4 and the parking off site that was subsequently
5 modified through a series of consent orders and an
6 agreement between the parties.

7 As I understand those agreements, the
8 ultimate obligation for the 100 parking spaces would
9 be in the garage to be constructed at 307 Newark.

10 I hope that answers the question, but
11 that is my understanding of the genesis of the
12 obligation.

13 CHAIRMAN AIBEL: That's part of Exhibit
14 1 --

15 MR. ARROYO: So, Mr. Nastasi, it is
16 your testimony that you understand that 100 of
17 the -- whatever number of parking spaces that you
18 are developing are to be dedicated for the benefit
19 of Jefferson Trust. Is that right?

20 THE WITNESS: That's correct, yes.

21 MR. ARROYO: So the rationale that Mr.
22 Matule provides us then is put into context, that
23 that is why you are doing that.

24 And that's really -- my only purpose
25 for being here tonight is to ensure that the record

1 is clear on that.

2 MR. GALVIN: Okay. Thank you.

3 MR. MATULE: Thank you, Mr. Arroyo.

4 MR. ARROYO: Thanks.

5 CHAIRMAN AIBEL: Anybody else have
6 questions for the architect?

7 Seeing none, can I have a motion to
8 close?

9 COMMISSIONER DE FUSCO: Motion to close
10 the public portion.

11 COMMISSIONER MC ANUFF: Second.

12 CHAIRMAN AIBEL: All in favor?

13 COMMISSIONER FISHER: Aye.

14 CHAIRMAN AIBEL: All in favor?

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

17 MR. GALVIN: Let's go.

18 (Laughter)

19 MR. MATULE: Well, that is all of the
20 witnesses that I have for this evening.

21 What I would like to do, if we could,
22 is get a continuation date and hopefully come back
23 and address some of the concerns with the architect
24 and also bring back our other witnesses.

25 COMMISSIONER BRANCIFORTE: So the

1 planner, the traffic guy, and then the owner
2 possibly?

3 MR. MATULE: We will have the owner
4 here, yes, if there are any operational questions.

5 MR. GALVIN: Another counsel.

6 MR. MATULE: Another attorney.

7 (Laughter)

8 MS. BANYRA: Pat, what's the date of
9 the June meeting?

10 MS. CARCONE: I have June 17th as a
11 Regular Meeting, and then June 24th designated as a
12 Special Meeting.

13 MS. BANYRA: So June 17th? I'm sorry.

14 MS. CARCONE: June 17th, yes.

15 MS. BANYRA: So that is where we just
16 put one application, so this would be the second
17 application for that meeting.

18 Yes?

19 MS. CARCONE: Fine.

20 Should we discuss having a second
21 meeting on the 24th, if we're available?

22 MS. BANYRA: I think we just need to
23 just get this one scheduled first, and we can see
24 how we cue everybody up.

25 THE WITNESS: I ask, if I could, except

1 for the booklet that is put in as --

2 MR. MATULE: Evidence.

3 THE WITNESS: -- evidence, if I could
4 collect the books, and I will bring them back the
5 next time, if that's okay.

6 (Board members confer.)

7 MR. GALVIN: No, you can't have it, Mr.
8 Branciforte.

9 COMMISSIONER BRANCIFORTE: No, I'm just
10 joking.

11 MR. GALVIN: No. Did you mark it?

12 COMMISSIONER BRANCIFORTE: NO.

13 MR. GALVIN: Did you mark it at all?

14 COMMISSIONER BRANCIFORTE: I don't
15 think I did. Let me look through it to make sure I
16 didn't raise or put any remarks on it, John.

17 (Board members confer)

18 MR. GALVIN: If the Board members have
19 marked it, you are not giving it back. It is not
20 usual for it to go back and forth.

21 MR. MATULE: It is not usual to have it
22 in the first place.

23 (Laughter)

24 MS. BANYRA: Yes. These are beautiful.

25 MR. MATULE: It is a first for me.

1 MR. GALVIN: Do you have markings in
2 them?

3 COMMISSIONER MC ANUFF: I drew a line
4 where a wall is, and that's it.

5 MR. GALVIN: We have drawn in this one,
6 so I'm not going to return it.

7 COMMISSIONER BRANCIFORTE: I'll make
8 sure I didn't mark it.

9 MR. MATULE: Can you give him another
10 one, John?

11 CHAIRMAN AIBEL: Okay.

12 MR. GALVIN: It would be like asking
13 for the judge's notes.

14 MS. BANYRA: I don't think we did
15 actually, but did we agree that that is the date for
16 the meeting?

17 MR. GALVIN: Not yet.

18 MS. BANYRA: So why don't we do that.

19 MR. GALVIN: We have another attorney
20 to hear from.

21 Counsel, are you going to be coming to
22 the next meeting or you're not concerned?

23 MR. ARROYO: I won't be. I am done.

24 MR. GALVIN: Thank you.

25 Can you hang around?

1 MR. ARROYO: Yes, of course.

2 MR. GALVIN: We are going to be done
3 pretty quickly, and I would like to talk to you for
4 a second.

5 CHAIRMAN AIBEL: Counsel?

6 THE REPORTER: Can you state your name?

7 MR. GRIFFIN: The reason that I'm
8 asking to speak to you tonight --

9 CHAIRMAN AIBEL: Please state your
10 name.

11 MR. GRIFFIN: Robert Griffin,
12 G-r-i-f-f-i-n. Griffin Alexander, PC on behalf of
13 Jefferson Trust.

14 The reason I am asking to be heard
15 tonight is I am not positive that I will be back on
16 June 17th, and I want to speak very, very briefly in
17 favor of this application.

18 I am also glad that Mr. Arroyo was here
19 because --

20 (Chairman confers with Mr. Galvin.)

21 MR. GALVIN: My advice is for you to
22 proceed.

23 CHAIRMAN AIBEL: We're taking your
24 comments out of order.

25 MR. GRIFFIN: I appreciate that, and I

1 actually know that, and I do appreciate it.

2 MR. GALVIN: Thank you.

3 MR. GRIFFIN: Here are my comments in a
4 nutshell, and I know it's getting late, so here it
5 goes.

6 Number one: Jefferson Trust is --
7 believes that the architectural design is vastly
8 improved. They like it. It combines the old and
9 the new, and they are very gratified to see that.
10 The applicant has been a good neighbor to us. He
11 has been upfront about his plans. He came over and
12 talked to us about it like a man.

13 We had our disagreements. We hashed
14 them out, and we shook hands. We are good.

15 We look forward to the redevelopment of
16 that site, and we look forward to the redevelopment
17 of the Neumann Leather project, and we think it will
18 be a nice fit. We think it will improve our
19 property values.

20 We are very happy that there is going
21 to be an extraordinarily large proportion of
22 three-bedrooms and bring families to the area.

23 We think that it will improve the
24 current safety from the standpoint of having an
25 occupied residential building over that garage. We

1 like the valet. We like the bikes, and we like the
2 fact that when there is additional height asked for,
3 which we know there is a concern to this Board, that
4 it is at least set back, and so it is not in your
5 face, and we like the fact that it is a nice smooth
6 line across the street and it doesn't look added.

7 Anyway, that is our comments for
8 tonight, and I very much appreciate it.

9 Two things for your future
10 considerations, and I will try to return next month,
11 just to see, but our biggest concern is that this
12 project finish out before 83 Willow decides to
13 build, because we have to park there while
14 construction occurs, and then come over to the new
15 one, so that the construction can occur on the
16 other.

17 When we started this process, it was
18 all one owner, and it was easy. Now with two
19 owners, it is a little harder, and we are going to
20 ask you to protect that right that we have been
21 fighting for for eight years.

22 Thank you very much for your time.

23 CHAIRMAN AIBEL: You are going to get
24 nicked for five minutes of your summation.

25 MR. MATULE: I yield the floor.

1 (Laughter)

2 CHAIRMAN AIBEL: Very eloquent.

3 MR. MATULE: We'll take it off the back
4 end.

5 CHAIRMAN AIBEL: Absolutely.

6 MR. MATULE: That is all we have. We
7 will try to come back with revised plans.

8 I guess we need to figure out what the
9 date is, so we can announce it to the public.

10 MS. BANYRA: June 17th.

11 MR. MATULE: Does that work for
12 everybody?

13 CHAIRMAN AIBEL: Yes.

14 I need a motion to carry without
15 notice.

16 MR. GALVIN: Motion without notice
17 provided you extend the time in which the Board has
18 to act.

19 MR. MATULE: I consent to the time
20 within which the Board has to act through and
21 including June 17th.

22 MR. GALVIN: Unless it snows.

23 (Laughter)

24 MR. MATULE: It's possible.

25 CHAIRMAN AIBEL: Motion to carry

1 without notice.

2 COMMISSIONER DE FUSCO: I'll second
3 that.

4 CHAIRMAN AIBEL: Pat?

5 MS. CARCONE: Are we doing a vote?

6 MR. GALVIN: Yes.

7 CHAIRMAN AIBEL: Let's do a vote.

8 MS. CARCONE: Commissioner DeFusco?

9 COMMISSIONER DE FUSCO: Yes.

10 MS. CARCONE: Commissioner Grana?

11 COMMISSIONER GRANA: Yes.

12 MS. CARCONE: Commissioner Murphy?

13 COMMISSIONER MURPHY: Yes.

14 MS. CARCONE: Commissioner Braciforte?

15 COMMISSIONER BRANCIFORTE: Yes.

16 MS. CARCONE: Commissioner Fisher?

17 COMMISSIONER FISHER: Yes.

18 MS. CARCONE: Commissioner McAnuff?

19 COMMISSIONER MC ANUFF: Yes.

20 MS. CARCONE: Commissioner Aibel?

21 CHAIRMAN AIBEL: Yes,

22 MR. MATULE: Thank you for your time.

23 CHAIRMAN AIBEL: Thank you.

24

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 5/19/14

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

1 MR. GALVIN: You wanted to talk about
2 June 24th?

3 MS. CARCONE: Are we going to do a
4 Special Meeting on June 24th?

5 MS. BANYRA: I think we have plenty of
6 applications, so I think we will cue them up, so if
7 the Board members are not going to be here for the
8 24th, if you could please let Pat know. If you know
9 right now, please let her know, but if not, then --

10 MS. CARCONE: Okay.

11 (Board members confer.)

12 MS. CARCONE: Then we have next week,
13 next Tuesday, the 20th, for 1300 Jefferson, which
14 everybody got their packets tonight.

15 COMMISSIONER GRANA: Next Tuesday,
16 right, Pat?

17 MS. CARCONE: Yes, next Tuesday.

18 COMMISSIONER BRANCIFORTE: Motion to
19 adjourn.

20 COMMISSIONER GRANA: Second.

21 CHAIRMAN AIBEL: All in favor?

22 (All Board members voted in the
23 affirmative.)

24 (The meeting concluded at 9:45 p.m.)

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 5/19/15

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