

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: HOBOKEN ZONING BOARD OF : May 26, 2015
ADJUSTMENT SPECIAL MEETING :Tuesday, 7 pm
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Philip Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner Frank DeGrim

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

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

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

LAW OFFICE OF DENNIS M. GALVIN
730 Brewers Bridge Road
Jackson, New Jersey 08527
(732) 364-3011
BY: STEVEN M. GLEASON, ESQ.
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(201) 659-0403
Attorney for the Applicant.

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1 CHAIRMAN AIBEL: Good evening.

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

10 Please join me in saluting the flag.

11 (Pledge of Allegiance recited.)

12 CHAIRMAN AIBEL: Good evening,
13 everybody.

14 Pat, do a roll call, please.

15 MS. CARCONE: Commissioner Aibel?

16 CHAIRMAN AIBEL: Here.

17 MS. CARCONE: Commissioner Greene is
18 absent.

19 Commissioner Cohen?

20 COMMISSIONER COHEN: Here.

21 MS. CARCONE: Commissioner DeFusco?

22 COMMISSIONER DE FUSCO: Here.

23 MS. CARCONE: Commissioner Grana?

24 COMMISSIONER GRANA: Here.

25 MS. CARCONE: Commissioner Marsh --

1 COMMISSIONER MURPHY: Absent.

2 MS. CARCONE: -- Commissioner Marsh is
3 absent,

4 Commissioner Murphy?

5 COMMISSIONER MURPHY: Here.

6 MS. CARCONE: Commissioner Branciforte
7 is absent.

8 Commissioner Fisher is absent.

9 Commissioner Mc Anuff is absent.

10 Commissioner DeGrim?

11 COMMISSIONER DE GRIM: Here.

12 MS. CARCONE: He's here.

13 Okay. So that is one, two, three,
14 four, five, six.

15 COMMISSIONER DE GRIM: Yes, it is six.

16 CHAIRMAN AIBEL: So counsel understands
17 that we are operating with six people, who are here
18 out of interest, as opposed to our colleagues who I
19 guess have other interests.

20 (Laughter)

21 We will deal with the votes later on, I
22 guess.

23 We have two administrative matters, and
24 I hope they are both going to be very brief, because
25 I would like to get to the hearings, and just to let

1 everybody know, 601-607 Park Avenue has been
2 continued.

3 MS. CARCONE: They requested to be
4 carried, so that they could work with the objectors.
5 I am going to carry it to August 18th.

6 CHAIRMAN AIBEL: Okay.

7 So I guess we need a motion.

8 COMMISSIONER GRANA: Motion to carry to
9 August 18th without further notice, yes?

10 CHAIRMAN AIBEL: Yes.

11 COMMISSIONER DE GRIM: Second.

12 CHAIRMAN AIBEL: All in favor?

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

15 CHAIRMAN AIBEL: Anybody opposed?

16 Then we have 113-121 Monroe Street.

17 MS. CARCONE: And that we are going to
18 carry to June 23rd, right, Bob?

19 MR. MATULE: Yes, that's correct.

20 And the applicant consents to an
21 extension of time within which the Board has to act
22 through June 23rd.

23 CHAIRMAN AIBEL: Thank you.

24 Pat, just as an administrative matter,
25 do we have a consent from counsel for 601-607?

1 MS. CARCONE: I do. I have a letter
2 from him.

3 CHAIRMAN AIBEL: Okay. That's great.
4 Motion --

5 COMMISSIONER GRANA: 113 is the
6 applicant --

7 CHAIRMAN AIBEL: It's 113-121 Monroe,
8 yes.

9 Motion to carry?

10 COMMISSIONER GRANA: Motion to carry
11 113 without further notice --

12 COMMISSIONER MURPHY: To June 23rd.

13 COMMISSIONER GRANA: -- to June 23rd.

14 COMMISSIONER AIBEL: Second?

15 COMMISSIONER COHEN: Second.

16 CHAIRMAN AIBEL: All in favor?

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

19 CHAIRMAN AIBEL: Great.

20 The order that we are going to take our
21 hearings tonight is 356 Third Street will go first.

22 110 Park Avenue will go second.

23 We are going to start off with a couple discussions,
24 and again, I'm hoping that we will keep them brief.

25 (Continue on next page)

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X SPECIAL MEETING
RE: NORTH HUDSON SEWAGE AUTHORITY : May 26, 2015
APPROVALS REQUIRED FOR FINAL APPROVAL :
OF 600 HARRISON STREET, BLOCK 72, :Tuesday, 7:10 pm
LOT 1 :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Commissioner Philip Cohen
Commissioner Michael DeFusco
Commissioner Antonio Grana
Commissioner Diane Fitzmyer Murphy
Commissioner Frank DeGrim

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

Eileen Banyra, Planning Consultant

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89 Hudson Street
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(201) 659-0403
Attorney for the Applicant.

1 CHAIRMAN AIBEL: The first is North
2 Hudson Sewage Authority approvals for final approval
3 of 600 Harrison, Mr. Matule.

4 MR. MATULE: Yes.

5 Good evening, Mr. Chairman, and Board
6 Members.

7 Robert Matule. I represented the
8 applicant in this application, and one of the
9 conditions of approval -- I don't think it was the
10 North Hudson approval. It was actually the CP-1
11 permit from the NJDEP.

12 And as I understand the process, even
13 though North Hudson has approved our design and has
14 signed off on everything, they will not release
15 their consent to our design, which has to go with
16 the application to the DEP until we pay them the
17 sewer hookup fee, which is approximately \$265,000,
18 which we don't have an issue with paying that.

19 The issue is that once we pay that and
20 it gets released, and we send the application down
21 to the NJDEP, it takes about 90 days for the NJDEP
22 to process that application.

23 So what we are asking is if we can make
24 the condition of having that hookup permit from the
25 DEP either a condition of getting a CO or a

1 condition of a final certificate of zoning
2 compliance being issued, so it basically just
3 doesn't freeze our project for three months while we
4 wait for the DEP to act.

5 And, technically, it is a third-party
6 approval, and we certainly don't have any issue with
7 the Board wanting to, you know, have a check in the
8 resolution to make sure that a sewer hookup permit
9 is issued at some point. It is really just a
10 question of when and the timing.

11 CHAIRMAN AIBEL: Again, I was of the
12 understanding that the question was when payment
13 would be made.

14 MR. MATULE: That was my initial
15 understanding, and I was incorrect. It is not --
16 the client is ready to write the check tomorrow to
17 the North Hudson Sewage Authority.

18 As was explained to me in more detail
19 by Mr. Wurster and Mr. Nastasi, it is the 90 days
20 for the DEP to turn that application around. They
21 have apparently a 90-day window to do that.

22 COMMISSIONER MURPHY: What happens if
23 the DEP doesn't go the way you want it to go?

24 MR. MATULE: As a practical matter,
25 they can't deny it. It is an administrative

1 process. North Hudson has already approved the
2 design. It is really a pro forma thing, and if they
3 didn't, I guess we would have to go through some
4 appeal process, but we would be proceeding at our
5 own risk at that point.

6 CHAIRMAN AIBEL: What is the effect of
7 this 90-day period on your ability to move forward?

8 MR. MATULE: We will lose our
9 contractor. He is ready to start, and if he has to
10 wait 90 days, he is going to start another job that
11 will probably tie him up for a year.

12 CHAIRMAN AIBEL: Does our resolution
13 cover this?

14 MR. MATULE: Cover?

15 CHAIRMAN AIBEL: The condition of --

16 MR. MATULE: Well, it covers it in the
17 sense that I think it was a condition called out in
18 Mr. Marsden's report, and the resolution in the
19 omnibus language says we have to comply with all of
20 the terms of the Board professionals' reports, so
21 the broad net has caught us.

22 CHAIRMAN AIBEL: Caught you.

23 (Laughter)

24 MR. MARSDEN: If I may, one of the
25 reasons I bring that into the report is my

1 experience over the years, and I have worked with
2 developers in the past, is DEP's approval is an
3 approval to construct, and not incidental approval,
4 so I guess I have put calls into DEP. They have not
5 returned my calls for the sewer extension and
6 treatment works approval.

7 Unless DEP says, "Oh, yeah, I have no
8 problem with it," I think that DEP's approval,
9 though, is more of an approval to construct than it
10 is just a matter of, you know, like getting an IP
11 for a flood hazard area after the fact, so that is
12 the real thing I don't know.

13 MR. MATULE: My understanding is it is
14 not -- the building department is not asking for --
15 to issue the building permit, so --

16 MR. MARSDEN: Well, if I am extending a
17 sewer on a private development job, I can't do that
18 unless I have DEP approval. That is my experience
19 in the past with other developers, you know --

20 MR. MATULE: You can't hook the sewer
21 up?

22 MR. MARSDEN: What's that?

23 MR. MATULE: You can't hook the sewer
24 up?

25 MR. MARSDEN: You can't construct the

1 sewer without their approval, so --

2 MR. MATULE: The line from the property
3 to the --

4 MR. MARSDEN: Yeah. If I am doing a
5 sewer extension for a treatment works, but I am
6 not --

7 MR. MATULE: Mr. Nastasi, can you shed
8 any light on this?

9 MR. NASTASI: What I would propose --

10 MR. MARSDEN: -- I think it's something
11 that the DEP would have to --

12 MR. NASTASI: -- what I would propose
13 then is, you know, you are in the ground in Hoboken
14 for two months as it is with, you know, piles and
15 pile caps and gray beams. Can -- because my client
16 is already about to write that \$260,000 check to the
17 Sewer Authority to get the piece of paper, so he can
18 send it down to Trenton, can that approval from
19 Trenton be a condition prior to constructing the
20 sewer, so that the project can move on, so that we
21 can retain our concrete person, and so the project
22 doesn't completely stop for 90 days while we are
23 waiting for the DEP to return his phone call?

24 That's my concern is the third-party
25 approval is holding up the whole house.

1 MR. MARSDEN: I think that is a matter
2 for the Board rather than just an engineer issue.

3 MR. MATULE: What about the footings?

4 CHAIRMAN AIBEL: We are talking about
5 everything short of putting in a sewer line.

6 MR. NASTASI: What about footings,
7 foundations, and concrete, and that buys us --

8 CHAIRMAN AIBEL: That's what I'm
9 saying.

10 MR. MARSDEN: I don't think, my
11 personal opinion, my professional opinion is I don't
12 think DEP would have an issue with that. However, I
13 would feel a lot more comfortable if I got that
14 information from DEP.

15 If you contact DEP and say, "Can I
16 start construction, but I can't put the sewer," and
17 they send you a letter that says, yeah, but you have
18 to wait, you know, for a constructor connection
19 until that point, I would be fine with that.

20 MR. MATULE: Well, the difficulty with
21 that is you are waiting to hear from the DEP --

22 MR. MARSDEN: Yeah, I'm still
23 waiting --

24 MR. MATULE: -- and you have a lot more
25 pull with them than I do.

1 I would propose if it is, you know,
2 acceptable to the Board, that we do footings,
3 foundations and concrete, and we proceed at our own
4 risk.

5 CHAIRMAN AIBEL: That sort of makes
6 sense to me.

7 COMMISSIONER GRANA: I think it makes
8 sense to me. I don't think that the applicant
9 should necessarily be held back. I don't want to
10 say it is not important, but it sounds largely
11 administrative.

12 The applicant should be able to proceed
13 as long as there is a control somewhere in final or
14 a CO that ensures that the proper things have
15 happened.

16 Doesn't that make sense?

17 CHAIRMAN AIBEL: Our job is not to
18 remake DEP rules, but I think what Mr. Marsden has
19 just said, the purpose of the DEP rule is to prevent
20 the sewer connection, and if we are short of that,
21 then I don't think we are affecting anything.

22 MR. NASTASI: I mean, you have county
23 sewer approvals, so we do have approvals from the
24 Hudson County Sewer Authority.

25 MR. MARSDEN: If I may, just one more

1 point is that typically DEP won't deny this. The
2 worst case is they say, oh, your sewer is too low, I
3 want it higher, I want this sized pipe rather than
4 that sized pipe, if they have comments.

5 They typically -- I don't know of any
6 time they ever said, no, you can't do it.

7 So with that in mind, I tend to agree
8 with you, Jim.

9 COMMISSIONER GRANA: Wouldn't that be
10 the case of the applicant pursuing at their own
11 risk?

12 They may say, I want this, I want that,
13 but that is the applicant pursuing at their own
14 risk, so --

15 CHAIRMAN AIBEL: I think that's
16 correct. I think we are all in agreement.

17 Anybody else, Board members?

18 MS. BANYRA: So what has to happen
19 then?

20 Do you have to amend the resolution,
21 because it's a condition in the resolution, so
22 hypothetically it goes to the zoning officer or a
23 construction -- if somebody reads the resolution,
24 and they say, "Do you have that" --

25 MR. GLEASON: Yeah. I think we would

1 do an amended resolution.

2 CHAIRMAN AIBEL: Or is it something
3 that Jeff can issue?

4 MR. MARSDEN: I think it is has to be a
5 Board decision, so I think it should be an amended
6 resolution because then you got everything covered.

7 CHAIRMAN AIBEL: Okay. That works for
8 me.

9 Antonio is going to sign the
10 resolution --

11 (Laughter)

12 COMMISSIONER COHEN: So what is the
13 resolution going to say?

14 COMMISSIONER GRANA: What's the
15 wording?

16 MS. BANYRA: It's only that one change,
17 right?

18 MR. MATULE: Do you have some idea of
19 when --

20 MR. GLEASON: Of when we would have the
21 amended resolution?

22 MR. MATULE: When the Board would be
23 able to sign it.

24 CHAIRMAN AIBEL: While we have you
25 here, why don't you propose some language that we

1 can knock out, so we don't dither.

2 MR. MATULE: I would just propose
3 language that until the DEP approves the sewer
4 design and issues -- what is it, Jeff, a CP-1?

5 MR. MARSDEN: I think it is a CP-1
6 slash treatment works because --

7 MR. MATULE: Okay. That the applicant
8 proceed with footings, foundations, and concrete
9 work at their own risk.

10 MR. MARSDEN: I am okay with that. I
11 mean, I think that is a good compromise.

12 CHAIRMAN AIBEL: Sounds fine.

13 MS. BANYRA: And there's something that
14 happens once that treatment work permit comes in,
15 what happens then, Jeff?

16 What do you need, anything or no?

17 MR. MARSDEN: Well, just copy this
18 Board Secretary and myself on the permit like you
19 said --

20 A VOICE: We'll give you a copy --

21 COMMISSIONER MURPHY: Right. Then you
22 need to put in it that we can't give, you know, a C
23 of O or whatever until we know we have that, too --

24 MS. BANYRA: We don't -- yeah. I mean,
25 the Board doesn't -- obviously is not responsible,

1 but there should be probably language to that
2 effect.

3 COMMISSIONER MURPHY: Something that --
4 right.

5 MR. MATULE: That full construction can
6 commence once the permits are issued by the DEP?

7 MS. BANYRA: Yeah, upon receipt.

8 MR. NASTASI: That will be great.

9 COMMISSIONER GRANA: Did we get all of
10 that?

11 MR. GLEASON: Yes.

12 COMMISSIONER GRANA: You got all of
13 that?

14 COMMISSIONER COHEN: Want to read that
15 back?

16 MR. GLEASON: I'll hash it out with Bob
17 later, but: The applicants will proceed with
18 footings, foundations, and concrete work until the
19 DEP issues the necessary permit. A CO shall not be
20 issued until the DEP approval has been received.

21 MS. BANYRA: Excuse me, but you have to
22 put "at their own risk."

23 MR. GLEASON: Okay.

24 MS. BANYRA: At the first part, you
25 said: The applicant will proceed with footings,

1 foundations, and blah, blah, blah, at their own
2 risk, you know --

3 CHAIRMAN AIBEL: So when do we meet
4 next, Pat?

5 MS. CARCONE: June 9th.

6 CHAIRMAN AIBEL: Okay. Well, is there
7 any reason we can't basically approve this as an
8 administrative matter, so maybe a motion to
9 authorize me to sign a resolution amending it --

10 COMMISSIONER COHEN: Amending the
11 original resolution.

12 CHAIRMAN AIBEL: -- and then we'll get
13 it to them --

14 COMMISSIONER GRANA: Motion to
15 authorize the Chair to sign the revised resolution
16 related to the language that was just described.

17 COMMISSIONER COHEN: Amending the
18 authorization of approval.

19 CHAIRMAN AIBEL: Does that work,
20 gentlemen?

21 MR. MATULE: Wonderful.

22 Thank you very much. We appreciate it.

23 MR. NASTASI: Thank you very much.

24 COMMISSIONER MURPHY: Do we need to
25 vote?

1 MS. CARCONE: We need a second.

2 MS. BANYRA: Yeah.

3 COMMISSIONER DE GRIM: I'll second.

4 CHAIRMAN AIBEL: Let's have a vote.

5 COMMISSIONER GRANA: That's my motion.

6 COMMISSIONER COHEN: I'll second.

7 MS. CARCONE: Do you want to vote?

8 CHAIRMAN AIBEL: Yes.

9 MS. CARCONE: Commissioner Cohen?

10 COMMISSIONER COHEN: Yes.

11 MS. CARCONE: Commissioner DeFusco?

12 COMMISSIONER DE FUSCO: Yes.

13 MS. CARCONE: Commissioner Grana?

14 COMMISSIONER GRANA: Yes.

15 MS. CARCONE: Commissioner Murphy?

16 COMMISSIONER MURPHY: Yes.

17 MS. CARCONE: Commissioner DeGrim?

18 COMMISSIONER DE GRIM: Yes.

19 MS. CARCONE: Commissioner Aibel?

20 CHAIRMAN AIBEL: Yes.

21 MR. NASTASI: Thank you very much.

22 CHAIRMAN AIBEL: We will have that in a
23 couple days.

24 MR. MATULE: Okay. 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 testimony as taken stenographically by and before me at the time, place and date hereinbefore set forth.

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.
Dated: 5-28-15
This transcript was prepared in accordance with
NJAC 13:43-5.9.

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X SPECIAL MEETING
RE: DISCUSS RESOLUTION CONDITION : May 26, 2015
CONCERNING PERCENT OF ALLOWED :
DEMOLITION AT 118 MADISON STREET :Tuesday, 7:30 pm
BLOCK 28, LOT 25 :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Commissioner Philip Cohen
Commissioner Michael DeFusco
Commissioner Antonio Grana
Commissioner Diane Fitzmyer Murphy
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10 Hoboken, New Jersey 07030
11 (201) 659-0403
12 Attorney for the Applicant.

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1 CHAIRMAN AIBEL: Now with luck, we will
2 do this next one just as expeditiously.

3 So before you start, Mr. Matule, what
4 we are discussing is an administrative matter that
5 is articulated in our agenda as "Discuss resolution
6 condition concerning percent of allowed demolition
7 at 118 Madison Street, Block 28, Lot 25," and I just
8 wanted to get out ahead of you, and I will apologize
9 in advance. I am not sure I agree with the way that
10 is articulated, and I just want to sort of frame the
11 issue for the record and for the rest of our Board
12 members who may not remember it or may not have been
13 there to vote on it.

14 But 118 Madison was brought to us as an
15 adaptive reuse. I have a couple of quotes that I
16 would just like to put in, and I always love
17 starting with comments from one of my former
18 colleagues, Mr. Soares.

19 So Mr. Soares basically comments in the
20 record on February 11th, 2014 and said: I might be
21 the only people on this side of the rail that live
22 near this and walk my dog past it every day. I have
23 lived in the neighborhood since 1999, and I've seen
24 cool old factory buildings get bulldozed in the name
25 of an ugly stucco bland building. This building is

1 one that everyone in the neighborhood talks about.

2 Oh, I hope we can keep Atillo, this is a cool
3 building.

4 He goes on to say: I think it is an
5 interesting use of a landmark, keeping a good part
6 of it and combining and making an iconic
7 neighborhood building in a neighborhood, where if
8 you look at the other side of the street, and I hope
9 all zoning members did -- and I will end with that
10 part of the quote.

11 I think one of our Commissioners nailed
12 the issue, as far as I am concerned, in comments
13 that he made, referring to Mr. Grana on February
14 18th:

15 So we heard from the public about the
16 importance of this structure to the neighborhood as
17 an adaptive reuse.

18 I have been back and looked at that
19 site. I am not challenging any plans here, but when
20 we vote on this, I guess my question is: How do we
21 ensure that what was heard here in testimony
22 actually occurs?

23 I have seen projects go up in town
24 there, where there was an adaptive reuse project,
25 construction happens, and problems are found, and

1 something changes, so how do we ensure that those
2 elements are -- and Mr. Galvin jumped in:

3 I am going to add a condition that
4 says, and I don't have it here, but I would add a
5 condition that says the building is to be
6 constructed as shown by the board.

7 Mr. Branciforte had similar concerns,
8 and he said:

9 I just want to make clear that they
10 will come back at the point they will have to come
11 back to the Board, if in fact they take down the
12 building.

13 So we have a resolution of approval, I
14 guess it was approved on March 18th, 2014. And as I
15 read it, and I was among the people who sat, you
16 know, for that application, it is basically very
17 clear that it is to convert an existing three-story
18 industrial building by adding two floors.

19 We actually quote Mr. Soares. He gets
20 honorable mention, and then there are a series of
21 conditions.

22 The Board determined that the adaptive
23 reuse of the building be esthetically pleasing and
24 find the green benefits substantial. The Board was
25 pleased that the applicant was able to preserve a

1 distinctive element of the previous industrial use,
2 the chimney, as well as the integrity of the
3 historic bricks.

4 And then Mr. Galvin has a couple of
5 his, you know, principal conditions: The applicant
6 shall be bound by all exhibits introduced and
7 representations made and all testimony given before
8 the Board to the applications.

9 The building is to be constructed as
10 shown on plan and explained to the Board at the time
11 of the hearing.

12 This approval is for an adaptive reuse.
13 Not more than 50 percent of the building may be
14 demolished. The applicant committed to reuse the
15 existing brick and to maintain the chimney. The
16 Board found the chimney to be a significant design
17 element.

18 So from my understanding of the facts
19 and, you know, maybe Mr. Minervini or somebody can
20 correct me on this, my understanding is that with
21 the exception of the chimney and perhaps a portion
22 of one wall or the other, the building, the
23 three-story building has been razed. So I apologize
24 for my lengthy --

25 MR. MATULE: Introduction.

1 (Laughter)

2 CHAIRMAN AIBEL: -- introduction, but I
3 really think the question is, as Ms. Holtzman put
4 it, you know, what was the Board's intent when they
5 approved this resolution.

6 MR. MATULE: I think to determine
7 that, we have to look at what the underlying
8 testimony from the architect was at the hearing and
9 what the plans showed that were presented, so Mr.
10 Minervini has heard your comments, so I am just
11 going to ask him to see if he can address those for
12 the Board starting with what was originally
13 proposed.

14 CHAIRMAN AIBEL: Well, let me just say
15 this, Mr. Minervini, go ahead, we will give you some
16 time to make your record.

17 But, you know, I think what we are
18 looking at here is the intent of the Board and what
19 the Board understood, and I think the comments that
20 I made, and there are many, many others, at least
21 made it clear that the Board's understanding was we
22 were going to reuse these three stories, and it was
23 going to be two stories added on top of them, and
24 when you refer to 401 Jefferson as a similar
25 situation, that doesn't make me feel warm and fuzzy.

1 MR. MINERVINI: I haven't referred to
2 401 Jefferson.

3 CHAIRMAN AIBEL: No. You did in your
4 testimony earlier twice.

5 MR. MINERVINI: Oh, well, yes. Not
6 yet, I haven't tonight.

7 CHAIRMAN AIBEL: That's right.

8 MR. MINERVINI: And why doesn't it make
9 you warm and fuzzy?

10 That is actually a wonderful use of
11 that existing structure.

12 CHAIRMAN AIBEL: Well, then we have a
13 real serious disagreement --

14 MR. MINERVINI: Yeah, I think we do.

15 CHAIRMAN AIBEL: -- on what a use of a
16 structure is in the sense that when we are told that
17 a three-story structure will be kept, we find out
18 that it gets knocked to the ground with the
19 exception of a couple interior walls, that --

20 MR. MINERVINI: Are you talking about
21 this one or that one?

22 CHAIRMAN AIBEL: I think they are
23 pretty much interchangeable from what I'm seeing.

24 MR. MINERVINI: Well, you are
25 incorrect --

1 CHAIRMAN AIBEL: No, please --

2 MR. MINERFVINI: -- 401 Jefferson
3 Street, we told the Board that 50 percent of the
4 walls would remain, and that is exactly what remain.

5 And then I had mentioned that the two
6 walls that were to be rebuilt were both on the
7 street. It had to be rebuilt because the windows
8 lines all new, the floor levels all new --

9 CHAIRMAN AIBEL: We're talking about
10 401 Jefferson?

11 MR. MINERVINI: 401, yes. I'm just
12 responding to your comment --

13 CHAIRMAN AIBEL: Okay. We can come
14 back to that at some other point.

15 Let's direct our attention to 118.

16 MR. MINERVINI: Now we're talking about
17 118 --

18 CHAIRMAN AIBEL: Please.

19 MR. MINERVINI: My testimony was, and
20 Bob mentioned it as well, that 50 percent of the
21 shell would remain.

22 There was no time during my dis --
23 during the discussion that I suggested that the
24 floors would remain, because they couldn't. I even
25 mentioned, and it is in the transcript, that all

1 floors would be realigned as well as be constructed
2 with steel. Now, it will probably be steel and
3 concrete, but they all had to be reconstructed.

4 What we kept and what I took out of the
5 meeting was 50 percent of the walls, which we have
6 done in terms of area, the chimney, we even went
7 through the extra effort of saving the mural, the
8 brick mural that was on the front of the building.
9 The Board didn't require us to do it that day, but
10 we thought it was something that would act as a
11 small landmark.

12 I actually am surprised that we are
13 here. When first I had heard that the project was
14 shut down, my thought was that there was a
15 miscommunication, and because the rear wall and
16 portions of the rear wall were removed, that that
17 set off an alarm of some sort, but that had to be
18 removed. That rear wall was part of our initial
19 submission.

20 The Board directed us with some very
21 nice comments, and we understood them. We took that
22 wall down, set it back another ten feet, so two
23 ten-foot swaths on the side of the building, both
24 north and south, as well as 50 feet, had to come
25 down as part of this approval.

1 That left us with the front wall, which
2 I had described in the transcript and obviously in
3 the meeting, that had to be taken down because the
4 windows no longer worked, and all the fenestration
5 as per this drawing and floor levels. The Board was
6 okay with that.

7 We agreed for good reasons to save the
8 chimney, which we have, and it has been, and I've
9 got photographs. So that left us with the north
10 wall, which is completely intact.

11 We went through extraordinary efforts
12 to save it, and if anyone hasn't been there, I have
13 photographs to see.

14 The south wall was a wood frame wall,
15 which could not be saved -- or it could be saved,
16 but it's nothing that is even worth saving. It had
17 no integrity in terms of the building's history.

18 So my thought was, as well as the
19 developer, that 50 percent of the shell, which is
20 what we had described at the meeting, was to be
21 saved, and that is what we did. 50 percent of the
22 shell, and we also saved the chimney, which we were
23 supposed to do, but these are extraordinary efforts.

24 I also thought that perhaps there was a
25 miscommunication because in the actual resolution,

1 it says 50 percent of the building, and I am sorry
2 that I missed that, but there was no way we could
3 save 50 percent of the building, if as Mr. Marsden
4 suggests, that the building consists of walls,
5 floors and roofs. It is impossible.

6 As I had mentioned, the floors would be
7 new. They had to be new.

8 So I am frankly surprised, and I think
9 perhaps that this project is suffering some of the
10 pains of other people's past mistakes. I don't see
11 any mistakes here.

12 COMMISSIONER COHEN: Can I ask a
13 question?

14 CHAIRMAN AIBEL: Sure, go ahead.

15 COMMISSIONER COHEN: So just for my
16 edification of what is going on, it sounds like the
17 back wall is gone. The front wall is gone. You
18 have saved the mural from the front --

19 MR. MINERVINI: The mural, the chimney
20 in the front.

21 COMMISSIONER COHEN: The chimney --
22 okay. So maybe you can just explain --

23 MR. MINERVINI: This diagram -- well, I
24 have three drawings here, but what is there now --

25 MR. MATULE: Wait a minute, Frank.

1 Should we mark this?

2 MR. MINERVINI: And these are drawings
3 that the Board has already --

4 CHAIRMAN AIBEL: I guess if we're --

5 MR. MINERVINI: -- you got these
6 already, though --

7 CHAIRMAN AIBEL: -- if we are going to
8 get into a hearing, Frank should be sworn. I think
9 we should keep this as a discussion --

10 MR. MINERVINI: Yes, understood --

11 CHAIRMAN AIBEL: -- and then see what
12 the Board wants to do with it.

13 MR. MINERVINI: -- understood.

14 COMMISSIONER COHEN: I just want to
15 understand what is there now --

16 MR. MINERVINI: Sure.

17 COMMISSIONER COHEN: -- because -- and
18 also you said that you have been -- the project has
19 been shut down.

20 MR. MINERVINI: Correct.

21 COMMISSIONER COHEN: When did that
22 occur?

23 MR. MINERVINI: That was approximately
24 three weeks ago.

25 MR. MATULE: Three weeks ago?

1 MR. MINERVINI: Yeah.

2 COMMISSIONER COHEN: And that was shut
3 down by the zoning officer?

4 MR. MINERVINI: Correct.

5 COMMISSIONER COHEN: Okay. So maybe
6 you can just walk through what is there right now.

7 MR. MINERVINI: So these are
8 photographs taken from Madison Street, which would
9 be the east side of the property looking west.

10 This is about a 35 to 40 foot high
11 wall, but it varies, and that has remained. That
12 wall was there as part of the original construction.
13 That wall has remained.

14 This is the support system that you
15 will see runs all the way down about 75 feet of that
16 wall to support it. It is tied back into the actual
17 wall and tied back at the base. It is not going
18 anywhere, and it is structurally sound. We are not
19 proposing to use this as load bearing, but it is a
20 sound wall, and we are going to tie it back into the
21 new structure.

22 The chimney, which was certainly a main
23 point of discussion, has been saved, and this is it.

24 The south wall has been removed, as
25 well as the rear wall.

1 I will switch to the actual drawings.

2 The initial proposal, as we were here,
3 was to keep this wall section, these walls, so we
4 were going to keep the building in its actual lot
5 coverage and perimeter after some -- we agreed after
6 the actual meeting, during the process of the
7 meeting to cut off about ten feet of it, giving more
8 space back to the -- what we call the hole in the
9 donut. So my thought was right initially, we can't
10 count that wall as being part of your percentage to
11 be saved, so that comes out of the equation.

12 So now we are left to be saved this
13 section, this section, and this section.

14 We removed these two. We removed
15 this -- I am sorry -- saved this and removed this.

16 This was a short wall as well. It
17 wasn't as nearly as high as this. The building as
18 previously existed was short on the south side and
19 then it got taller as it went in, because it was
20 actually constructed as a small wood frame
21 structure, and then the bigger brick industrial
22 building.

23 So, again, what we did is what we think
24 we had to do by the books. In terms of square
25 footage, we kept more than 50 percent of the walls.

1 I don't understand -- I understand, and
2 of course, I heard it, but I don't agree that we had
3 ever said that we could keep the floor systems
4 because the way the building was constructed
5 initially -- originally, the existing parking was
6 down about four or five feet. So once we raise that
7 up, as we are required to as per the DEP, all the
8 floor levels had to be realigned and restructured,
9 and I had talked about that.

10 I mentioned that, which was one of the
11 reasons why we could not save the front facade. I
12 had mentioned that all of the windows had to change
13 because of that, and I also mentioned that the
14 entire floor structure had to be replaced, and we
15 proposed steel then, but now we actually want to do
16 it out of concrete. But, nevertheless, it was all
17 new.

18 I understand the Chairman's point. I
19 think in this case that we went through
20 extraordinary efforts to keep what we thought and
21 what I am still sure of was supposed to be kept.

22 And we are talking about, to Mr.
23 Soares' point, who, was, of course, not a
24 Commissioner, but a neighbor, a resident who loved
25 the building, he was referring to the esthetics of

1 the building, because the facade is all you would
2 see.

3 As somebody experienced the building on
4 the street, you couldn't see anything else of it.
5 The front was being completely reconstructed as well
6 as being added to. None of that we're proposing to
7 change.

8 CHAIRMAN AIBEL: Well, you could have
9 built the facade and reconstructed the facade with
10 60 percent lot coverage as well.

11 MR. MINERVINI: Certainly, yeah.

12 CHAIRMAN AIBEL: Well, I will be very,
13 you know, direct. I thought we were buying a
14 three-story building that was going to serve as the
15 basis for a two-story addition, and when we have a
16 resolution that says building, I think that, you
17 know, was very clear. Maybe the other Commissioners
18 who sat have a different point of view --

19 MR. MINERVINI: But, respectfully, how
20 do we then reason what my testimony was and what I
21 described as per the drawings with what was actually
22 written in the resolution?

23 I think that was the discrepancy as I
24 saw it.

25 50 percent of the shell, yes, 50

1 percent of the building, I could never have, nor
2 would I have said yes for an approval. I come to
3 this Board too many times that I would say -- lie to
4 this Board and come back. I get nothing out of
5 that. The developer gets nothing out of it.

6 We thought 50 percent of the shell,
7 which I'm hoping that everyone has read the
8 transcript, and you will see that that is what we
9 talked about.

10 COMMISSIONER COHEN: People have
11 definitely not read the transcript because this was
12 only a letter that we got in our packet. None of us
13 had -- I mean, I just asked for the transcript now.
14 No one -- no one had an opportunity to review it,
15 and it sounds like you have and identified certain
16 quotes that you thought were relevant --

17 CHAIRMAN AIBEL: That is right.

18 COMMISSIONER COHEN: -- but none of the
19 other Commissioners have had the benefit of
20 reviewing the transcript, so, you know --

21 MR. MINERVINI: Yeah, I mean --

22 MR. MATULE: Can I suggest both in
23 the -- I was going to suggest that if the
24 Commissioners want to read the transcript and come
25 back for a hearing, we could carry it to the 9th,

1 but now Mr. Minervini is telling me he will not be
2 here the 9th.

3 MR. MINERVINI: I am not here the 9th
4 unfortunately.

5 COMMISSIONER COHEN: I mean, let me
6 just say this. I mean, it is potentially a very
7 serious matter, and I don't see how we can assess
8 the situation without reviewing the record, and I
9 don't know how --

10 CHAIRMAN AIBEL: No disagreement.

11 MR. MATULE: Can you do it on the 16th?

12 COMMISSIONER COHEN: -- so, you know --

13 MR. MINERVINI: Of course.

14 COMMISSIONER COHEN: -- it may not be,
15 but I just don't know --

16 CHAIRMAN AIBEL: What's the next
17 date --

18 MR. MATULE: Yes. I mean, if I can say
19 this --

20 MS. CARCONE: The 16th is Stevens. Can
21 we slip this discussion in on that night?

22 MR. MATULE: -- I think this is an
23 evolutionary process in the sense that, you know,
24 perhaps what the architect is saying he is going to
25 do and what the Board is perceiving the architect is

1 going to do, you know, there is a disconnect there.

2 As Mr. Minervini said, obviously we
3 can't save the back wall. Originally we were going
4 to save the back wall, but once we agreed to take
5 ten feet off the building, obviously that wall is
6 gone.

7 The testimony about the facade was that
8 it was all coming down except the chimney, and that
9 the bricks would be reused.

10 COMMISSIONER COHEN: That was the
11 testimony?

12 MR. MATULE: That was the testimony,
13 so --

14 COMMISSIONER COHEN: Well, that's
15 important --

16 MR. MATULE: -- so we're talking about
17 a couple side walls here --

18 MR. MINERVINI: One.

19 MR. MATULE: -- both of which -- one of
20 the conditions was also that they had to be
21 reinforced to withstand the hydrostatic pressure of
22 a flood, so if there was a frame wall there,
23 obviously that is not going to withstand the
24 hydrostatic pressure in a flood, and Mr. Minervini's
25 testimony was also that there was going to be all

1 new steel, that the timber flooring system was going
2 to be taken out, and all new steel was going to be
3 put in. But, again --

4 COMMISSIONER COHEN: And it is probably
5 because we spent a lot of time talking about
6 something totally unrelated to this application
7 dealing with similar issues, and you know, we should
8 be treating this as its own application and its own
9 issue, and you know, we don't want to conflate it
10 with 401 Jefferson or whatever we dealt with on
11 First Street, you know, for five or six hours in the
12 last few weeks.

13 So, I mean, that is where my head is
14 at. My head is not in this application. All I have
15 is a letter, where this appears to be an
16 administrative issue, and obviously it is a concern
17 to the Chair, and I don't want to gloss over
18 anything.

19 CHAIRMAN AIBEL: No. That is perfectly
20 fine, so --

21 MR. MATULE: The 16th, can we carry it
22 to the 16th?

23 MR. MARSDEN: Can I just --

24 CHAIRMAN AIBEL: Jeff?

25 MR. MARSDEN: -- I think one of the

1 perceptions I had just by looking at the plans, on
2 Sheet Z-6, it says: Existing center wall -- center
3 masonry wall running down the center of the
4 building. It says: Existing masonry wall with new
5 openings.

6 That leads me to believe that they
7 should have saved the center wall, and apparently
8 they didn't save that either, so I think --

9 MS. BANYRA: On the third floor --

10 MR. MARSDEN: -- on the third floor --

11 MS. BANYRA: -- and the second floor,
12 right?

13 MR. MARSDEN: Do you see what I am
14 saying, Frank?

15 MR. MINERVINI: I do, yeah.

16 MR. MARSDEN: So I think that adds to
17 the confusion.

18 MR. MINERVINI: That is a fair point.

19 I didn't think that any of us had any
20 issues with what was going on in the building, and
21 if it was determined whenever, that that wall was
22 not sound or had to be changed for other reasons,
23 didn't work within the floor plan, then we would
24 have changed it.

25 Again, I don't see how that inner wall,

1 especially we're talking about just that, the inner
2 wall has any relevance to what we are talking about
3 in terms of this perceived historic nature of the
4 building, but it's a fair point. It is on the
5 plans, existing masonry wall.

6 MR. MARSDEN: Yeah. And when you look
7 at the plan, all of the saved walls have the same
8 texture, the same --

9 MR. MINERVINI: But that's the only one
10 that's actually -- to be fair, that is the only one
11 that is called out as an existing wall.

12 MR. MARSDEN: Yeah --

13 THE WITNESS: I am suggesting that the
14 outer walls are not labeled that way.

15 CHAIRMAN AIBEL: Okay.

16 So let's carry this until the
17 Commissioners have a chance to read the transcript
18 and refresh their memories and --

19 COMMISSIONER COHEN: Just one last
20 comment, which is that: If the testimony was that
21 the front facade was coming down, and that was part
22 of the understanding of the Board, and this is, we
23 are talking about over a year, that is obviously
24 very important, because that would distinguish it
25 from what we just heard about where we were talking

1 about the importance of preserving the front facade,
2 and you know, when people were walking by the
3 neighborhood, what was quoted by the Chairman, that
4 is obviously talking about the front facade, so
5 that's important.

6 COMMISSIONER GRANA: I think there's
7 two things going on here that I think would want to
8 send me back to the transcript was, you know,
9 because now we are going on recollection, and I
10 haven't read the transcript recently --

11 COMMISSIONER COHEN: Right.

12 COMMISSIONER GRANA: -- but my
13 recollection was that the bricks on the facade were
14 going to be saved -- on the front facade were going
15 to be saved because the windows did have to be
16 realigned. The chimney would be preserved, so I
17 don't think the concern is so much there.

18 The concern is in the resolution that
19 50 percent of the building is going to be reused,
20 and I don't know if we have different language or,
21 you know, different language of interpretation, but
22 I think easily the Board could have said, okay,
23 look, I love the adaptive reuse. There is going to
24 be an expense and an impact to the applicant to save
25 this stuff, so we recognize that and that's

1 fantastic, but we also could have walked away with,
2 but we are granting lot coverage, and we are
3 granting them other things with the understanding
4 that this structure is going to be reused, and I
5 think we have to be sure that we are all on the same
6 page when we go back to talk about that, but there
7 seems to be language here that --

8 CHAIRMAN AIBEL: So, Pat, what date are
9 we talking about?

10 COMMISSIONER DE GRIM: Can I ask a
11 question?

12 Have the bricks from the front facade
13 been saved?

14 MR. MINERVINI: Yes, as well as the
15 mural.

16 COMMISSIONER DE GRIM: Well, I realize
17 the mural was saved. You had mentioned that, but it
18 hadn't been specified that the bricks --

19 MR. MINERVINI: Yes, we saved them.

20 COMMISSIONER DE GRIM: Okay.

21 CHAIRMAN AIBEL: So, Mr. Matule, how
22 much time do you think we are going to need?

23 (Laughter)

24 MR. MATULE: I would hope --

25 MS. CARCONE: Is this a hearing or a

1 discussion?

2 CHAIRMAN AIBEL: No, we have to have
3 a --

4 MR. MATULE: -- not more than an hour,
5 but in fairness, I don't think a half an hour would
6 work, because I am sure all of the Board members --

7 MS. CARCONE: A discussion?

8 MR. MATULE: -- are going to want to
9 opine on what --

10 MS. CARCONE: What are we calling it?

11 MR. MATULE: -- they are taking away
12 from their review of the transcript --

13 CHAIRMAN AIBEL: Okay. We'll just call
14 it a discussion.

15 MS. BANYRA: But, Pat, is there escrow
16 in this account?

17 How do we do a discussion?

18 MS. CARCONE: I believe they have upped
19 their escrow.

20 MS. BANYRA: Okay. It is kind of like
21 what is it. You know, it is sort of like -- it's
22 sort of not fish or fowl here. We don't have an
23 application. We have a discussion, and we are going
24 to have, you know -- and my second question is maybe
25 for the attorney: Do we need to notice this in

1 terms of other people listening to what was said and
2 what was -- are we really just interpreting --

3 CHAIRMAN AIBEL: I think we are
4 interpreting our own resolution.

5 MR. GLEASON: Yes. That is the way it
6 strikes me. It is not exactly at this point an
7 application for development because, you know, the
8 resolution is all done, so they wouldn't really need
9 to notice for this.

10 MS. BANYRA: Great.

11 MR. GLEASON: So I think just keeping
12 it as a discussion for the time being.

13 MS. BANYRA: So I guess, and this is
14 for the two attorneys, is this really more of an
15 interpretation of the ordinance, or is this just
16 really a recanting of what was said and how --

17 MR. MATULE: I don't think it has
18 anything to do with an ordinance interpretation.

19 MS. BANYRA: But interpretation isn't
20 just that, though, Bob --

21 MR. MATULE: I think it is a just a
22 question, is the applicant in compliance with the
23 conditions of the resolution --

24 COMMISSIONER GRANA: That's what I
25 think it is --

1 MS. BANYRA: Fair enough.

2 MR. MATULE: -- or the intent of the
3 conditions of the resolution.

4 CHAIRMAN AIBEL: Or is it an appeal
5 from the zoning officer's decision?

6 MR. MATULE: Well --

7 MS. BANYRA: I think maybe we get to
8 that maybe at step two, but I guess what I would
9 just suggest, that we keep this on a -- not make it
10 a hearing. If it's not a hearing, have the Board
11 review it and proceed with an action that is tight,
12 because it may go into an appeal. It may go to a
13 new application.

14 I don't know where it is going to go,
15 but I think to have a full-blown hearing without the
16 benefit of the public, and this could just keep
17 going, you know, so I think we have to just be
18 careful, and I leave that up to the attorneys to,
19 you know, figure out how to do that, because it may
20 be something else, and I'm -- it is awkward to me
21 what we are -- I understand it, but I think it has
22 to be very tight.

23 CHAIRMAN AIBEL: I think all we are
24 proposing is a discussion among the Board members
25 after having had the opportunity to review the

1 transcripts.

2 So, Pat, when --

3 COMMISSIONER GRANA: I just have one
4 question for Mr. Matule.

5 The project has been stopped is my
6 question.

7 MR. MATULE: A stop work order has been
8 issued.

9 COMMISSIONER GRANA: And what was the
10 reason for that work stoppage?

11 MR. MATULE: I think I sort of set it
12 forth in my letter, but the memo from the zoning
13 officer was questioning whether or not what was
14 happening at the building was in conformance with
15 the intent of the Zoning Board in terms of re-saving
16 a portion of the building.

17 COMMISSIONER GRANA: Thank you.

18 MR. MATULE: Just so I am also clear,
19 the first certificate of zoning compliance has not
20 been rescinded. There has just been a stop work
21 order put on, so I am not at a point of appealing
22 the decision of that.

23 Quite frankly, I think the zoning
24 officer was trying to be proactive and get out ahead
25 of this before it became an issue --

1 MS. BANYRA: Yeah.

2 COMMISSIONER GRANA: And to stop and
3 come back and have a discussion --

4 MR. MATULE: Right, exactly.

5 COMMISSIONER MURPHY: So my question
6 would be: If we have a discussion, what are we
7 allowed to find?

8 I mean, if we find that they are not,
9 you know, that it is not acceptable to us --

10 CHAIRMAN AIBEL: They would have to
11 file a new application.

12 MR. MATULE: Yes. If I might, I would
13 think that if this Board makes a determination and
14 reports back to the zoning officer that the
15 applicant has gone beyond the parameters of what the
16 Board intended to approve, then I think the next
17 thing that would happen is the zoning officer at
18 that point would revoke the first certificate of
19 zoning compliance. I think we are not there yet.
20 We're sort of --

21 MS. BANYRA: Right.

22 COMMISSIONER MURPHY: And then if we
23 say it is okay, then you hopefully get your work
24 orders started again.

25 MR. MATULE: Well, hopefully I think if

1 the Board decides that the applicant is doing what
2 he said he was going to do and what they thought he
3 was going to do, then the stop work order would be
4 lifted, and we would go back to work, subject to
5 complying with all of the other terms of the
6 resolution.

7 CHAIRMAN AIBEL: Okay. So our biggest
8 problem is finding an hour.

9 Pat, what are the options?

10 MS. CARCONE: The 16th, we have Stevens
11 scheduled at the Multi Service Center. That's I
12 mean, an hour?

13 CHAIRMAN AIBEL: No.

14 MR. MATULE: The 23rd, do you want to
15 do it the 23rd? Would that be more convenient for
16 the Board?

17 MS. CARCONE: The 23rd, we can put it
18 on then.

19 CHAIRMAN AIBEL: The 23rd.

20 MS. CARCONE: If you want to leave
21 Stevens open --

22 MS. BANYRA: Yeah.

23 I mean, frankly, Mr. Chair, I don't
24 think this should take an hour, right?

25 I mean, I think it could be -- you are

1 going to read the resolution. There is going to be
2 a discussion among the Board. There should be a
3 decision, and then there will be advice as to
4 direction at that point.

5 MR. MATULE: And I don't know if doing
6 it at the Multi-Service Center would be the venue to
7 do that, respectfully.

8 (Laughter)

9 CHAIRMAN AIBEL: I think everybody
10 would be better served by having it here.

11 COMMISSIONER GRANA: I would make a
12 motion to extend this conversation to the 23rd of
13 June.

14 Is that right, Pat?

15 MS. CARCONE: 23rd of June, yes.

16 COMMISSIONER GRANA: The 23rd of June,
17 without further public notice.

18 COMMISSIONER MURPHY: Second.

19 MS. CARCONE: And we don't -- well, it
20 is not a hearing, so we are not noticing it, right?

21 MR. GLEASON: Correct.

22 CHAIRMAN AIBEL: All in favor?

23 (All Board members voted in the
24 affirmative.)

25 CHAIRMAN AIBEL: Anybody opposed?

1 MS. CARCONE: Does the Board want the
2 plans that we reviewed the night of the hearing?

3 COMMISSIONER GRANA: I think it would
4 be the plans and transcripts.

5 MS. CARCONE: The transcripts I have,
6 resolutions, but the plans of the night of the
7 hearing --

8 COMMISSIONER DE GRIM: And I think we
9 would want that as well, yes, please.

10 MR. MARSDEN: If you need the plans,
11 and you don't have them, but you know what date they
12 are, I most likely have them --

13 MS. CARCONE: That's the 14th was the
14 one that --

15 MS. BANYRA: Yeah, the 14th. We
16 decided that today -- yeah.

17 MS. CARCONE: Okay.

18 MS. BANYRA: So we can make copies of
19 that, Pat, and, Jeff.

20 CHAIRMAN AIBEL: Okay. Thank you.
21 Thanks, everybody.

22 MR. MATULE: Thank you.

23 (The matter concluded.)

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 testimony as taken stenographically by and before me at the time, place and date hereinbefore set forth.

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.
Dated: 5-28-15
This transcript was prepared in accordance with
NJAC 13:43-5.9.

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X SPECIAL MEETING
RE: 356 Third Street, Block 52, Lot 36: May 26, 2015
Applicant: Maria Gallione :
C Variance - Rear Yard :Tuesday, 7:45 pm
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Philip Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner Frank DeGrim

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

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

PHYLLIS T. LEWIS
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12 Attorney for the Applicant.

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I N D E X

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WITNESS

PAGE

ANA SANCHEZ

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1 CHAIRMAN AIBEL: Mr. Matule, 356 Third
2 Street.

3 Thank you, Mr. Matule.

4 CHAIRMAN AIBEL: Okay, Board.
5 We're starting.

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

8 Robert Matule, appearing on behalf of
9 the applicant, Maria Gallione.

10 This is an application with respect to
11 property at 356 Third Street, which Ms. Sanchez will
12 testify in more detail about, but basically it is
13 within the corner formed by the two walls of the
14 parking garage by the hospital.

15 The application is to renovate the
16 existing building into a one-family dwelling. We
17 are requesting variances principally to construct a
18 freestanding accessory garage at the rear of the
19 property, and also to construct a deck, a raised
20 deck in the backyard, and again, Ms. Sanchez will
21 testify as to what is driving that, the site
22 conditions that are driving that.

23 Ms. Sanchez is the only witness I have
24 here, other than the property owner, so if we can
25 have her qualified.

1 MR. GLEASON: Raise your right hand,
2 please.

3 Do you swear or affirm that the
4 testimony you are about to give is the truth, the
5 whole truth, and nothing but the truth?

6 MS. SANCHEZ: Yes.

7 A N A S A N C H E Z, Ana Sanchez Architects, LLC,
8 having been duly sworn, testified as follows:

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

11 THE WITNESS: Ana Maria Sanchez,
12 S-a-n-c-h-e-z.

13 MR. GLEASON: And has Ms. Sanchez
14 appeared before the Board on prior occasions?

15 MR. MATULE: Yes, she has.

16 MR. GLEASON: Okay. So you accept her
17 credentials then?

18 CHAIRMAN AIBEL: We do.

19 MR. MATULE: As a licensed architect.

20 And if you would, Ms. Sanchez, just try
21 to keep your voice up for the reporter.

22 Could you describe the existing site
23 and the surrounding area?

24 THE WITNESS: So this project has
25 actually been developed on two tracks. We have been

1 dwelling with the rehabilitation and restoration of
2 an existing structure, and we are here before you
3 today to address the proposed garage, deck, and a
4 small addition that we are putting to the rear of
5 the property.

6 I am showing you the existing
7 conditions. During the work that we have done on
8 the property in the house, we confirmed that the
9 structure is a wood structure that probably dates
10 back from the 1850s, and the rest of the city has
11 sort of grown around it, sort of leaving it a little
12 bit out of place.

13 You can see from actually this
14 photograph right now, that the municipal garage sort
15 of takes up, I would say, 95 percent of the lot and
16 forms the north wall of the property.

17 Then to the east and west of the
18 property, there are two apartment buildings, not
19 one-family homes.

20 It is my client's intention to return
21 the house to a one-family house, with bedrooms, and
22 again, we do have permits to do that work. The
23 project is in the flood zone, and we have taken
24 measures to address that. We have reviewed it with
25 Ann Holtzman, and we have taken measures to sort of

1 create wet flood proofing in the existing basement
2 and relocate all of the mechanical systems up above.

3 This presentation or this application
4 really has to do with the garage. The garage would
5 replace the existing carport that you can see
6 actually on this elevation, so this is the structure
7 as it is, and this is the carport. We would replace
8 that and build a garage set back on the property.

9 So the three elements that we are
10 requesting is the garage at the rear of the property
11 instead of the front, the deck that would open out
12 from the dining room and kitchen, and finally there
13 is a small addition on the back that we would
14 rebuild and a smaller configuration that would
15 extend the three stories of the house.

16 MR. MATULE: Do you want to just take
17 the Board through what you are proposing?

18 THE WITNESS: So I think you sort of
19 see it in the elevation.

20 Currently the bottom half has Garden
21 State Brickface, and the top has aluminum siding,
22 and the rear is sort of treated in the same way.

23 It is our intent to put brick veneer
24 along front of the building, return the windows back
25 to their original configuration, and rebuild the

1 cornice.

2 This drawing prints everything out in
3 sort of the same language, but this is the area of
4 the carport. This is the garage that would be set
5 in the back of the property.

6 In the back of the property this would
7 now be the lot line wall between the garage --
8 between the municipal garage and the garage for this
9 property, and this would be the deck that would exit
10 from their living space.

11 The other elements that we tried to
12 address is to introduce areas to retain site water,
13 so in the back we are providing gravel under the
14 deck. There is a small area that would have
15 planting sort of at the edge.

16 The driveway would all be permeable
17 pavers, and then the sidewalk also would be replaced
18 and have permeable pavers in the front.

19 We are also proposing to add a planter
20 area right in front of the house for privacy.

21 So the variances that we are requesting
22 are for lot area. It is a regular lot, 35 by 50 lot
23 coverage. The garage, the addition and the house,
24 actually only come up to 60 percent. It is a deck
25 that we are asking for, that actually increases us

1 to the 78 percent on the chart.

2 Lot depth, again, because it is a non
3 complying lot, and then the setbacks, the existing
4 setbacks for the street.

5 On the existing building, it would be
6 existing at zero, and then the garage would be set
7 back about 30 feet.

8 MR. MATULE: The garage is going to be
9 on the rear lot line?

10 THE WITNESS: Rear lot line, yes.

11 MR. MATULE: So effectively, there
12 would be no rear yard behind the garage?

13 THE WITNESS: Not behind the garage.

14 But ineffectively, it is sort of
15 creating a little courtyard, a little oasis in this
16 area that has been really built up by the neighbors,
17 so that is really the intent of the project.

18 MR. MATULE: And the deck is going to
19 be approximately how high off the ground?

20 THE WITNESS: It is going to be about
21 five feet above the ground.

22 MR. MATULE: And underneath the deck
23 will be --

24 THE WITNESS: It will be gravel --

25 MR. MATULE: -- gravel, so the water

1 can be absorbed?

2 THE WITNESS: Yes.

3 MR. MATULE: I know in one of your
4 drawings, you had done a calculation of the current
5 and proposed permeable areas?

6 THE WITNESS: Yes.

7 Actually on the front street of the
8 drawings I distributed, and this included the
9 sidewalk because we intend to replace it, right now
10 there is 68 percent hard surface on the property
11 leaving only 32 that is actually permeable.

12 The proposed project would actually
13 flip that number, and it would only be the existing
14 house and the addition that would be a hard surface.

15 The sidewalk would be permeable. The
16 driveway, the rear yard, and then we are proposing a
17 green roof on the garage.

18 We are not proposing it on the existing
19 house, just because of the existing structural
20 issues we found, we don't think the house would be
21 able to carry it.

22 MR. MATULE: And where the carport now
23 is, there is a garage door there and a roof
24 structure over that. That would all come down?

25 THE WITNESS: That would all come down.

1 MR. MATULE: And then the pavers -- a
2 paver driveway would be put in?

3 THE WITNESS: Yes.

4 MR. MATULE: And I know on your drawing
5 you are showing gates that open onto the property --

6 THE WITNESS: Yes. Potentially it
7 shows on the floor plan, yes. The opening of the
8 gates has changed, and they actually now open into
9 the property.

10 MR. MATULE: And they would be wrought
11 iron gates?

12 THE WITNESS: Yes.

13 MR. MATULE: Approximately how high
14 would they be?

15 THE WITNESS: Around 42 inches.

16 One of the other things the project
17 will address is the carport encroaches on the
18 neighbor's property by two feet, and actually the
19 neighbor has its own garage built up to that space.
20 So the carport legally should be ten feet, but
21 because it is built up to the rear wall of the
22 neighbor, it is actually 12.

23 So this would allow that area to be
24 open in the front, and we'll probably put a planter
25 bed until the day that the neighbor decides to re-up

1 that, the property of the neighbor on the side.

2 MR. MATULE: Okay. I have nothing
3 further of Ms. Sanchez.

4 CHAIRMAN AIBEL: Board members?

5 COMMISSIONER MURPHY: Hum, I guess --

6 COMMISSIONER GRANA: Diane first.

7 COMMISSIONER MURPHY: -- I guess one of
8 my concerns is moving the garage back. I thought
9 that we -- our master plan was asking to have things
10 come to the front of the block.

11 So is there a reason why, other than
12 esthetics, moving it back as opposed to, you know,
13 renovating it again to use it where it is exists now
14 instead of it just being a carport?

15 THE WITNESS: Well, I think it is
16 two-fold.

17 One is if you were to replace it, you
18 could now have a two foot gap between the buildings,
19 if we -- otherwise, we would be building on the
20 other property.

21 The second thing is we really are
22 responding to the particular site conditions of this
23 property, which are really unlike the rest of
24 Hoboken. So right now there is a corner -- the
25 corner is an apartment building. Then there is

1 actually a gap with some electrical equipment, and
2 then the municipal garage again.

3 Then as you turn the corner, it is
4 equally sort of -- it really does not have the
5 fabric of what we know as Hoboken.

6 And, once again, pushing the garage
7 back really creates a courtyard for them to use and
8 retain outdoor space, which is really not used by
9 anyone in that area, not the previous owners or even
10 the neighbors next door.

11 COMMISSIONER GRANA: Question: When
12 you push the garage back, the rear of the garage
13 will be at the rear of the property line. Is that
14 correct?

15 THE WITNESS: Yes.

16 COMMISSIONER GRANA: And what will it
17 abut?

18 THE WITNESS: Oh, it is actually an
19 alleyway. I have the survey, so --

20 COMMISSIONER GRANA: So, in other
21 words, if I look at this, if I look at the rear of
22 the garage here --

23 THE WITNESS: Yes.

24 COMMISSIONER GRANA: -- if you push it
25 back, it would come to the back of the property

1 line --

2 THE WITNESS: So right now --

3 COMMISSIONER GRANA: Yeah.

4 THE WITNESS: -- this here is the
5 corner property.

6 This line here is the municipal garage.

7 This is an alleyway with the electrical
8 equipment, and this is also an alleyway between the
9 rear wall of the municipal garage and actually a
10 concrete masonry unit wall that is severely cracked.

11 COMMISSIONER GRANA: Do you know who
12 owns this space here?

13 THE WITNESS: It is part of the city.

14 COMMISSIONER GRANA: So, in fact, when
15 you push the garage back, you will be abutting
16 against the alley, which is publicly owned and abuts
17 a municipal garage?

18 THE WITNESS: Yes.

19 COMMISSIONER GRANA: Thank you.

20 CHAIRMAN AIBEL: Is that alleyway used
21 for anything?

22 THE WITNESS: No. It's just gravel. I
23 mean, I am sure it is used for service, but there is
24 nothing there but gravel on the ground.

25 CHAIRMAN AIBEL: And how tall is the

1 municipal garage behind you?

2 THE WITNESS: I'm not really sure, but
3 I think it is about five stories.

4 CHAIRMAN AIBEL: And the garage loops
5 around and creates an "L"?

6 THE WITNESS: Yes.

7 Actually I didn't -- on your drawings
8 when I have the 200 diameter map, the garage
9 basically takes over that entire space with these
10 little setbacks --

11 COMMISSIONER GRANA: I think it's on
12 1.2 -- 1.2 --

13 COMMISSIONER MURPHY: It's A-1.2 --

14 MR. MATULE: I think it is A-1.0 --

15 COMMISSIONER GRANA: I think it's on
16 1.2 --

17 MR. MATULE: I think A-1.0 shows it --

18 COMMISSIONER GRANA: I think it's over
19 here, too.

20 MR. MATULE: Yes.

21 THE WITNESS: Yes.

22 COMMISSIONER GRANA: It's right here --

23 CHAIRMAN AIBEL: So there really is no
24 other use or residents that are affected by in
25 effect --

1 THE WITNESS: No, not by us moving the
2 garage back at all. It is really a municipal
3 garage.

4 CHAIRMAN AIBEL: We are not losing the
5 donut. We are just -- there is nobody who is
6 enjoying this donut from the back of the municipal
7 garage.

8 COMMISSIONER GRANA: Yeah.

9 THE WITNESS: I mean, effectively, the
10 municipal garage took care of whatever the donut was
11 back then.

12 CHAIRMAN AIBEL: Okay. Thank you.
13 Board members, anybody else?

14 COMMISSIONER COHEN: Yes.

15 Is the planter that is going to be in
16 front of the house in the public right-of-way, is
17 that -- is that --

18 THE WITNESS: Yes, and I actually need
19 to add a note. We are going to be requesting an
20 easement.

21 The existing -- the existing steps --
22 the steps are existing, and we are replacing them,
23 but I think it is probably safe to document them by
24 making that submission and adding the planter to
25 that.

1 COMMISSIONER COHEN: So are you saying
2 then that the steps will be within the property, but
3 not in the public right-of-way, but the planter,
4 that may be in the public right-of-way because
5 you're at zero lot line --

6 THE WITNESS: No. The existing steps
7 are already on the public sidewalk, so we were just
8 replacing them in kind, so we were not increasing
9 their configuration at all.

10 COMMISSIONER COHEN: Okay.

11 So then you are going to seek approval
12 from the governing body to have the steps in the
13 public right-of-way when you reconstruct this
14 building?

15 THE WITNESS: Well, yes, because we
16 would also need to request for the planter, so...

17 COMMISSIONER COHEN: Okay.

18 That's all I have.

19 CHAIRMAN AIBEL: So let me ask a quick
20 question about the rear yard deck.

21 It is going to extend past the floor
22 frame to the east of the structure?

23 THE WITNESS: Yes. Let me see where it
24 is.

25 Yes. It sort of extends sort of from

1 east to west, and then I don't have that drawing
2 with the dimension, but there is an area way, where
3 we intended to actually provide plantings to
4 actually block the garage.

5 CHAIRMAN AIBEL: Okay.

6 Does your neighbor have a backyard?

7 Does it have a deck?

8 THE WITNESS: No. The neighbor --
9 right now there is -- the unit next door is eight
10 apartment units. It is condominiums.

11 We have made numerous attempts to
12 contact them when we started the project, but we
13 have had no success, and right now their backyard,
14 there are no decks, and we haven't seen anybody use
15 it. They is just a wood fence that separates the
16 properties.

17 CHAIRMAN AIBEL: My only concern would
18 be if the wood deck aligned with any of the windows
19 on the four-story frame, that might be an issue that
20 would require a privacy wall or some other --

21 THE WITNESS: Okay. I will put a note.
22 There should be a privacy fence along there, so
23 there is no view into the other side.

24 CHAIRMAN AIBEL: Board members,
25 anything else?

1 Okay, Mr. Marsden?

2 MR. MARSDEN: Yes.

3 Do you have my April 21st letter?

4 THE WITNESS: Yes.

5 MR. MARSDEN: And you can address all
6 of the concerns in there?

7 THE WITNESS: Yes.

8 MR. MARSDEN: Okay.

9 MR. MATULE: If I could just for the
10 record, I think you raised some things about raising
11 the first floor up to elevation 14 in your letter.

12 MR. MARSDEN: Yeah, but I believe I
13 said it is up to the flood manager to determine what
14 she wanted. You know, I just wanted to bring it to
15 somebody's attention. That's all. I'm sure --

16 MR. MATULE: I just want --

17 MR. MARSDEN: -- I'm sure Ann said it's
18 okay.

19 MR. MATULE: -- I just want the record
20 to be clear.

21 THE WITNESS: Actually I met with Ann,
22 and she is going to write a letter that will be part
23 of the file saying that she is in agreement.

24 MR. MARSDEN: I just wanted to make
25 sure you talked to her. That's all. Okay.

1 THE WITNESS: Yes.

2 CHAIRMAN AIBEL: Ms. Banyra?

3 MS. BANYRA: Yes.

4 So, Ms. Sanchez, I think you've spoken
5 about the additional landscaping details --

6 THE WITNESS: Yes.

7 MS. BANYRA: -- you referenced both the
8 front and the back should also be noted with
9 quantities, species and number -- quantity, species
10 and size, excuse me.

11 Then you have indicated that you are
12 going to be going to the city council, so the stoop
13 is being basically replaced with a new stoop, and
14 then the city council for the planter, correct?

15 THE WITNESS: Yes.

16 MS. BANYRA: And I think on Sheet A-2,
17 I have a note -- I don't know if you had corrected
18 this or not, that there was landscaping on the
19 adjacent property.

20 What was that about?

21 THE WITNESS: The idea is that that is
22 sort of going to remain as a planter bed until the
23 day that the neighbor actually moves the wall to the
24 right location.

25 Right now it is a garage, and it just

1 seems we don't want to build on it, but it would
2 just seem like a waste to be completely abandoned,
3 so it is a just matter of taking care of it, till
4 the day that they up the property --

5 MS. BANYRA: So there is existing
6 landscaping there now?

7 THE WITNESS: No. The carport is there
8 now.

9 MS. BANYRA: Okay, right, gotcha.

10 So do you have an agreement with the
11 property owner that you are going to be landscaping
12 that, and do they have any problem with that?

13 I mean, I can't see why they would,
14 but --

15 MR. MATULE: I don't know that we have
16 an agreement at this point.

17 MS. BANYRA: Okay.

18 MR. MATULE: I mean, frankly, you know,
19 we are going to leave it alone, but it is just going
20 to be dead space there. We were going to try to get
21 an agreement with the next door neighbor to allow us
22 to plant there.

23 MS. BANYRA: Okay.

24 Then the last thing is you indicated
25 you have a green roof on top of the garage.

1 What about anything else on the upper
2 structure, or has that been evaluated?

3 THE WITNESS: Structurally we don't
4 feel that we could actually support it. That is why
5 we limited it to the new structure, that we could
6 design for it.

7 MS. BANYRA: Okay.

8 Will you be putting a white roof on
9 that at least?

10 THE WITNESS: Yes.

11 MS. BANYRA: Okay. That's all I have.

12 CHAIRMAN AIBEL: Great.

13 Let me open it up to the public.

14 Anybody have questions for the
15 architect?

16 Seeing none.

17 COMMISSIONER GRANA: Motion to close
18 public portion.

19 COMMISSIONER COHEN: Second.

20 CHAIRMAN AIBEL: All in favor?

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

23 MR. MATULE: That is all of the
24 testimony I have.

25 Because this was a pretty, I think,

1 self-evident application, we didn't engage the
2 services of a professional planner.

3 The application, I think the applicant
4 is seeking relief both under C1 and C2 in the sense
5 that under C1, we have an existing undersized lot
6 with some substantial site conditions surrounding us
7 in terms of the municipal garage.

8 But also as a C2 variance with what is
9 there now and what we are proposing, the lot
10 coverage for the house and garage is actually two
11 percent than the existing -- two percent less than
12 the existing lot coverage that is there now.

13 The additional lot coverage is being
14 generated by that deck, and I am sure the Board
15 members appreciate that based on both the sighting
16 and the water problem there that getting that deck
17 up off the ground and having a permeable surface to
18 absorb water underneath is a better alternative. It
19 is certainly a more esthetically pleasing building.

20 We are substantially increasing the
21 permeability of the lot, and there are several
22 stormwater planters around on the property, one in
23 the front and one in the back, which will also add
24 to dealing with the stormwater runoff.

25 So, you know, just generally speaking

1 as a C2 variance, I think the Board can find that
2 certainly the benefits outweigh any significant
3 detriment, and I would also suggest to the Board
4 that there really is no detrimental effects on any
5 of the adjoining property owners by what is being
6 proposed there. It is quite a vast improvement.

7 CHAIRMAN AIBEL: Thank you, Mr. Matule.

8 Board members?

9 COMMISSIONER COHEN: Public comment?

10 CHAIRMAN AIBEL: My apologies.

11 Let me open it up to the public for
12 comment.

13 Seeing none.

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

16 COMMISSIONER GRANA: Second.

17 CHAIRMAN AIBEL: All in favor?

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

20 CHAIRMAN AIBEL: Okay. Now we can open
21 it up for the Commissioners.

22 COMMISSIONER COHEN: I think this is a
23 good application. If we need to make a motion to
24 waive the planner's report, you know, I would think
25 we should do that. I don't know --

1 MR. MATULE: It is not a checklist
2 item because we are not asking for any D variances.

3 MS. BANYRA: It's only a C variance --

4 COMMISSIONER COHEN: Okay, good.

5 You know, I mean, you know, there is no
6 donut here.

7 You know, the fact that they are moving
8 the carport to the back and instead having a
9 permeable place with a planter on the side is
10 actually I think an improvement to having the
11 carport in the front.

12 I think removing the aluminum siding
13 and Garden State stucco and replacing it with
14 something that's more Hoboken appropriate is a very
15 good design improvement, and it sounds like it is
16 going to be a nice family residence, so -- with nice
17 backyard space.

18 I think the condition should include
19 having the privacy screen on the deck, and you know,
20 if they need to go back to the public body with
21 respect to the planter in the front, but otherwise,
22 you know, I think this is an unobjectionable
23 application that I would support.

24 CHAIRMAN AIBEL: Anybody else?

25 COMMISSIONER GRANA: I agree with

1 Commissioner Cohen.

2 COMMISSIONER DE GRIM: I also agree.

3 CHAIRMAN AIBEL: We will vote.

4 Are you okay or do you want to --

5 COMMISSIONER DE FUSCO: Yeah. I will

6 just make a motion to approve 356 Third Street

7 with -- do we have -- what are the conditions?

8 MR. GLEASON: I have a few conditions

9 that, you know, are typical for these sorts of

10 situations.

11 One: Gravel shall be placed under the

12 deck, and the driveway shall be constructed of

13 permeable pavers in order to facilitate stormwater

14 infiltration.

15 Condition two: Applicant shall obtain

16 approval from the city council for any encroachments

17 into the public right-of-way.

18 And condition three: Plan shall be

19 revised to include a privacy fence or similar

20 screening for the deck along the neighboring

21 property.

22 MR. MARSDEN: I think you should

23 specify the thickness of the gravel to be at least a

24 minimum of six inches underneath the deck, and also

25 I believe Ana testified to the sidewalk being

1 permeable also.

2 MS. SANCHEZ: Uh-huh.

3 COMMISSIONER DE FUSCO: So that being
4 said, I would like to make a motion to approve 356
5 Third Street with the conditions just outlined by
6 our professionals.

7 COMMISSIONER GRANA: Second that
8 motion.

9 MS. CARCONE: Commissioner Cohen?

10 COMMISSIONER COHEN: Yes.

11 MS. CARCONE: Commissioner DeFusco?

12 COMMISSIONER DE FUSCO: Yes.

13 MS. CARCONE: Commissioner Grana?

14 COMMISSIONER GRANA: Yes.

15 MS. CARCONE: Commissioner Murphy?

16 COMMISSIONER MURPHY: Yes.

17 MS. CARCONE: Commissioner DeGrim?

18 COMMISSIONER DE GRIM: Yes.

19 MS. CARCONE: Commissioner Aibel?

20 CHAIRMAN AIBEL: Yes.

21 MR. MATULE: Thank you.

22 MS. SANCHEZ: Thank you.

23 MS. BANYRA: Ms. Sanchez, I think
24 there's been -- Mr. Matule, I think the testimony
25 was that --

1 CHAIRMAN AIBEL: Good luck.

2 MS. BANYRA: -- you're going to revise
3 your plans --

4 MR. MATULE: Yes.

5 MS. BANYRA: -- to address both of our
6 reports --

7 MR. MATULE: The resolution set will be
8 revised with the appropriate notes.

9 MS. BANYRA: That's great.

10 Thank you.

11 MR. MATULE: Thank you very much.

12 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 5-28-15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X SPECIAL MEETING
RE: 110 Park Avenue, Block 34, Lot 30 : May 26, 2015
Applicant: 110 Park Avenue, LLC :
C Variance - Height, Front Yard, :Tuesday, 8:20 pm
Rear Yard, and Roof Coverage :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Commissioner Philip Cohen
Commissioner Michael DeFusco
Commissioner Antonio Grana
Commissioner Diane Fitzmyer Murphy
Commissioner Frank DeGrim

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

Eileen Banyra, Planning Consultant

Jeffrey Marsden, PE, PP
Board Engineer

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
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12 Attorney for the Applicant.

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WITNESS

PAGE

JENSEN C. VASIL

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EDWARD KOLLING

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1 COMMISSIONER DE FUSCO: So, Mr. Chair,
2 I just wanted to let the Board and let the next
3 applicant know that I live at 133 Park Avenue, which
4 is literally right outside of the radius.

5 I don't feel like I have any reason why
6 I can't hear this application, so I would just like
7 to put that on the record. And if there are any
8 objections to me sitting on it, I certainly have no
9 issue stepping out from this application.

10 CHAIRMAN AIBEL: If you are outside the
11 200 foot radius, you are technically fine, so it's
12 nice to have you.

13 COMMISSIONER DE FUSCO: Great. Happy
14 to be here.

15 (Laughter)

16 CHAIRMAN AIBEL: Okay. We have 110
17 Park.

18 MR. MATULE: Also, just if I might, I
19 don't know if you want it or not, but on the
20 previous application and also on this one, I pulled
21 the tax records.

22 MS. CARCONE: I'll take them.

23 MR. MATULE: The taxes are current on
24 both properties.

25 I will give you the one for Third

1 Street also, just to have it for the record.

2 MS. CARCONE: Okay.

3 CHAIRMAN AIBEL: The one condition is
4 nobody can yell out the Rangers' score.

5 (Laughter)

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

8 Robert Matule, appearing on behalf of
9 the applicant.

10 This is an application for property at
11 110 Park Avenue. The application is to renovate the
12 existing building into two duplex units.

13 As part of the renovation, the current
14 basement area is going to be turned into storage to
15 get up out of the flood plain, and then a new fourth
16 floor will be added to the top of the building, as
17 well as a rear extension. So when the project is
18 completed, there will be four 60 foot deep
19 residential floors over the non usable area below
20 the basement in the flood area.

21 We have Jensen Vasil, the architect,
22 and Mr. Kolling, our planner, to testify.

23 We have already submitted our
24 jurisdictional proofs, so if we could have Jensen
25 come up and be sworn.

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

4 MR. VASIL: I do.

5 J E N S E N C. V A S I L, having been duly
6 sworn, testified as follows:

7 MR. GLEASON: Please state your full
8 name and spell your last name for the record.

9 THE WITNESS: Jensen Vasil, V-a-s-i-l.

10 MR. GLEASON: And I take it Mr. Vasil
11 has appeared before the Board on prior occasions?

12 CHAIRMAN AIBEL: Yes, he has, and we
13 accept his credentials.

14 MR. MATULE: Thank you.

15 Mr. Vasil, could you please describe
16 for the Board members the existing building and the
17 surrounding area?

18 THE WITNESS: Sure.

19 The existing building is a four-story
20 building. It has a garage in the rear. It is mid
21 block lot, and the surrounding area is pretty
22 heavily densely populated in the middle of the
23 donut. There isn't much of a donut -- there isn't
24 much of a donut there. It is populated by a lot of
25 sheds, and especially to the west of the lot, there

1 are quite a few deep buildings, so they are 80 to 90
2 percent lot coverage to the rear of the building.

3 MR. MATULE: If I could just for the
4 record, this is a shed, not a garage, correct?

5 THE WITNESS: That is correct, a shed.

6 MR. MATULE: And while we are on Sheet
7 Z-001, I know Ms. Banyra pointed out in her report
8 that it says the property is in the R-1 zone, but in
9 fact, it's in the R-2 zone, correct?

10 THE WITNESS: Correct.

11 MR. MATULE: Thank you.

12 THE WITNESS: I'm sorry. No, it is
13 here, R-1.

14 MR. MATULE: You know what, I am sorry.
15 We're talking about a different one. It is in the
16 R-1, okay.

17 COMMISSIONER GRANA: 110 Park, R-1?

18 THE WITNESS: Yes.

19 MR. MATULE: Okay. I take it back.

20 (Laughter)

21 Could you describe the proposed
22 renovation for the Board members?

23 THE WITNESS: Sure.

24 After Sandy demolished the bottom floor
25 of the building, so the proposed renovation would

1 add another habitable floor from the basement level,
2 from the ground floor level, and actually put it on
3 top of the building.

4 It would also include an extension at
5 the rear, and the demolition of the existing shed in
6 the back, thereby reducing the lot coverage from the
7 existing lot coverage on the site, which is 64.79
8 percent down to 60 percent.

9 All of the existing floor framing, the
10 levels would all remain from the first through the
11 third floors, and then the fourth floor, where the
12 roof is, because the roof is pitched back, that
13 would be reframed, and then you would have the
14 extension at the top.

15 MR. MATULE: Could you perhaps go to
16 Z-003 and show the Board members --

17 THE WITNESS: Yes.

18 So this is the --

19 MR. MATULE: Which is the one with the
20 cross-section?

21 THE WITNESS: Here.

22 MR. MATULE: Okay.

23 THE WITNESS: As you see here, the
24 existing building, the lowest floor goes back 52
25 foot three and a half inches, and the building steps

1 back as it goes to the third floor.

2 Our building would go straight up in
3 the back at 60 percent or 60 feet, 60 percent lot
4 coverage, and the front building line would remain
5 where it is.

6 The building actually has a deeper than
7 normal front yard, so the zone -- the district
8 regulations are ten feet, and this actually has an
9 existing 11 foot front yard, so we would be
10 maintaining the same building facade in the front.

11 MR. MATULE: You are proposing to
12 re-landscape that front area at 11 feet?

13 THE WITNESS: That's correct.
14 That's correct.

15 So we would be re-landscaping both,
16 obviously it goes to the front and the backyard, but
17 we would be creating a planted area within the gate
18 area.

19 So there is -- so we would have planter
20 beds, a tree pit actually inside of the fence line,
21 and pervious pavers outside of the fence line -- oh,
22 I'm sorry, excuse me -- pervious pavers on both the
23 lower and upper area, so we would take the overall
24 pervious area down from 74 percent down to 60
25 percent, where it would only be the building that

1 would have the pervious percentage.

2 MR. MATULE: And we are showing a gate
3 on the property line?

4 THE WITNESS: Correct. That is
5 correct. That is the existing -- that's the
6 existing gate, and we'll replace it in the same
7 location.

8 MR. MATULE: That runs the entire width
9 of the property?

10 THE WITNESS: That's correct.

11 We are removing -- there was a -- there
12 is a very large gate now, where they parked cars in
13 the past, but now it is going to be a solid gate --
14 a smaller double gate just for pedestrians.

15 MR. MATULE: And there's no intention
16 to have any kind of parking in front of the
17 property?

18 THE WITNESS: No. This would be
19 removed.

20 MR. MATULE: And the existing stoop
21 that is there is going to remain?

22 THE WITNESS: That's correct.

23 The existing stoop remains. It will
24 just be refinished in a brownstone finish.

25 MR. MATULE: Is the building going to

1 have any green features, a green roof?

2 THE WITNESS: It will.

3 It will have -- this green space over
4 here we talked about, the pervious pavers, which are
5 both in the front and the back.

6 It will have a green roof at the main
7 roof with 272 square feet.

8 It will have a rain collection system
9 for 1200 gallons in the rear of the building.

10 It will also have a street tree and
11 also other plantings.

12 MR. MATULE: And I don't know what the
13 appropriate sheet would be, but could you just take
14 the Board members through how the rear yard will be
15 accessed by the occupants of the first and second
16 floor duplex?

17 THE WITNESS: Sure.

18 So the rear yard would be accessed
19 through the stair that goes between the first level
20 and the basement level through the open storage
21 area, so there will be a set of sliding doors and
22 windows to get through to the backyard.

23 MR. MATULE: So you don't have any
24 exterior landing or stairs or --

25 THE WITNESS: That's correct. So we

1 can keep the least amount of lot coverage by not
2 adding on a stair landing outside, which would be
3 significant considering the height of that first
4 floor level.

5 MR. MATULE: And it is your testimony
6 that the shed in the rear is being removed to open
7 up the backyard?

8 THE WITNESS: That's correct.

9 Everything in the rear is being removed
10 and replaced.

11 MR. MATULE: And you are proposing a
12 roof deck?

13 THE WITNESS: That's correct.

14 MR. MATULE: And approximately how big
15 is that?

16 THE WITNESS: The roof deck is 380
17 square feet, and it also has -- so there is a green
18 roof, which is entirely to the south end.

19 There is equipment, a generator, and
20 two air-conditioning condensers that are behind the
21 stair to get up to the roof deck, and the roof deck
22 is in the front facing the --

23 MR. MATULE: The roof deck is set back
24 from the front of the building?

25 THE WITNESS: Yes. The roof deck is

1 set back ten feet.

2 MR. MATULE: And you have privacy
3 screens on the --

4 THE WITNESS: Correct, both sides.

5 MR. MATULE: -- on the north and south
6 sides?

7 THE WITNESS: That's correct.

8 And the privacy screen is a slatted
9 Epay wood fence six feet high.

10 MR. MATULE: And you are going to have
11 planters up there. I know Mr. Branciforte is not
12 here, but are you going to have any kind of
13 irrigation system, a hose bib, or anything up there?

14 THE WITNESS: Yes, we will.

15 (Laughter)

16 MR. MATULE: And you already reviewed
17 this plan with the flood zone administrator?

18 THE WITNESS: I have.

19 So the few comments that were brought
20 up, the basement will be wet flood proofed.

21 The -- she mentioned that she would --
22 because we are not reframing the whole building, she
23 wants to keep the first floor where it is. It is at
24 13.68. She said if the bottom of the structure is
25 at 13, she doesn't want to touch it, which it would

1 be, so that it would be acceptable as to keep the
2 existing floor where it is.

3 MR. MARSDEN: That is her jurisdiction.
4 I agree.

5 MR. MATULE: And you have received Mr.
6 Marsden's report of April 20th, 2015?

7 THE WITNESS: I have.

8 MR. MATULE: You have no issue
9 complying with the issues that he has raised
10 therein?

11 THE WITNESS: None whatsoever.

12 MR. MATULE: Okay. I have nothing
13 further for Mr. Vasil.

14 CHAIRMAN AIBEL: Board members?

15 COMMISSIONER GRANA: Couple of
16 questions.

17 I just wanted to translate some of that
18 testimony to make sure I understood it correctly.

19 There is the -- all of the build --
20 this building and all of the roughly adjacent lots,
21 for example, 108, 106, these are all set back from
22 the sidewalk as we call it?

23 THE WITNESS: That's correct.

24 COMMISSIONER GRANA: And we would be
25 maintaining that setback, is that correct?

1 THE WITNESS: That's correct.

2 So the building facade would not
3 change. There would be a Mansard that would be
4 added to the top, which is sloped back, but the
5 cornice line that's established for the four
6 buildings to the south would all be maintained, so
7 it would --

8 COMMISSIONER GRANA: So the cornice
9 remains, and the Mansard is the addition?

10 THE WITNESS: That's correct.

11 COMMISSIONER GRANA: Okay.

12 The area that will be under the stoop
13 area, so that is no longer going to be a habitable
14 space?

15 THE WITNESS: That's correct.

16 COMMISSIONER GRANA: That's correct.

17 Is the space that's next to the stoop
18 currently used for parking?

19 THE WITNESS: There is a gate there.

20 I know I've never seen a car there, but
21 there is a big gate that is right behind here, that
22 could have been used for parking at one time.

23 COMMISSIONER GRANA: So there's
24 neither -- is there a curb cut, do you know, in
25 front of --

1 THE WITNESS: There's a low curb, but
2 it's not a curb cut.

3 COMMISSIONER GRANA: So it's not
4 necessarily the intent of the application to propose
5 some parking --

6 THE WITNESS: Not at all.

7 COMMISSIONER GRANA: -- okay.

8 The removal of the -- there will be a
9 removal of the shed in the rear, and the result will
10 be that the structure will have 60 percent lot
11 coverage?

12 THE WITNESS: Correct.

13 COMMISSIONER GRANA: And how tall will
14 the structure be when the Manzard is added on?

15 THE WITNESS: 43 foot ten inches.

16 COMMISSIONER GRANA: Total height?

17 THE WITNESS: Total height.

18 COMMISSIONER GRANA: 43.10.

19 THE WITNESS: So part of that is driven
20 by keeping the existing floor-to-floor heights,
21 so --

22 COMMISSIONER GRANA: Understood. Yeah,
23 I just -- I got it.

24 THE WITNESS: -- so there is the
25 existing cornice line, and then there is the

1 aluminum that -- aluminum stainless steel roof that
2 sets -- that's on the Manzard that slopes back, and
3 then there's dormers, curved dormers, that come
4 back.

5 MR. MATULE: I just want to correct
6 one thing for the record.

7 You talked about 43 feet ten inches.
8 That is from the base flood elevation, correct?
9 That's not from the --

10 THE WITNESS: From the design -- I'm
11 sorry -- from the design flood elevation, which is
12 the way that we discussed -- Ann Holtzman and I
13 discussed measuring that, the overall height.

14 MR. MATULE: 42 feet ten inches?

15 THE WITNESS: Correct.

16 COMMISSIONER GRANA: Above BFE, is
17 that --

18 THE WITNESS: Above --

19 MR. MATULE: D, as in David, FE

20 COMMISSIONER GRANA: Okay.

21 And the material on the Manzard roof is
22 aluminum. Is that intended to compliment the
23 facade, to attract --

24 THE WITNESS: I think --

25 COMMISSIONER GRANA: -- the existing

1 facade --

2 THE WITNESS: -- I think it's a
3 compliment to the facade.

4 It has a little bit of a shiny finish,
5 and the entire front facade, we are proposing to be
6 brownstone, so it has -- it references the cornice
7 pretty well, because the cornice is a glossy black
8 paint, so it does kind of reference the existing
9 building template or pallet --

10 COMMISSIONER GRANA: Trying not to get
11 too much into the architecture, we are debating
12 whether we're having a brownstone facade with
13 that -- some flashy piece of metal above the --

14 THE WITNESS: Well, we had suggested at
15 one point to actually leave that open, whether we
16 should keep the brick or do brownstone because we
17 don't really know what is behind.

18 Right now it is all eyes on the front,
19 so there is about two inches of insulation, and we
20 don't know what the condition of the brick is behind
21 it, but I think when we spoke to the planner, she
22 wanted us to go one direction or another --

23 COMMISSIONER GRANA: So the direction
24 is brownstone?

25 THE WITNESS: -- because no matter what

1 the brick looks like, we could do it.

2 COMMISSIONER GRANA: Those are my
3 questions.

4 Thank you.

5 COMMISSIONER MURPHY: I have a
6 question.

7 CHAIRMAN AIBEL: Go ahead.

8 COMMISSIONER MURPHY: Can you just go
9 back to your picture, the page with the photos?

10 THE WITNESS: Yes.

11 COMMISSIONER MURPHY: I am just trying
12 to understand which building is this building from
13 the bottom picture.

14 THE WITNESS: So this is our garage
15 right now.

16 COMMISSIONER MURPHY: Okay, the dark
17 one, uh-huh.

18 THE WITNESS: This is another photo of
19 it looking to the north, and this is to the south,
20 these two buildings.

21 COMMISSIONER MURPHY: Okay.

22 So because this is concave, I am having
23 a hard time understanding which building that black
24 one -- that black shed attaches -- oh, so the
25 buildings behind it are the next street over --

1 THE WITNESS: Correct --

2 COMMISSIONER MURPHY: -- is that what
3 you're saying?

4 THE WITNESS: -- so you can see how
5 deep the buildings behind are. There is basically
6 nothing left of the donut.

7 COMMISSIONER MURPHY: Right, okay.

8 And so then this photo next to it, to
9 the left, is just looking down from --

10 THE WITNESS: That is correct --

11 COMMISSIONER MURPHY: -- from the
12 actual building?

13 THE WITNESS: -- that's showing the
14 buildings on First Street coming back, so there is a
15 large five-story apartment building that comes back.

16 COMMISSIONER MURPHY: Uh-huh.

17 THE WITNESS: And then there is the
18 building at the corner, which is a four-story
19 building on the corner that projects over, but that
20 is kind of looking towards the south corner of the
21 donut.

22 COMMISSIONER MURPHY: Okay.

23 And I guess the reason why I was really
24 trying to understand that is if you look on the
25 first page in the survey thing, it looks like the

1 building that is to the left has like a little
2 alleyway or a little cutout. I don't know if there
3 is any windows there. I can't really see.

4 THE WITNESS: Yes. It is difficult to
5 see from here because the building -- you can see
6 this piece of it, but it is hard to establish a lot
7 line because you are so far up. There is nothing
8 else to reference.

9 COMMISSIONER MURPHY: So in that little
10 section, are there any windows in that building?

11 THE WITNESS: No, there are not. This
12 is a straight brick wall.

13 COMMISSIONER MURPHY: Okay. Thank you.

14 THE WITNESS: You are welcome.

15 COMMISSIONER DE FUSCO: Mr. Chair?

16 CHAIRMAN AIBEL: Go ahead.

17 COMMISSIONER DE FUSCO: So the question
18 I have is, I would like that you -- you know, you
19 have added the internal staircase to access the
20 backyard, something that makes sense in this sort of
21 application.

22 What is your definition of an open
23 storage area, and why would that connect to a living
24 room?

25 THE WITNESS: It is basically -- it is

1 not a defined storage area, so we're not actually
2 adding any walls, mostly because for flood
3 regulations, they don't want to add more confined
4 spaces, because it is sort of like you are building
5 that as rooms, so we kept it as just one open piece.

6 The living room is only because of the
7 function of the floor plan of the first floor. It
8 just doesn't look as deep. The easiest way to get
9 out the back.

10 That stair, the internal stair that's
11 in the middle of the structure wouldn't connect like
12 as easily with the backyard as that.

13 COMMISSIONER DE FUSCO: Is there a door
14 separating -- on that staircase, it is not shown on
15 the plan, so the way I am visualizing it, and
16 perhaps I am wrong, is that this is almost an open
17 connecting area to the living room.

18 THE WITNESS: Yes. You are correct.

19 There is no door separation up top.
20 This would enclose the room.

21 COMMISSIONER DE FUSCO: Right.

22 THE WITNESS: Downstairs, I can speak
23 with my client about putting a hallway if they
24 were --

25 COMMISSIONER DE FUSCO: Yeah. Because

1 my only concern with this is that, again, I love the
2 concept of an internal staircase accessing the
3 backyard. It saves a lot of coverage and avoids
4 privacy issues.

5 My concern being that the ground floor
6 is no longer going to be livable. It shouldn't be
7 livable space --

8 THE WITNESS: Right.

9 COMMISSIONER DE FUSCO: -- so I just
10 wanted to avoid setting a precedent here that would
11 kind of make this a bi-level living room, if you
12 will.

13 THE WITNESS: Right.

14 COMMISSIONER DE FUSCO: So if there is
15 anything that you can do to address that --

16 THE WITNESS: I can certainly discuss
17 it with them now, but you could really put a wall up
18 against it and section it off --

19 COMMISSIONER DE FUSCO: Right. So it
20 is a hallway leading out to your backyard --

21 (Witness confers)

22 COMMISSIONER DE FUSCO: -- Jensen, did
23 you want to talk to your client about it, and maybe
24 you can get back to us after the planner, because I
25 don't want you to rush into anything.

1 THE WITNESS: Sure, no problem.

2 CHAIRMAN AIBEL: Go ahead, Mr. Cohen.

3 COMMISSIONER COHEN: Yeah.

4 With respect to the Manzard roof, there
5 is no color indicated, just a black and white
6 drawing. You said it would be shiny.

7 Could you describe what color that is
8 going to offset on the brownstone facade?

9 THE WITNESS: We were thinking a dark
10 copper.

11 COMMISSIONER COHEN: Dark copper.

12 THE WITNESS: The classic --

13 COMMISSIONER COHEN: And would that
14 like weather green or would that remain --

15 THE WITNESS: Not if it's aluminum, no,
16 it won't. It will stay pretty consistent because it
17 is a coated -- it's a coated --

18 UNIDENTIFIED VOICE FROM THE AUDIENCE:
19 We can use copper --

20 COMMISSIONER COHEN: Okay.

21 I just wanted to know because I
22 couldn't tell from the submission.

23 THE WITNESS: Sure.

24 COMMISSIONER COHEN: Just so -- I think
25 Mr. Matule laid it out.

1 Essentially you are taking the same
2 structure in terms of height, and you are raising it
3 up, so that you have four usable floors, where one
4 floor was basically taken by the code that prohibits
5 inhabiting the bottom 13 feet or so because of the
6 flood zone. Is that fair to say?

7 THE WITNESS: Correct.

8 COMMISSIONER COHEN: Okay.

9 That's all I have.

10 THE WITNESS: I should clarify one
11 thing.

12 On my drawing it does say color black
13 on there for the stainless steel roof, so -- but
14 that was -- that's my -- because the cornice is
15 black, you would think that was maybe my initial
16 thinking, and then you asked me, and I thought maybe
17 dark brown might contrast better with the
18 brownstone -- meaning that we're -- it's on the
19 darker tone of color, but we hadn't picked out an
20 exact color sample yet.

21 COMMISSIONER COHEN: Okay. Thanks.

22 CHAIRMAN AIBEL: Any other Board
23 members?

24 You could eliminate the C variances for
25 your rear yard and 70 feet from the front line by

1 building a 59 foot building?

2 THE WITNESS: Correct.

3 CHAIRMAN AIBEL: Any reason that
4 couldn't be done?

5 Would you be severely compromised by
6 doing that?

7 THE WITNESS: My client wished to go
8 for the 60 percent just because of, I guess, the
9 zone plan as of right is 60 percent lot coverage.

10 CHAIRMAN AIBEL: As of right, but you
11 are also violating a couple other ordinances.

12 THE WITNESS: Understood.

13 CHAIRMAN AIBEL: Okay.

14 Anybody else?

15 COMMISSIONER COHEN: Just one question.

16 Is it correct, the reason why you would
17 have the extra foot there is because it matches the
18 front of the other buildings that are all eleven
19 foot instead of ten foot?

20 THE WITNESS: Right. The existing
21 site -- the existing front setback kind of kills us
22 because it's already at eleven feet, which is one
23 more than the -- than the --

24 COMMISSIONER COHEN: Right, than the --

25 CHAIRMAN AIBEL: I am asking why the

1 back --

2 COMMISSIONER COHEN: -- I just want to
3 finish.

4 CHAIRMAN AIBEL: Go right ahead.

5 COMMISSIONER COHEN: Thanks.

6 So you could move the building forward
7 one foot, so that it would be one foot in front of
8 all of the other buildings and have the exact same
9 building with the full --

10 THE WITNESS: Correct.

11 COMMISSIONER COHEN: -- excuse me --
12 and obviate the need for some variances, right?

13 THE WITNESS: Yes.

14 COMMISSIONER COHEN: Right.

15 CHAIRMAN AIBEL: You are not knocking
16 this down, are you?

17 THE WITNESS: No, no, no. We are
18 keeping all of the existing window openings and
19 floors --

20 CHAIRMAN AIBEL: Okay.

21 Anybody else?

22 Let me open it up to the public.

23 Anybody in the public have questions
24 for Mr. Vasil?

25 Seeing none.

1 COMMISSIONER GRANA: Seeing none from
2 the public, motion to close public.

3 COMMISSIONER COHEN: Second.

4 CHAIRMAN AIBEL: All in favor?

5 (All Board members answered in the
6 affirmative.)

7 MS. BANYRA: Can I just ask a couple of
8 questions in terms of his zoning table?

9 CHAIRMAN AIBEL: Sure.

10 MS. BANYRA: Jensen, this is probably
11 for Mr. Matule, too.

12 You know, your existing and proposed
13 conditions because of our definition at least as of
14 today, I still think you are at four stories now,
15 and you have five stories as proposed.

16 I know, Bob, you said --

17 MR. MATULE: Yes, I know. I don't
18 agree because our ordinance says it only counts --

19 MS. BANYRA: All right. I think it is
20 going be a moot point in a few weeks, but, you know,
21 or a month maybe --

22 MR. MATULE: Hopefully.

23 (Laughter)

24 MS. BANYRA: -- but, you know, in my
25 read of the ordinance, and I think I've been pretty

1 consistent about it, I think that you have an
2 existing four-story, and you are going for a
3 five-story. You know, that is one thing, at least
4 as to today.

5 And habitable space, I think
6 Commissioner -- one of the Commissioners brought
7 out, and maybe the testimony has changed that a
8 little bit, that it almost became that using that
9 space from the living room to the basement as an
10 open floor plan, you know, actually addressed -- one
11 of the concerns is that it doesn't become usable
12 space for the exercise machine or something down
13 there, so maybe that has been changed.

14 Your roof coverage, I think you
15 reported at 44, but I have it down at 62, is that
16 correct, with the green roof?

17 I didn't think you actually counted in
18 the green roof, Jensen.

19 THE WITNESS: I put a calculation at
20 the top of that page.

21 MS. BANYRA: So it is 44 inclusive of
22 the green roof?

23 THE WITNESS: That's correct.

24 There is a -- the stair penthouse is
25 148 square feet or 147.88, so the roof deck area is

1 380, and the generator and condenser is 36, and so
2 that left us with -- the total area was -- and
3 the -- well, with the green roof it was 272.

4 MR. MATULE: Right here?

5 THE WITNESS: Right.

6 MS. BANYRA: So it's 44 plus?

7 THE WITNESS: I think we got the green
8 roof in that calculation, you're correct.

9 MS. BANYRA: So the variance request --
10 it's for 62.21 and a half, so that's correct.

11 THE WITNESS: Okay.

12 MS. BANYRA: And then I didn't see any
13 facade calculations or whether or not you need a
14 variance for that.

15 THE WITNESS: We have them on Sheet
16 A-200, and it shows all of the areas -- we don't
17 need a variance for any of that. All the
18 articulation and materials were over what was
19 required --

20 MS. BANYRA: I see now.

21 Then I just have a comment about
22 setting the top roof back, which I think you
23 addressed, you know, in your testimony, so that is
24 it.

25 CHAIRMAN AIBEL: Ms. Murphy?

1 COMMISSIONER MURPHY: I had a question
2 regarding the rear yard.

3 You have a feature that it looks to be
4 a pretty substantial building in that it has a water
5 feature and a fireplace, natural gas fireplace. How
6 deep is that?

7 THE WITNESS: It's four feet tall and
8 it's two feet deep.

9 COMMISSIONER MURPHY: Two feet deep?

10 THE WITNESS: Yeah. It is not a -- it
11 is reusing the same brick from the rear facade, so
12 we will take the rear facade out, and we'll reuse
13 that brick in that piece.

14 Actually the six feet is to the tallest
15 portion. The rest of it is about six inches less.

16 COMMISSIONER MURPHY: Okay.

17 So your calculation from the back of
18 the house is to the rear of this or to the front of
19 this?

20 THE WITNESS: To the rear of that, to
21 the lot line.

22 COMMISSIONER MURPHY: To the lot line.

23 So this is actually kind of coverage,
24 but not counted as coverage?

25 THE WITNESS: Yeah. It's a water

1 feature and it's, you know, a little bit of brick.

2 CHAIRMAN AIBEL: But it is not included
3 in your lot coverage calculation.

4 THE WITNESS: Correct.

5 If you were to take this small piece,
6 it is two feet by 18 --

7 CHAIRMAN AIBEL: 20 --

8 THE WITNESS: -- it would be 36 feet,
9 so --

10 (Commissioners talking at once.)

11 COMMISSIONER MURPHY: And how wide is
12 it going?

13 THE WITNESS: Correct.

14 COMMISSIONER MURPHY: I'm sorry. How
15 wide is the property again?

16 THE WITNESS: But it wouldn't be
17 building there, so it wouldn't count towards the 60
18 percent.

19 CHAIRMAN AIBEL: Eileen?

20 MS. BANYRA: You know, I have to look
21 that up. Right off the top of my head, I don't --

22 COMMISSIONER MURPHY: And just off the
23 top of your head, how wide is the yard again?

24 THE WITNESS: The yard is 20 wide --
25 22.19, which is the lot width.

1 COMMISSIONER MURPHY: Thank you. I
2 could go look for it, but I figured you would know.

3 Thanks

4 CHAIRMAN AIBEL: While Eileen is
5 looking, any other questions for Mr. Vasil?

6 I think we can safely thank you.

7 THE WITNESS: Thank you.

8 (Witness excused.)

9 CHAIRMAN AIBEL: Mr. Kolling?

10 MR. GLEASON: Do you swear or affirm
11 that the testimony you are about to give is the
12 truth, the whole truth and nothing but the truth?

13 MR. KOLLING: Yes, I do.

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

16 MR. GLEASON: Would you please state
17 your full name and spell your last name for the
18 record?

19 THE WITNESS: Edward Kolling,
20 K-o-l-l-i-n-g.

21 MR. MATULE: Mr. Kolling, you are
22 familiar with the master plan and zoning ordinance
23 of the City of Hoboken?

24 THE WITNESS: Yes, I am.

25 MR. MATULE: And you are familiar with

1 the site and the surrounding area?

2 THE WITNESS: Yes.

3 MR. MATULE: And did you prepare a
4 planner's report, dated December 12, 2014, about the
5 requested variance relief?

6 THE WITNESS: Yes.

7 MR. MATULE: And are you aware of any
8 changes that have been made to the plan since that
9 report has been produced?

10 THE WITNESS: I have been here, and I
11 listened to all of the testimony, and this is how I
12 recall the plan being produced.

13 MR. MATULE: Okay.

14 Could you go through your report for
15 the Board members and give us the benefit of your
16 professional opinion regarding the requested
17 variance relief?

18 MS. BANYRA: Mr. Matule, may I just
19 interrupt you for a minute?

20 So it is not considered building
21 coverage, so he doesn't need to testify for a
22 building coverage variance. It's not a roof
23 structure, so -- okay.

24 COMMISSIONER MURPHY: Thank you.

25 THE WITNESS: I agree.

1 MS. BANYRA: Okay. Great.

2 (Laughter)

3 MS. BANYRA: I just wanted to confirm
4 if it was a structure or a building, you know, that
5 one.

6 THE WITNESS: Yes, exactly.

7 MS. BANYRA: Okay.

8 THE WITNESS: As the architect
9 described, the area currently has three, four,
10 five-story buildings. There is five-story buildings
11 behind it.

12 What this building existed as, and as
13 it is listed in the tax records, is three stories
14 over a basement.

15 By zoning definition, that is a
16 four-story building, because once a basement is used
17 for a residential purpose, a residential, commercial
18 or some other principal purpose, it's counted as a
19 story.

20 Post Sandy, that space is no longer
21 habitable, so it stays a basement, but it's not used
22 for one of those other principal purposes, so it is
23 no longer a story.

24 However, we are adding a story on top,
25 so we will continue to be a four-story building.

1 Now it's four stories over a basement versus three
2 stories over a basement.

3 The variances that we're looking for is
4 a front yard. We have an existing 11-foot front
5 yard, and you can only be between five feet and ten
6 feet.

7 The rear variance results because the
8 Manzard is still at that 11 foot line, so therefore
9 technically we have a variance for the additional
10 floor.

11 The rear yard, we have 29 feet, and we
12 are 71 feet from the street line, even though we
13 have a 60 foot deep building and 60 percent lot
14 coverage.

15 You could look at that as being a
16 hardship because although we meet the coverage, the
17 fact that the building already exists at 11 feet
18 puts us back that way, so complying with that could
19 result in a hardship, meaning we would not get the
20 coverage that we would otherwise be entitled to.

21 In terms of height, we are about three
22 feet, three feet and change over the height as
23 measured from BFE.

24 If you measured that from the DFE,
25 Design Flood Elevation, it would only be a foot ten

1 inches over because there is a differentiation today
2 between the ordinances.

3 Am I correct?

4 MR. MATULE: Correct.

5 (Laughter)

6 THE WITNESS: Okay.

7 And we do have the four stories now,
8 although that's simply a replacement story.

9 So then if you look at what's being
10 done, I think we do meet a lot of the intent of the
11 zone plan. The zoning being R-1, to conserve the
12 architecture, scale and grain of the residential
13 blocks. I think we are doing that. I think the
14 design tries to bring back the original look of the
15 building or the look that's consistent with the
16 Hoboken look.

17 The Manzard is a traditional way of
18 adding a story without having it be too imposing on
19 the street, and I think also it's a very traditional
20 look, so I think we meet the intent of the zone
21 plan.

22 I think we meet the intent of the
23 master plan to promote capability in scale, density
24 and design.

25 We actually reduced the density, so we

1 promote the proper density by going from three units
2 to two units.

3 We provide open space at the interior
4 of the block, and we have done that by taking out
5 the shed and by creating an actual real rear yard,
6 which also provides landscaping. This is also one
7 of the intents of the master plan.

8 We provide diversity in housing type or
9 one of the other criteria of the recommendations,
10 which deal with family-friendly housing. You can't
11 get too much more family-friendly than a two-family
12 house, the rear yard and all of that, so that's that
13 sort of thing, so we meet that, and plus we also
14 meet those green architecture standards.

15 So I think there are a lot of benefits
16 that are being promoted, so you could also look at
17 granting the C variances, especially from the
18 perspective of the benefits outweighing any
19 detriments.

20 In fact, I don't see any detriments to
21 the general welfare, of course, because you had a
22 three-family home there already. You had four
23 floors that were already there. You will still have
24 four floors, and now you have a two-family, and I
25 don't see how that could create any substantial

1 detriment.

2 Also in terms of the zone plan, again,
3 four stories were there before, and four stories are
4 here now, so any impact was already there, and just
5 by replacing the bottom story to the top story could
6 not possibly end up resulting in a substantial
7 detriment.

8 Although the rear yard is smaller than
9 permitted, 29 feet versus 30 feet, it is still
10 greater in terms of functional space than what is
11 there today because of the shed.

12 The shed did, in fact, count as lot
13 coverage, because it is a building, and the
14 ornamental features don't count, the same as if you
15 had like a fountain in your yard or something
16 similar to that. So, again, I think that in this
17 case, the benefits substantially outweigh any
18 detriment.

19 The granting of the variances will not
20 rise to a substantial detriment either to the zone
21 plan or the general welfare. We promote the
22 purposes of the master plan and the zone plan and
23 also the purposes of zoning within the Municipal
24 Land Use Law.

25 Section 2(a), which talks about the

1 general welfare, we're providing a residential
2 building in a residential area consistent with the
3 density.

4 We are including family-friendly units.
5 We are promoting improvement to the community safety
6 by the construction of a building to meet the new
7 flood hazard standards.

8 The density is suitable for this
9 location, and it's within what's required, so that's
10 Paragraph 2(e).

11 And I think that this will promote a
12 desirable visual environment to all of the visually
13 esthetic improvements that are being made to the
14 exterior of the building, so I think we have met all
15 of the proofs necessary for the granting of the
16 variances.

17 MR. MATULE: Thank you, Mr. Kolling.

18 CHAIRMAN AIBEL: Thank you.

19 Board members?

20 COMMISSIONER GRANA: No questions.

21 COMMISSIONER DE GRIM: No, I will ask
22 some questions.

23 CHAIRMAN AIBEL: Sure.

24 COMMISSIONER DE GRIM: The three lots
25 to the south, are they all with an 11 foot setback?

1 THE WITNESS: Yes. Those four
2 buildings look like they were built at the same
3 time.

4 The block, as you head to the north,
5 has varying setbacks. There were some other
6 buildings that were set way back. There's a couple
7 that are set back a little bit less than this, but
8 those four building look like they were built as a
9 set.

10 COMMISSIONER DE GRIM: Well,
11 intentionally, am I correct also, that the one
12 building to the north, so a fifth building is also
13 11 feet back?

14 THE WITNESS: It looks like it is,
15 although when you look at it visually, and I'm not
16 an architectural historian, but if you look
17 visually, the scale looks a little bit different, so
18 I am not sure if it was built with those four at the
19 same time or if it was built prior or after, but it
20 does appear to have the same setback.

21 COMMISSIONER DE GRIM: Okay.

22 CHAIRMAN AIBEL: Board members?

23 Eileen?

24 MS. BANYRA: Yeah.

25 The only thing is I would just suggest

1 that the landscaping plan on there, you know,
2 indicate both quantity of plants and the size either
3 in height or gallons. There's no quantity listed,
4 so the landscaping plan should be revised.

5 COMMISSIONER MURPHY: I have a question
6 regarding the synthetic grass.

7 I don't know if it would go to you or
8 the architect. I am just noticing it now.

9 But how well does that take in the rain
10 and let it drain down, because otherwise, it is like
11 putting cement across it.

12 Synthetic grass, so --

13 MR. MATULE: The question is, the
14 synthetic grass --

15 MR. VASIL: Yes.

16 MR. MATULE: How well does it in -- is
17 it permeable, does it absorb, does the rainwater
18 filter through it --

19 MR. VASIL: It does. 30 inches per
20 minute. There is a flow rate on the detail.

21 COMMISSIONER MURPHY: I didn't see
22 that.

23 MR. VASIL: 30 inches per hour, so --

24 COMMISSOINER MURPHY: What page is that
25 on?

1 MR. VASIL: Z-7, there's an actual
2 drain rate of 30 inches per hour --

3 THE REPORTER: I can't hear you.

4 MR. VASIL: Oh, 30 inches per hour.

5 MR. MATULE: The percolation of water
6 through it.

7 MR. VASIL: The rain system -- which is
8 the paving in the front also has a flow rate on it,
9 which is 720 inches per hour.

10 THE WITNESS: That's a lot of rain.

11 MR. VASIL: Yes.

12 COMMISSIONER MURPHY: It is in a flood
13 zone, so it might take that much water.

14 MR. MATULE: While you are up here, if
15 I may --

16 CHAIRMAN AIBEL: Go ahead.

17 MR. MATULE: -- if you're done with the
18 planner, did you have any discussion with your
19 client about creating a hallway in the storage area?

20 MR. VASIL: I did, and they were
21 amenable to adding a hallway to comply with the
22 stair to the back --

23 MR. MATULE: And that would be put into
24 the revised plans, should the Board be inclined to
25 approve this?

1 MR. VASIL: Correct.

2 CHAIRMAN AIBEL: So while Mr. Vasil is
3 there, let me ask about the stair bulkhead on the
4 roof.

5 How visible is that going to be from
6 the west?

7 MR. VASIL: From the west side?

8 CHAIRMAN AIBEL: As your neighbors in
9 your rear yard look at your building.

10 MR. VASIL: It would be this --

11 CHAIRMAN AIBEL: Yes.

12 MR. VASIL: -- from the rear yard, so
13 here from the front yard, which is 65 feet across,
14 you would miss it. The back, the angle is so tight,
15 because if you were in your backyard, you really
16 wouldn't be able to see it. I mean, the buildings
17 behind us are almost 80 percent lot coverage, so
18 they're not going to have much of a view of
19 anything.

20 CHAIRMAN AIBEL: Are they five-story
21 buildings?

22 MR. VASIL: Yeah. I mean, -- I could
23 show you, but the building -- because this is set
24 back from the back edge of the building, and it is
25 set back -- it's set back 20 feet from the edge of

1 the roof --

2 CHAIRMAN AIBEL: Okay. I'm just
3 throwing it out a suggestion --

4 MR. VASIL: Sure.

5 CHAIRMAN AIBEL: -- that maybe there is
6 some sort of softening that you could do on the west
7 side of your bulkhead.

8 MR. VASIL: Okay. I am sure we could
9 put another tall planting across.

10 CHAIRMAN AIBEL: Something, so that
11 your neighbors don't stare into your big bulkhead.

12 I'm sorry.

13 Let me open it up to the public for
14 questions for Mr. Kolling.

15 Seeing none.

16 COMMISSIONER GRANA: Motion to close
17 public portion.

18 COMMISSIONER COHEN: Second.

19 CHAIRMAN AIBEL: All in favor?

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

22 MR. MATULE: That's all of my
23 witnesses.

24 Just one comment I will just make for
25 the record.

1 I think for purposes of this
2 application, we should agree to disagree, and for
3 the record, ask for five stories even though we
4 don't necessarily agree with that interpretation of
5 the ordinance, but as a practical matter it is still
6 within the envelope that we are proposing, and
7 rather than figuring out who is right and who is
8 wrong, we will just ask for the variance, and that
9 way we will be conservatively covered, but I just
10 wanted to address that point.

11 Just as far as the application goes,
12 certainly it is an extremely handsome building.
13 It's going to be quite an asset to the block.

14 The building is being brought out of
15 the flood plain. It has numerous green features,
16 and notwithstanding the fact that we are one foot
17 shy of the full 30 foot rear yard, and we are going
18 back one foot further than the ordinance permits at
19 71 feet from the front lot line, I would suggest
20 that the one foot variance is de minimus in the
21 context of (a) taking that shed out of the backyard,
22 and I know one of the drawings where it shows the
23 buildings to the west, they are all substantially
24 backed into the rear yards.

25 There is not much of a donut here,

1 notwithstanding the fact that we are going a long
2 way and trying to open it up, and eventually maybe
3 the buildings on this side of the street will all
4 get rid of those rear sheds.

5 The height is in keeping with the scale
6 of the neighborhood, and it addresses the flood
7 plain issues.

8 So all things considered, I would
9 suggest that it is a very good and reasonable
10 application.

11 CHAIRMAN AIBEL: Thank you, Mr. Matule.

12 Board members?

13 Mr. Grana?

14 COMMISSIONER GRANA: I agree. I think
15 it is a reasonable application.

16 I think the way I read this
17 application, there are a number of items, but
18 essentially this person is building a two-family
19 brownstone. That is within the architecture, and
20 the two-family component is certainly within the --
21 the planner testified it was within the desired use
22 in R-1, and I agree, that should probably be a bit
23 of reduction in density.

24 With regard to -- you know, I will come
25 back to this -- adding of the Manzard, the Manzard

1 is both a contemporary and a traditional way to add
2 a floor to a building. You see Manzards all over
3 Hoboken, both in contemporary and historic
4 buildings. It is very common.

5 With respect to the lot line, if we are
6 not going to shrink the building, and so therefore,
7 I think that it is an unusual block, and we are
8 preserving that eleven foot setback, and that's
9 appropriate, and I hope the rest of the other
10 properties will kind of preserve the uniqueness of
11 that block, if they go, but it's unique to this
12 particular lot and this particular part of the
13 block.

14 As far as the height is concerned, you
15 know, it's in a flood plain, and the applicant once
16 had four habitable floors, but doesn't any more, and
17 would like to have four habitable floors, and I
18 think that's a reasonable hardship and a reasonable
19 request for a variance, and I'll be prepared to
20 approve it.

21 CHAIRMAN AIBEL: Anybody else?

22 COMMISSIONER COHEN: We seen some other
23 designs in other neighborhoods, where people have
24 tried to deal with floods, where there have been
25 changes to stoops. You know, we've been concerned

1 about whether we're keeping it consistent.

2 I think the front of this one actually
3 is not only going to be consistent with the rest of
4 the block, but it's actually going to be an
5 improvement in that it's going to have a nice
6 brownstone look.

7 I don't really have a strong feeling
8 one way or another about the metal on the Manzard.
9 I think whatever the architect thinks is
10 appropriate, you know, I think all of those design
11 choices are reasonable ones. I don't know that I
12 want to dictate which one to the applicant, which
13 one she uses, but I do think that it is okay.

14 I do think that there is some impact of
15 having the one foot building going back, but you
16 know, I think that overall the benefits of this
17 application outweigh that negative impact, so I
18 think, you know, I would be inclined to approve it.

19 CHAIRMAN AIBEL: Thank you.

20 COMMISSIONER DE FUSCO: Yeah. I will
21 have to agree with that. I listened to what both
22 Antonio and Phil said.

23 This is -- I can attest, this is -- the
24 setbacks on this block are unusual to say the least,
25 so they're working with an existing building that

1 already has, you know, a front yard setback that is
2 out of the ordinary.

3 We have seen a number of buildings that
4 have chosen to take their building down or to make
5 them stand out in the neighborhood. I think that
6 this building actually embraces the architecture and
7 advances, advances the block.

8 The height is reasonable. It's quite
9 frankly on par with a number of other buildings this
10 Board has approved over the past couple of years.

11 Density, great, family-friendly, and
12 there is a whole slew of add-ons here that are just
13 attractive. The green functionality of it all,
14 the landscaped front yard, which we didn't get out
15 of a couple of other applications further down the
16 block, and this is a good application.

17 I also would like to move it to an
18 approval with the caveat that the first floor is not
19 habitable, and that is really important that we set
20 that standard and make sure that applicants respect
21 that, because we are not approving five stories
22 here. You know, in my mind, we're approving four
23 over an inhabitable area.

24 CHAIRMAN AIBEL: Anybody else?

25 COMMISSIONER MURPHY: I guess at the

1 moment, I am kind of a little leery, and part of it
2 is because on top of this extra footage for the --
3 how do you say it -- Manzard -- you know, we have a
4 rooftop deck. Even though it is set back a little
5 bit, it's going to create like just a much higher
6 elevation in this neighborhood when, you know,
7 almost all of the houses at least on the southern
8 end of that block are pretty much the same height,
9 and we do know that, you know, there is something
10 new coming under construction and probably 1114 Park
11 will eventually go also.

12 But it is just my concern, and I am not
13 really sure how I would feel like dealing with it,
14 so I guess I will wait to hear from the other
15 Commissioners.

16 CHAIRMAN AIBEL: Anybody else?

17 COMMISSIONER DE GRIM: I am fine with
18 the roof deck. It is a two-family house.
19 One-family is having access to the backyard and the
20 other family has outdoor space on the roof deck.
21 I don't think that it adds that much height to the
22 building. I think it is, you know, reasonable to
23 have the Manzard and reasonable to put a roof deck
24 on top of that.

25 I also find that, you know, that this

1 is a unique application with this eleven foot
2 setback, but it is consistent with the buildings to
3 the south of it and to the north of it, and
4 consequently, since it only has 60 percent lot
5 coverage, I think it is fine.

6 COMMISSIONER DE FUSCO: If I may,
7 Diane, the sight line, you know, I don't think you
8 are going to have the kind of impact from the
9 street, at least from the street level of the roof
10 deck that you might be worried about.

11 I think you could argue that if you go
12 up across on the east side of the street up three
13 floors, you're going to see the roof deck, but it
14 also has been landscaped in such a way that, you
15 know, that minimizes, you know --

16 COMMISSIONER MURPHY: Right.

17 Well, I have issues with this whole
18 sight line thing anyway, because it acts like the
19 only sight that matters is the one that's directly
20 across from it, but really it's coming down the
21 block angling up.

22 I mean, I have this on my own block,
23 and you know, I know it is set back, but I am just
24 putting it out there that it's a whole other height
25 when there was a time when we didn't even like

1 rooftop decks.

2 So I like the outdoor space. I
3 understand the two-family thing, so I mean there is
4 a lot of things I like about the building. I am
5 just putting that out, and I appreciate that.

6 CHAIRMAN AIBEL: So I'll just add a
7 couple quick comments.

8 I quibble with Mr. Kolling's testimony
9 that it's a hardship that's created. I don't find,
10 you know, the hardship of the eleven foot setback.
11 I don't find that would be a hardship that would
12 necessarily allow, you know, full building across
13 the building bulk requirements.

14 I don't think a foot is de minimus, so
15 I just want to make sure that preserving in
16 posterity or perpetuity that my view that the
17 ordinance is what it is, and we should try to be as
18 mindful of it as possible.

19 I think there was an opportunity here,
20 you know, to create a building that was compliant in
21 terms of its existing eleven foot setback in the
22 front.

23 That having been said, there are
24 obviously a lot of benefits to, you know, a good
25 developer putting up a good building.

1 So I think we're at the time for a
2 motion.

3 COMMISSIONER GRANA: Motion to approve,
4 but I would like to hear the conditions first.

5 MR. GLEASON: Sure.

6 Condition one: The applicant shall
7 comply with the reports of the Board's
8 professionals.

9 Condition two: The first story shall
10 be used for storage only and shall not be used as
11 habitable or livable space. Plans shall be revised
12 to create a hallway on the first story as a means of
13 creating a more distinct separation of the first
14 story and the second story. Revised plans shall be
15 submitted to the Board's professionals for their
16 approval.

17 Condition three: Landscaping plans
18 shall be revised to indicate quantity and types of
19 plantings.

20 And condition four: Applicant shall
21 install a green screen to conceal the bulkheads on
22 the roof.

23 COMMISSIONER GRANA: I'm going to make
24 a motion to approve --

25 COMMISSIONER COHEN: Hang on one

1 second.

2 On the first condition, I think it
3 should say: Applicant shall comply with the request
4 contained in the reports of the Board's
5 professionals.

6 Right now it says "comply with the
7 reports."

8 MR. GLEASON: Okay.

9 MS. BANYRA: And can I just -- the
10 landscaping plan needs to also -- I think it was
11 testified that there will be water provided, water
12 spigots, so that should be --

13 MR. MATULE: A spigot up on the roof.

14 MS. BANYRA: -- on the roof, but that
15 should also be on the rear and the front yard, too

16 MR. MATULE: Not a problem

17 MS. BANYRA: Great.

18 COMMISSIONER GRANA: Is that stuff
19 added?

20 MR. GLEASON: Yes, it's added.

21 COMMISSIONER GRANA: I make a motion to
22 approve 110 Park with the amendments as stated.

23 CHAIRMAN AIBEL: Let me just say for
24 the record, Mr. Matule, you have six voting members.
25 There are five required for your D. It's your call.

1 MR. MATULE: If I might.

2 (Counsel confers.)

3 MR. MATULE: Mr. Chairman, thank you
4 for the opportunity.

5 My clients are comfortable going
6 forward with six votes.

7 CHAIRMAN AIBEL: Great.

8 MR. MATULE: Thank you.

9 COMMISSIONER GRANA: Was there a
10 second?

11 CHAIRMAN AIBEL: So there is a motion,
12 and we need a second.

13 COMMISSIONER DE GRIM: Second.

14 CHAIRMAN AIBEL: Thanks, Commissioner
15 De Grim.

16 MS. CARCONE: Commissioner Cohen?

17 COMMISSIONER COHEN: Yes.

18 MS. CARCONE: Commissioner DeFusco?

19 COMMISSIONER DE FUSCO: Yes.

20 MS. CARCONE: Commissioner Grana?

21 COMMISSIONER GRANA: Yes.

22 MS. CARCONE: Commissioner Murphy?

23 COMMISSIONER MURPHY: Yes.

24 MS. CARCONE: Commissioner DeGrim?

25 COMMISSIONER DE GRIM: Yes.

1 MS. CARCONE: Commissioner Aibel?

2 (Laughter)

3 CHAIRMAN AIBEL: Yes.

4 MR. MATULE: Thank you, Commissioners.

5 CHAIRMAN AIBEL: Mr. Kolling gets
6 congratulations for being concise and getting me
7 into the second period.

8 (All Board members talking at once.)

9 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 5/28/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: HOBOKEN ZONING BOARD OF : May 26, 2015
ADJUSTMENT SPECIAL MEETING :Tuesday, 9 pm
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Philip Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner Frank DeGrim

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

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

PHYLLIS T. LEWIS
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6 BY: STEVEN M. GLEASON, ESQ.
7 Attorney for the Board.

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1 MS. CARCONE: Jeff, you have to do the
2 waivers.

3 CHAIRMAN AIBEL: Okay. Before we break
4 up, Board members, we have some waivers.

5 Mr. Marsden?

6 MR. MARSDEN: We have six waivers.

7 The first one is 213 Adams Street,
8 minor site plan, C and D variances.

9 They are requesting C variances for
10 stormwater management. I think that is
11 recommendable as far as approved.

12 The D variance is the same thing,
13 stormwater management.

14 35 is the plan.

15 36 is soil erosion. I recommend
16 approval of that because they are under 5,000 square
17 feet, and 43 is the cost estimate. I prepare cost
18 estimates and calculations, so I have no problem
19 with that.

20 I would suggest this be deemed
21 complete.

22 The next one is 26 Willow Court. They
23 are requesting no variances. On everything except
24 the C variance, they are requesting a stormwater
25 management plan. This is just a C variance

1 application, and I think we should recommend the
2 approval of that waiver.

3 The next one is 241 Garden Street.
4 This is C and D variances. They are asking for a
5 variance in stormwater management plan, and I
6 recommend approval of that with the condition, of
7 course, that they submit to NHSA.

8 D variances: 34 is the stormwater
9 management plan, and again, I recommend approval.

10 35 is the Benjuri map, that's approval.

11 However, 38 is landscaped plans. I
12 think they should provide landscaped plans. We
13 recommend denial of that.

14 43 is cost estimates, and I recommend
15 approval of that because I prepare them.

16 Off-tract improvements shown on the
17 plans, they don't show any. They have to submit
18 requesting a waiver for that. I believe that that
19 has to be provided to the Board, so we know what
20 they are proposing.

21 And 45 is outside government agencies,
22 I recommend denial of that waiver also.

23 So overall, I recommend denial of this
24 application, the waivers for 241 Garden Street.

25 MS. BANYRA: It is also incomplete.

1 MR. MARSDEN: Yes. I'm sorry.

2 Incomplete.

3 Then we have 314 Bloomfield. They are
4 requesting -- that would be just a C variance
5 request, and they are requesting stormwater
6 management plan. I recommend approval of that.
7 However, they have not provided number 14. They
8 said they are not requesting a waiver for it, but
9 they have not provided the buildings within 200 feet
10 radius, and in that case I think they should be
11 deemed incomplete. We should also --

12 MS. BANYRA: Incomplete.

13 MR. MARSDEN: Incomplete.

14 We should also require them, when they
15 submit, to add building corners to their survey,
16 which they haven't done.

17 Yes?

18 COMMISSIONER GRANA: Just to clear,
19 they have not noticed within 200 feet, is that what
20 you said?

21 MR. MARSDEN: No. They have not
22 provided the buildings around the property with 200
23 feet. That's required on part of the checklist.

24 COMMISSIONER GRANA: Thank you.

25 MR. MARSDEN: 333 Park Avenue, another

1 C variance. The only waiver they are requesting is
2 a stormwater plan. I agree. However, they, again,
3 did not provide item number 14, which is all
4 buildings within 200 feet of the property in
5 question, so I would suggest that be deemed
6 incomplete.

7 MS. BANYRA: While Jeff is cuing that
8 up, the reason why we are deeming them incomplete
9 because of that is because it is relative to the lot
10 coverage and the donut, so I think it is important
11 that the Board be able to see when you look down the
12 existing structures and how it relates to the
13 adjacent properties.

14 MR. MARSDEN: Thanks.

15 And the last one is 710 Hudson Street.
16 Okay. They again did not show the buildings within
17 200 feet, and they didn't request waivers for number
18 25, which is stormwater management plan, 34, which
19 is the drainage area map, 35, which is stormwater
20 management plan, and 36 I believe is the -- what is
21 36 --

22 MS. BANYRA: I don't know what 36 is
23 off the top of my head -- but we recommend that they
24 be deemed incomplete.

25 MR. MARSDEN: -- soil erosion. I'm

1 sorry, soil erosion plan.

2 We are deeming them incomplete. We
3 recommend deeming them incomplete because they need
4 to change the checklist and provide the material
5 that they said they were going to provide, and that
6 is the last one.

7 CHAIRMAN AIBEL: We need a motion to
8 accept the engineer's, the professionals'
9 recommendations on the waivers.

10 COMMISSIONER COHEN: Motion to accept
11 the engineer's recommendations.

12 COMMISSIONER MURPHY: Second.

13 CHAIRMAN AIBEL: Okay.

14 MR. MARSDEN: And just one more thing.

15 Antonio had made a suggestion when we
16 had the meeting that we change some procedures. We
17 are in the process of now doing that by Eileen and I
18 meeting together to do all of the waiver requests,
19 so we are both on the same page doing it, so that's
20 how we are going to proceed, and we will be
21 addressing your --

22 COMMISSIONER GRANA: If you could just
23 respond to my email, and then I could submit it to
24 the Chair and finalize it.

25 CHAIRMAN AIBEL: Good.

1 Do we need a --

2 MS. CARCONE: All in favor?

3 CHAIRMAN AIBEL: -- yes, all in favor.

4 (All Board members answered in the
5 affirmative.)

6 CHAIRMAN AIBEL: Anybody opposed?

7 COMMISSIONER GRANA: Motion to close.

8 CHAIRMAN AIBEL: Second?

9 COMMISSIONER DE FUSCO: Second.

10 CHAIRMAN AIBEL: Thank you.

11 All in favor?

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

14 (The meeting concluded at 9:15 p.m.)

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C E R T I F I C A T E

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

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

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