

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

- - - - - X
SPECIAL MEETING OF THE HOBOKEN :October 27, 2015
ZONING BOARD OF ADJUSTMENT : Tuesday 7 pm
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner Owen McAnuff
- Commissioner Frank DeGrim

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

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

PHYLLIS T. LEWIS
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6 Attorney for the Board.

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(Carried to 11/30/15)	
1420 Willow Avenue	8
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1 CHAIRMAN AIBEL: Good evening,
2 everyone.

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

11 Please join me in saluting the flag.

12 (Pledge of Allegiance recited)

13 CHAIRMAN AIBEL: Good evening again.

14 We are at a Special Meeting of the
15 Zoning Board of Adjustment. We are in Hoboken on
16 Tuesday, October 27th.

17 Pat, do you want to do a roll call?

18 MS. CARCONE: Okay. Commissioner
19 Aibel?

20 CHAIRMAN AIBEL: Here.

21 MS. CARCONE: Commissioner Greene?

22 VICE CHAIR GREENE: Here.

23 MS. CARCONE: Commissioner Cohen is
24 absent.

25 Commissioner DeFusco is absent.

1 Commissioner Grana?

2 COMMISSIONER GRANA: Here.

3 MS. CARCONE: Commissioner Marsh is
4 absent.

5 Commissioner Murphy?

6 COMMISSIONER MURPHY: Here.

7 MS. CARCONE: Commissioner Branciforte
8 is absent.

9 Commissioner Fisher is absent.

10 Commissioner McAnuff?

11 COMMISSIONER MC ANUFF: Here.

12 MS. CARCONE: Commissioner DeGrim?

13 COMMISSIONER DE GRIM: Here.

14 MS. CARCONE: We have six people.

15 CHAIRMAN AIBEL: And we have one
16 resolution on the agenda, but we are going to carry
17 that or move that to the next hearing.

18 Do you have a date for that?

19 MS. CARCONE: November 17th.

20 MS. BANYRA: You should identify the
21 application.

22 CHAIRMAN AIBEL: It's a resolution of
23 denial for 1427-1429 Grand Street.

24 So we are ready to start with 1420
25 Willow Avenue.

1 Ms. Gonchar?

2 MR. MATULE: Mr. Chairman, excuse me.

3 CHAIRMAN AIBEL: Yes, sir.

4 MR. MATULE: Robert Matule.

5 We had a matter that was on the agenda
6 that has been carried, 302-304 Garden.

7 CHAIRMAN AIBEL: That's correct.

8 MR. GALVIN: Right. We carried it
9 tonight to carry it once again.

10 MR. MATULE: November 30th, I was told
11 it was being carried to.

12 MS. CARCONE: November 30th.

13 MR. MATULE: I just wanted to --

14 MR. GALVIN: No, you did the right
15 thing.

16 Do we have a motion and a second to
17 carry that matter to November 30th without further
18 notice?

19 COMMISSIONER GRANA: Motion.

20 COMMISSIONER DE GRIM: Second.

21 MS. CARCONE: What was the motion?

22 MR. MATULE: If I might, it is okay to
23 do it with notice, because that is one of the
24 reasons why we are carrying it --

25 MS. CARCONE: Yes. It has to be

1 noticed.

2 MR. MATULE: -- because the notice was
3 fouled up.

4 MR. GALVIN: Oh, okay.

5 COMMISSIONER GRANA: So it's 302
6 Garden?

7 MR. GALVIN: I don't even really think
8 we need a vote then. We're just going to carry it
9 to November 30th.

10 MS. CARCONE: We are going to
11 reschedule it for November 30th.

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

14 MR. MATULE: I do.

15 MR. GALVIN: Okay.

16 CHAIRMAN AIBEL: Thank you, sir.

17 MR. MATULE: Thank you.

18 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
CASE: HOZ-15-17

- - - - - X
RE: 1420 Willow Avenue : SPECIAL MEETING
APPLICANT: 1420 Willow Hoboken, LLC : October 27, 2015
Preliminary & Final Site Plan Review : Tuesday 7:15 p.m.
C & D Variances :
(Continued from 8-18-15) :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

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Vice Chair Elliot H. Greene
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10 (732) 476-2770
11 BY: MERYL A.G. GONCHAR, ESQ.,
12 Attorney for the Applicant.

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I N D E X

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3 WITNESS PAGE

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13 E X H I B I T S

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15 EXHIBIT NO. DESCRIPTION PAGE

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17 A-4 Green Roof Diagram 17

18 A-5 Green Roof Diagram 17

19 A-6 Rendering 17

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1 CHAIRMAN AIBEL: So we are ready to
2 start with 1420 Willow Avenue.

3 Ms. Gonchar?

4 (Board members confer)

5 MS. GONCHAR: How many boards do you
6 have?

7 MR. STIEVE: I have three exhibits.

8 MS. GONCHAR: These will be A-4, A-5,
9 and A-6.

10 Dennis, if it is a blowup of a page
11 that's in the packet, you don't mark them here, or
12 do you want them marked?

13 MR. GALVIN: No, no. We will be fine,
14 unless it is colorized or something new.

15 MS. CARCONE: You said A-4. You are
16 starting with A-4?

17 MR. GALVIN: That's right. I was
18 asking for the exhibit number. I wanted to know
19 what the last exhibit was.

20 MS. GONCHAR: A-3.

21 MS. CARCONE: A-3.

22 MR. GALVIN: Good. I'm sorry.

23 MS. GONCHAR: Which I think may have
24 been the pack of documents, the hard copy of the
25 presentation that Mr. Marchetto put in, which we did

1 have hard copies of that, if anybody wants it, but
2 we are moving from that.

3 MR. GALVIN: Let's stop. I need to do
4 some housekeeping.

5 The first thing is that everyone here
6 was at the prior meeting except for Mr. Aibel, okay,
7 and I am going to put on the record that Mr. Aibel
8 previously had representation by Ms. Gonchar's law
9 firm.

10 My official position, and I teach this
11 at all of the New Jersey Planning Official Classes,
12 is that when a Board member has a representation
13 with an attorney, until the representation is
14 complete and all monies are paid, I feel that they
15 have a conflict of interest and can't sit on a case.

16 In this instance, Mr. Aibel has advised
17 me that he has completed the representation with
18 Ms. Gonchar's firm, that all monies due have been
19 paid, and in my opinion, there is no conflict of
20 interest. Mr. Aibel has no conflict of interest
21 with the applicant. The only conflict that would
22 have existed in the past was with the firm.

23 He has reviewed the transcript, and he
24 is prepared to proceed, and he has submitted a
25 certification, and we only have six to vote on the

1 application tonight.

2 Before we go into deliberations, I am
3 going to give you an opportunity to decide if you
4 want to proceed tonight to a vote or not, so we can
5 take a recess at that point and evaluate what you
6 want to do --

7 MS. GONCHAR: When we get to the --

8 MR. GALVIN: -- just before
9 deliberations. What I am not going to do is I'm not
10 going to let the Board deliberate and then have you
11 ask for an adjournment. So before that, we'll try
12 to make a --

13 MS. GONCHAR: You mean no straw
14 polling?

15 (Laughter)

16 MR. GALVIN: No, sorry. Sadly, no. I
17 think we can figure it out short of that.

18 (Board members confer.)

19 MR. GALVIN: Well, yeah, the other
20 thing that we talked about tonight was that we were
21 going to try to put all three of the applications
22 into a window of like of an hour and 15 minutes to
23 try to get all three of these cases. All of them
24 are at the outer marker of the 120-day period or
25 beyond the 120-day period.

1 I am hoping that you will be able to --
2 I know when I shut up, your hour and 15 minutes will
3 start.

4 MS. GONCHAR: I just was --
5 (Everyone talking at once.)

6 (Laughter)

7 MR. GALVIN: You know, she just was at
8 my seminar, where I droned on for four hours, so
9 she's got it.

10 MS. GONCHAR: You didn't notice I came
11 in after the first half and a hour.

12 (Laughter)

13 MR. GALVIN: There you go, so you
14 didn't miss anything that I said.

15 There we go. Let's go. Let's try to
16 get it done.

17 MS. GONCHAR: Thank you.

18 I am still Meryl Gonchar with the firm
19 of Greenbaum, Rowe, Smith & Davis.

20 This is a continued application for
21 1420 Willow Hoboken, LLC, which commenced on August
22 18th. This is an application for preliminary and
23 final site plan --

24 (People talking in the audience)

25 MR. GALVIN: Hey, guys, I can't see

1 you, but I can hear you.

2 CHAIRMAN AIBEL: Thank you, gentlemen.

3 MS. GONCHAR: -- preliminary and final
4 site plan approval together with use variances, as
5 well as subsumed C variances. And the property,
6 just to remind the Board, is Lots, 7, 8, 9, 10, 11,
7 12 and 14, and Lot 123, identified as 1420 Willow
8 Avenue and 1427 Clinton.

9 We are going to start this evening with
10 the Board's - unless the Board has something else
11 that they would like to hear - with Mr. Stieve from
12 the architect's firm.

13 He will be addressing just the changes
14 that were made to the plans that were submitted
15 prior to this hearing, and those changes are pretty
16 much to address either your consultant's comments or
17 questions that were raised by the Board at our last
18 hearing.

19 So if we may have him sworn since he
20 did not testify previously, Dean did.

21 MR. GALVIN: Raise your right hand.

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

25 MR. STIEVE: I do.

1 B R U C E S T I E V E, AIA, CNU, Marchetto,
2 Higgins, Stieve, 1226 Willow Avenue, Hoboken, New
3 Jersey, having been duly sworn, testified as
4 follows:

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

7 THE WITNESS: Bruce Stieve,
8 S-t-i-e-v-e.

9 MR. GALVIN: Do we accept Mr. Stieve's
10 credentials?

11 CHAIRMAN AIBEL: We do.

12 MR. GALVIN: We do.

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

15 MR. GALVIN: He has been here many
16 times, so --

17 MS. GONCHAR: I am sure more than I
18 have.

19 Okay. Can you just start out by
20 telling the Board what is on the -- telling the
21 Board what is on the board that you put up?

22 THE WITNESS: Sure.

23 Thank you for having us back tonight.

24 Tonight I am going to go through the
25 report -- there were four basic areas of change that

1 were made to the project, and I will go through
2 those. I have on the board a set of drawings that
3 were submitted to the Board with the revisions.
4 They are marked. There are two revision dates,
5 September 17th, 2015, Zoning Board comments, and
6 then September 25th, 2015, Flood Administration
7 comments.

8 In addition to that, I have three
9 exhibits that I will be showing this evening. Two
10 are of green roofs that are on other Bijou projects
11 to give the Board an idea of what we are proposing
12 for the green roof on this project.

13 And the third exhibit is a rendering,
14 and that was actually part of the submission package
15 that Dean had electronically last time, but I wanted
16 to bring a printed copy that I could reference
17 tonight. So I am going to mark the first of the
18 green roof diagrams as A-4.

19 (Exhibit A-4 marked)

20 The second of the roof diagrams as A-5.

21 (Exhibit A-5 marked)

22 And then the rendering as A-6.

23 (Exhibit A-6 marked)

24 As I mentioned, there are four basic
25 areas that changes were made to the drawings.

1 One, we had a meeting with the Flood
2 Plain Administrator of Hoboken, and we have
3 incorporated her comments into the revised package.

4 The second was that there is a tenant
5 secured for the Willow Avenue frontage, West Elm,
6 and they had some design review revisions to the
7 facade, so I will be showing those.

8 And the third was Zoning Board comments
9 and concerns. It had some issues, and I can address
10 those, and then some professional additional
11 comments and concerns.

12 The first drawing I will go to is A-1.
13 We had a meeting with the Flood Administrator of
14 Hoboken, and we discussed this project at length.
15 There is some interesting existing conditions on the
16 project that propose a little bit of a challenge for
17 the project as far as how we were going to flood
18 proof the building.

19 We met with Ms. Holtzman and discussed
20 the options and came up with the solution that the
21 retail portion of the building will be dry flood
22 proofed, and the gym portion of the building is
23 going to be wet flood proofed.

24 That was discussed, and it has been
25 submitted to her for her final review and comments.

1 The only other comment that she had was
2 that we would be using resilient materials on the
3 interior of the building, just again, something that
4 we will proceed with.

5 The second revision is based on tenant
6 review. Again, our property owner has secured a
7 tenant for the retail component, and I am now going
8 to ask you to flip to page A-6. And on A-6 there is
9 a revised facade design.

10 The tenant that they have secured is
11 West Elm, which is a furniture retailer, furniture
12 and home goods retailer, and they have got a brand
13 or a marketing brand that they are trying to carry
14 through all of their retail frontages, so we made
15 some adjustments to the building facade to carry
16 their brand through on this building.

17 The changes were basically that a
18 simplified entry canopy, a simplified material
19 pallet, a change in the style of the window, not the
20 size of the window per se, but the style of the
21 window, and then their signage has actually been
22 incorporated into the facade of the building.

23 The material is still a metal panel
24 system. Before it was a vertical ribbed metal
25 panel. Now it is just a flat metal panel, and the

1 entry canopy is going to be constructed of steel,
2 steel sections, C sections bolted together, and then
3 cantilevered with the tiebacks to the building.

4 The next comment that I will be
5 addressing are the Board comments from the last
6 meeting.

7 One of the comments from the Board was
8 a request that we clarify the building heights on
9 the project. Hoboken has gone through a change in
10 how they define building height. Building height is
11 now defined above design flood elevation, which has
12 been set at 14 throughout the city, so now we have
13 adjusted the building height to be 40 feet above the
14 design flood elevation. Design flood elevation is
15 approximately eight feet above finished grade at
16 this location, so that would then put the building
17 at about 48 feet above average grade. That has been
18 carried on all sides of the building.

19 So -- excuse me -- the Clinton Street
20 elevation is now 40 feet above design flood
21 elevation, and the 15th Street elevation is again
22 now 40 feet above design flood elevation.

23 I am going to take you back to the
24 ground floor plan.

25 There was some -- there was a request

1 to increase the amount of bicycle racks and bicycle
2 storage on site. We have added two additional bike
3 racks for the capacity of 12 bikes on 15th Street,
4 and we have added two bike racks on Clinton Street
5 opposite the entry to the gym, again with 12 bike
6 storage capacity.

7 We have also adjusted the entry to the
8 commercial space and reduced the size of the
9 mechanical space, and we can provide for 18 hanging
10 bicycle storage racks in that space.

11 The other question that was raised by
12 the Board was concerns about the corner window and
13 light spillage from that corner window. We did some
14 review, and we are proposing to use a tinted glass
15 on this window now, so that it will help reduce any
16 light spillage from the building.

17 We will also direct the tenants to use
18 indirect lighting, nothing that will shine out of
19 that space, and we believe that that will address
20 the concerns about light spillage from that window.

21 Another concern or question that was
22 raised was: Would it be possible to create a
23 dropoff zone.

24 We were looking to get a loading zone
25 in front on the street, in front of the building,

1 and when we looked at it, we determined that we
2 could actually slide that loading zone down, so it
3 actually was in front of the loading area for the
4 existing retail component, so that it could serve
5 double duty while preserving as many parking spaces
6 on the street.

7 So this can now serve as a loading
8 zone, a drop-off zone, and access to the loading
9 area for the retail component.

10 MS. GONCHAR: Bruce, let me just
11 confirm. The dropoff being for the recreation?

12 THE WITNESS: That's correct.

13 So, again, if parents are coming to
14 drop off children at the climbing gym, they will
15 have the ability to actually pull into that loading
16 zone and drop kids off and then take off, and they
17 won't have to take away any parking spaces on the
18 street. We are looking for that to do multiple
19 duty.

20 There was also a question regarding the
21 roof access and the heights of the roof access.

22 Again, I am going to ask you to flip to page A-6.

23 There was a translation between earlier versions of
24 the design for the building and the design that was
25 presented last time, and the roof access points were

1 drawn at a higher elevation in the old design.
2 Those have now been reduced to what they need to be
3 minimally, and these drawings reflect that there is
4 an eight -- I'm sorry -- there's a ten foot access
5 for the two egress stairs, and there is a 14 foot
6 override for the elevator.

7 Another issue that was raised was a
8 concern about lighting on the roof deck. I will
9 take you back to page A-4.

10 We have indicated a railing mounted
11 light fixture. It is a down lighted fixture. It
12 only shines light on the ground surface of the roof
13 deck. It has a shade on it that eliminates spillage
14 either up or to the sides, so the only thing we are
15 lighting in this instance is the roof deck.

16 There is a detail of that on a sheet
17 further back, but that is it. So the light levels
18 are shown, and it really just highlights the edge of
19 the deck.

20 Another question was with regard to the
21 planted area on the roof, and I will go to Exhibit
22 A-4. This is a green roof that has been installed
23 on a Bijou property at the corner of 14th and Park.
24 It's the old Hostess Building, currently the site
25 for New York Sports Club, and this is early on in

1 the project, and you can see that we have actually
2 used this exhibit a few times in front of this
3 Board, but it shows the early planting of the roof,
4 and you can see that this is a sedum material. It
5 is very similar to the material that will be used on
6 this planted roof.

7 And then this is a picture that was
8 taken a little bit later on. Again, this is now
9 A-5, and this shows the sedum filling in, and it
10 actually shows that there is a lot of color and
11 light up on the building, so that is the intent for
12 the extensive green roof section of this roof.

13 There were some concerns about the use
14 of the roof deck and how it would be used.

15 The roof deck is really being
16 considered as a collaborative space used by the
17 commercial space and the climbing gym. It is really
18 meant to be an access to outdoors for the occupants
19 of those spaces.

20 There were some questions on whether a
21 roof deck like this has been proposed in town
22 before, and we actually had a project before this
23 Board a few years ago for Shipco, who is a shipping
24 company on Washington Street. They had a desire for
25 the same sort of thing, to put a roof deck up on top

1 of their building, so that they could service their
2 clients' needs. They could use it for lunchtime
3 activities for their --

4 MR. GALVIN: That was a solitary user,
5 though, right?

6 THE WITNESS: That's correct.

7 MR. GALVIN: That makes it a little bit
8 easier to control.

9 THE WITNESS: I understand, but it is
10 for a commercial use.

11 So, again, one of the things that's
12 happening in society today is buildings are becoming
13 highly amenitized. Residential buildings have
14 lounges. They have fitness centers. They have
15 activity areas, and we think that commercial
16 buildings are following suit.

17 Tenants are looking for amenities when
18 they rent commercial spaces. We believe that the
19 roof deck is a great amenity for those commercial
20 tenants.

21 There were also a few professional
22 comments that I would like to address. One was
23 we've added to the project cross slopes for the
24 sidewalks. We added detectable warning services to
25 all of the handicapped ramps. Again, we clarified

1 the building height.

2 We have added the notes regarding NAVD
3 flood elevations in our site plan data. And in
4 addition, we added to the set of drawings a view
5 shed diagram, which shows up on drawing A-4, and
6 that shows what the view -- if you were to be
7 looking back towards the building up at the roof
8 deck, it shows that the roof deck cannot be seen
9 from across the street at pedestrian level. Those
10 address the changes that we made.

11 Again, I am just going to put up
12 Exhibit A-6, which is a colored rendering of the
13 corner of 15th and Clinton Street. We think this is
14 an exciting project, an exciting mix of uses that
15 are appropriate for this site, and that concludes my
16 testimony.

17 CHAIRMAN AIBEL: Thank you.

18 Board members, questions?

19 VICE CHAIR GREENE: I have a couple.

20 CHAIRMAN AIBEL: Go ahead.

21 VICE CHAIR GREENE: You talked about
22 the -- excuse me -- the flood proofing. Part of the
23 building will be wet flood proofed, and one will be
24 dry. For our benefit, would you describe exactly
25 what that means, what the differences are?

1 THE WITNESS: Absolutely.

2 I am going to go to again the ground
3 floor plan.

4 What we are proposing to do is to pour
5 a concrete wall that basically creates a bathtub
6 around the retail component, and then we would be
7 proposing to install flood gates at all of the
8 openings at the exterior of that retail component up
9 to the elevation, the design flood elevation, as
10 opposed to what we would be doing for wet flood
11 proofing, where we would be installing flood vents
12 that actually allow water to come in on the
13 recreation component. So we are not displacing
14 water here. We are displacing water here.

15 VICE CHAIR GREENE: Why the difference?

16 THE WITNESS: Some of the reason for
17 that was because we are trying to reuse portions of
18 the building, the slabs of the building, and in some
19 areas the slab wasn't designed for heavy loads.

20 The back of the building was designed
21 for heavy loads. The front of the building wasn't.
22 That is where they had offices and things like that,
23 so we were concerned about the uplift on the slab.
24 So a way to go away from that was to dry flood proof
25 that portion of the building.

1 VICE CHAIR GREENE: Okay.

2 Regarding the roof deck amenity, so
3 that is going to be for the use, the recreational
4 use, the gym will have access to it, and the
5 commercial space will have access to it?

6 THE WITNESS: That's correct. That is
7 the intention.

8 VICE CHAIR GREENE: Will there be --

9 MR. GALVIN: Hold on one second.

10 MS. GONCHAR: Can Mr. Bijou --

11 MR. GALVIN: It's your call.

12 MS. GONCHAR: He's been -- Mr. Bijou
13 has been previously sworn by --

14 MR. BIJOU: You know, I know you
15 brought these issues up before. But, first of all,
16 there are no bathrooms up on this facility, so there
17 is not going to be any parties. This is for the
18 commercial tenant, the staff only. It's not for,
19 you know, it is not for the operation of the rock
20 climbing facility. It is for their staff. If they
21 choose to come out and have a cup of coffee and that
22 type of thing, or if they, you know, if they want to
23 have a special event, or somebody wants to use it as
24 a dance studio, if somebody wants to use it for
25 yoga, you know, those are some of the things we can

1 offer for community use as well, so that was sort of
2 the genesis of it.

3 I am not going to be, you know,
4 standing out there at midnight. There is not going
5 to be a line outside of the building trying to get
6 upstairs to the roof.

7 In fact, you know, I would like to
8 have, if I could find the right gardener, I would
9 put a garden up on the green roof so I could grow
10 vegetables and on the other roofs as well.

11 So I mean, those are some of the things
12 I think it could be used for. So, you know, that is
13 going to be managed. It is not going to be people
14 running all over the place. They are not going to
15 be there at night and things like that.

16 VICE CHAIR GREENE: But you are putting
17 extensive lighting in. If you are not using it at
18 night, why are you putting the extensive lighting
19 system in?

20 MR. BIJOU: If you're like me,
21 cataracts need light.

22 (Laughter)

23 You know, it's not extensive. I
24 guess -- I am not the designer on it. But, first of
25 all, you know, that is a good question. I don't --

1 VICE CHAIR GREENE: I mean, it looks to
2 me, I didn't count them, but it looks like there's
3 about 30 fixtures.

4 MR. BIJOU: Well, that may be too many.

5 THE WITNESS: Well, they're actually --
6 they're not -- they are small fixtures. There is a
7 detail on --

8 MR. BIJOU: And they are LED lights.
9 They're not, you know --

10 VICE CHAIR GREENE: But they are
11 designed essentially to light the entire perimeter.

12 THE WITNESS: To light the perimeter of
13 the thing. Again, maybe that is for dusk level, you
14 know. I don't know that we discussed hours of
15 operation, but I think that, you know, Larry's
16 concern about people being up there late at night is
17 probably a valid concern.

18 MR. BIJOU: I think when you take the
19 water aspects away from it, you know, like the
20 bathroom facilities, it eliminates a lot of that.

21 VICE CHAIR GREENE: Are you planning on
22 prohibiting smoking up there, or is that going to
23 become the place for the staff to go for cigarettes?

24 MR. BIJOU: We don't permit smoking in
25 any of our buildings. I don't like to be a

1 bludgeon, but it would be nice to have a cigar up
2 there, but I am not a smoker, and it seems like it
3 causes more trouble than it's worth.

4 VICE CHAIR GREENE: So smoking will be
5 prohibited on the roof deck?

6 MR. BIJOU: Yes, potentially

7 MR. GALVIN: Got it.

8 (Laughter)

9 VICE CHAIR GREENE: Thank you.

10 MR. BIJOU: I mean, I can look at it
11 from my office, so I can see, and most of my
12 buildings I have access to, I can see from any other
13 building if they are smoking or not. You do your
14 best to curb that, but it has held up pretty well
15 all in all.

16 VICE CHAIR GREENE: What is the
17 composition of the floor going to be?

18 THE WITNESS: It is a wood deck. At
19 this point it is a wood deck.

20 MR. BIJOU: It could be, you know, it
21 may not be -- you know, I think 5,000 square feet is
22 a lot of deck, to be honest with you, but it could
23 be partial -- I could put more green roof in there,
24 so it wouldn't be as large. It just depends.

25 I just wanted to see. It is a great

1 opportunity to have that kind of space to see what
2 we could do with it. You know, maybe we can't get
3 the right type of user for it to use, so then I
4 would use it for something else. I could easily
5 make that an entire green roof as well.

6 So, you know, it has multi-uses, but we
7 have at Garden Street Lofts, we have a nice deck
8 area, where people can sit, and there is walkways
9 around the green roof, and you know, they use it.
10 It is not a large deck, but it is used.

11 VICE CHAIR GREENE: But this deck is a
12 large deck, 5,000 square feet --

13 MR. BIJOU: Right. But it has more of
14 a commercial value.

15 I am looking for, you know, we get
16 requests for, like I said, dance. We get requests
17 for studio space. We get requests, you know, for
18 the commercial space. If we have the right tenant,
19 that could be a valuable, you know, amenity for
20 them. But I mean -- and also for staff people who
21 want to come up and have a cup of coffee and that
22 type of thing. I don't see it -- it's not going to
23 be a high traffic situation at all.

24 VICE CHAIR GREENE: Thank you.

25 MS. BANYRA: Jim, can I just ask a

1 question?

2 CHAIRMAN AIBEL: Sure.

3 MS. BANYRA: Just for clarification,
4 Mr. Stieve, the lighting I understood was rail
5 lighting, correct?

6 THE WITNESS: Correct.

7 MS. BANYRA: There's nothing -- there's
8 no overhead up here --

9 VICE CHAIR GREENE: And I understood --

10 MS. BANYRA: -- okay, okay. I just --

11 VICE CHAIR GREENE: -- he testified
12 that it wasn't going to be used at night, and I was
13 questioning why do we need lights.

14 MS. BANYRA: Yeah, yeah, gotcha. Thank
15 you.

16 MR. GALVIN: Oh, okay.

17 Do you want to put a time limit on the
18 use of the deck then? Is that the way to do it?

19 VICE CHAIR GREENE: No.

20 MR. GALVIN: No?

21 The deck is not to be used at night, is
22 that what we are saying?

23 MR. BIJOU: I mean, I really have no,
24 you know --

25 MR. GALVIN: Let me just say this. I

1 think one of the things -- I don't have a horse in
2 the race. I am not saying that they should or they
3 shouldn't --

4 MR. BIJOU: Right, right.

5 MR. GALVIN: -- but if the testimony is
6 it is not being used, the Board is relying on that
7 when they are granting an approval.

8 So if it might be used for something
9 else, you could always come back. You can always
10 write us a letter and say, this is how we intend to
11 use it, if you're not --

12 MR. BIJOU: Right. I mean I --

13 MR. GALVIN: -- I mean, but how did you
14 want to use it?

15 MR. BIJOU: -- from a practical
16 standpoint, I don't see us using it in the evening,
17 okay. But in the evening in the summertime, maybe
18 nine o'clock at night or eight o'clock at night or
19 whatever.

20 MR. GALVIN: The deck is only to be
21 used during daylight hours?

22 MR. BIJOU: Business hours.

23 MS. GONCHAR: Or dust.

24 VICE CHAIR GREENE: Business hours for
25 the rock climbing gym are going to be eight a.m. to

1 10 p.m. or 11 p.m. or perhaps midnight --

2 MR. GALVIN: What would make you feel
3 comfortable?

4 VICE CHAIR GREENE: I don't know. I
5 would have to think it through --

6 MR. BIJOU: I don't think they will
7 have access to it in the evening, you know --

8 VICE CHAIR GREENE: Can we reserve
9 judgment on it until we further --

10 MR. GALVIN: Yes. We just had
11 something, too, at the Planning Board, where we had
12 a deck, and there was something also that it would
13 shut off at dusk.

14 MR. BIJOU: I am fine with that.

15 MS. GONCHAR: It could be to 9 o'clock
16 in the summer. I don't know if people will want to
17 be on the roof in the dead of winter when dusk is
18 earlier.

19 MR. GALVIN: Yes. I never understood
20 that. Once the cold weather comes, people aren't
21 going to go on the decks and things like that
22 because it is too cold to be out there, and if they
23 were, you wouldn't hear them or see them, because
24 you're focused on your internal stuff.

25 It is really during the summertime that

1 you're concerned about that and people disturbing
2 you, if they turn that space into some kind of an
3 active recreation, and even 9 o'clock at night is
4 not a concern, but midnight might be a concern or
5 one o'clock --

6 MR. BIJOU: We also have tenants in our
7 building next door, too, so I am not going to bite
8 my --

9 MR. GALVIN: I think we should hold
10 that to the end as to a condition, and we will
11 figure out something fair.

12 But if you need to change it, you will
13 send us a letter, and the Board can consider whether
14 it's a reasonable change.

15 MR. BIJOU: Fine.

16 VICE CHAIR GREENE: I'm done.

17 COMMISSIONER DE GRIM: I have -- I'm
18 sorry -- a repeat question.

19 I understand the wet flood proofing,
20 but the dry flood proofing, I know you explained it.
21 I didn't grasp it.

22 THE WITNESS: There is -- I guess
23 there's a series of requirements for that.

24 The retail component, my understanding
25 is that it's required to be dry flood proofed by the

1 Hoboken Flood Plain, the new Flood Plain Ordinance,
2 as well as the DEP, and in this case we are able to
3 accommodate that.

4 It also helped us with the structure of
5 the building. It allowed us to not have to do
6 certain things that would be needed, if we were to
7 bring water in, so those are the --

8 COMMISSIONER DE GRIM: How do you
9 achieve that again?

10 THE WITNESS: There is a poured in
11 place concrete wall, so it will be part of the
12 structure of the building, and that will be a
13 waterproof wall, so that will separate the retail
14 component from the gymnasium component.

15 COMMISSIONER DE GRIM: But the entire
16 retail is going to have this waterproof wall around
17 it?

18 THE WITNESS: There's going to be
19 waterproofed, yes. There is going to be flood gates
20 at the openings to the exterior of the building, and
21 then it will have a poured in place concrete wall, a
22 waterproof wall around it. It will be like a
23 bathtub.

24 COMMISSIONER DE GRIM: And the flood
25 gates only go out, or they don't let the water in?

1 THE WITNESS: They don't let water in.
2 That's correct. They are mounted on the outside of
3 the building.

4 COMMISSIONER DE GRIM: And what about
5 the doors?

6 THE WITNESS: The same thing with the
7 doors.

8 COMMISSIONER DE GRIM: They are going
9 to be waterproofed?

10 THE WITNESS: That's correct.

11 COMMISSIONER DE GRIM: Okay.

12 Thank you.

13 COMMISSIONER MURPHY: Just to circle
14 back to the deck again, Eileen, you had made some
15 comment about they were not necessarily in --

16 MS. BANYRA: That was originally. I
17 think my report has been amended in terms of the
18 setbacks.

19 COMMISSIONER MURPHY: Yeah, the setback
20 on the side --

21 MS. BANYRA: It's now -- I think three
22 feet is required, and I think three or four feet is
23 permitted.

24 COMMISSIONER MURPHY: Did they change
25 that? I didn't hear that.

1 MS. BANYRA: I believe --

2 THE WITNESS: I believe we mentioned
3 it, so it would be clear.

4 COMMISSIONER MURPHY: Thank you. I
5 didn't get a copy of those, too.

6 CHAIRMAN AIBEL: Board members, anybody
7 else?

8 Mr. Grana?

9 COMMISSIONER GRANA: I have a question.
10 It is more for Mr. Marsden.

11 Did you want testimony on the question
12 of any easements or boundaries?

13 There is a report, dated -- well, dated
14 August 11th and revised on October 20th --

15 MS. GONCHAR: The next witness is the
16 engineer who could address that.

17 COMMISSIONER GRANA: Very good.

18 Thank you.

19 MS. BANYRA: Mr. Aibel, can I ask a
20 couple questions?

21 CHAIRMAN AIBEL: Yes, go ahead.

22 MS. BANYRA: Mr. Stieve, just -- I
23 believe this was discussed at the last meeting. The
24 plan changes, you have taken down some columns that
25 were -- and I don't know if you said that before --

1 THE WITNESS: No. Part of the -- and I
2 think it was just missed on the first submission.

3 MS. BANYRA: In terms of the notation
4 you mean?

5 THE WITNESS: In terms of the notation,
6 correct.

7 So on the demolition plan that we show,
8 and we basically show that just to show what
9 portions of the building would be reused. We have a
10 heavy line around the interior property walls, but
11 the existing columns will need to be augmented just
12 to support the additional weight.

13 MS. BANYRA: I think Mr. Bijou
14 testified at the first meeting that this was not an
15 adaptive reuse. Is that correct?

16 THE WITNESS: That is correct.

17 MS. BANYRA: Thank you.

18 That is what I had.

19 VICE CHAIR GREENE: Can I -- excuse me.
20 Can I just follow up?

21 CHAIRMAN AIBEL: Yes.

22 VICE CHAIR GREENE: Just following up
23 on that, are they being augmented, or are they being
24 replaced because your drawing says replaced?

25 THE WITNESS: They are going to be

1 replaced. When I say "augmented," I mean, that they
2 will not be satisfactory to support the upper
3 floors. They will need to be replaced with new
4 steel columns.

5 CHAIRMAN AIBEL: So continuing on that
6 theme, Mr. Kolling's planner's report --

7 MR. GALVIN: Well, let's not go there
8 yet, because we didn't have Mr. Kolling yet.

9 CHAIRMAN AIBEL: Fair enough.

10 Let me try to understand Mr.
11 Marchetto's testimony, and I know he is away right
12 now, so it puts you a little bit on the spot. But
13 what I am having trouble understanding is: What is
14 actually being saved of this whole building and what
15 is being used?

16 THE WITNESS: My understanding is that
17 his testimony was that we would be reusing
18 foundations, the perimeter of the building. We are
19 going to be reusing the party walls. They are shown
20 in the dark line here, so those will remain, and we
21 will build on top of them, and then we will be using
22 the existing floor slabs.

23 CHAIRMAN AIBEL: So it is the side
24 walls that are being retained and the floor slabs?

25 THE WITNESS: That is correct. And

1 ultimately, too, with the new openings that we are
2 placing on the exterior walls, at that point it
3 makes sense to reconstruct those, so we will be
4 rebuilding the walls along Willow Avenue, along 15th
5 Street and along Clinton Street.

6 CHAIRMAN AIBEL: And so what are the
7 heights of the remaining side walls?

8 THE WITNESS: In their current
9 configuration?

10 CHAIRMAN AIBEL: Yes.

11 THE WITNESS: I do not know the exact
12 heights of those walls.

13 CHAIRMAN AIBEL: In other words, what
14 are you going to be using?

15 Is it going to be 30 feet of --

16 THE WITNESS: I would say that they are
17 probably in the 30 foot range, slightly lower.

18 CHAIRMAN AIBEL: Okay.

19 And your testimony is that they will be
20 load bearing?

21 THE WITNESS: The exterior walls to
22 some extent will be load bearing, but they are being
23 supplemented with interior columns.

24 CHAIRMAN AIBEL: Okay.

25 Mr. Marsden, go ahead.

1 MR. MARSDEN: You indicated that you
2 were going to have reinforced concrete walls around
3 the dry flood proofed area.

4 THE WITNESS: Correct.

5 MR. MARSDEN: Can you just mark where
6 the walls will be because --

7 THE WITNESS: It is marked on Sheet
8 A-1. There is a dashed line that shows where the
9 wall will be.

10 COMMISSIONER MARKS: Okay. But that is
11 going to be a reinforced concrete wall, correct?

12 THE WITNESS: Correct.

13 MR. MARSDEN: So I was confused on the
14 last sheet that didn't show those walls being
15 reconstructed.

16 THE WITNESS: This is a demolition
17 plan. This is really showing what is being removed.

18 MR. GALVIN: Time out for a second.

19 This is a really, really important
20 question, not necessarily for this project, but in
21 other projects, we have been kind of getting caught
22 with, we were looking at one plan, and then a
23 different plan goes down to the building department.
24 We want to make sure that we understand it
25 completely.

1 THE WITNESS: Sure.

2 MR. GALVIN: We want to know what's
3 being demolished.

4 This is for anybody who is listening in
5 future plans, we want to know exactly what is coming
6 down, so that we don't say okay to one thing, and
7 then they get down to the building department, and
8 then something completely different is happening.
9 But there is enough cover, and there's different
10 plans and everyone's been honest, but --

11 MR. MARSDEN: Can I just --

12 MR. GALVIN: It's not directed to you,
13 Mr. Stieve.

14 MR. MARSDEN: -- I just want to make
15 sure I understand what you're talking about.

16 Wouldn't you have to replace this wall
17 in order to reinforce concrete, and then replace
18 this wall completely with reinforced concrete to dry
19 proof, waterproof?

20 THE WITNESS: Well, this is going to be
21 a new wall that needs to get constructed.

22 MR. MARSDEN: So the internal walls,
23 they were going to go anyhow?

24 THE WITNESS: Correct.

25 MR. MARSDEN: And you don't show them

1 on the demo plan. That's one of the reasons that
2 we're concerned --

3 THE WITNESS: Well, they are drawn in
4 here to some extent. Some of the interior
5 partitions that are being removed are in here as
6 well.

7 MR. MARSDEN: Okay.

8 THE WITNESS: Right now there's a big
9 open space. There is a wall here that's being
10 removed that is dotted in, and it is in the key,
11 existing interior walls to be removed.

12 MR. MARSDEN: Okay. But this one here
13 and the cross -- that will all be reinforced
14 concrete walls?

15 THE WITNESS: Brand new construction,
16 yes.

17 MR. MARSDEN: Okay. Thank you.

18 CHAIRMAN AIBEL: But your demo plan did
19 change from your July 2015 to the September 2015, so
20 you are removing walls, interior walls. Is that
21 correct?

22 THE WITNESS: Yes. Interior walls and
23 then the thing that changed from the last submission
24 was that there were existing columns that are being
25 removed as well.

1 CHAIRMAN AIBEL: Okay.

2 Let me, without going at you in too
3 much detail, I want to get an idea of the side walls
4 and how they are constructed, and how you are
5 expecting to use them partially for load bearing
6 purposes.

7 THE WITNESS: Right now they are
8 concrete block walls. They are filled solid with
9 concrete, and we will continue that up. We'll
10 probably dowel in new reinforcement into those walls
11 and then continue up with concrete CMU.

12 CHAIRMAN AIBEL: So would you confirm
13 at some point how tall those side walls are going to
14 be maintained or retained?

15 THE WITNESS: Yes.

16 CHAIRMAN AIBEL: Thank you.

17 Okay. Anybody else?

18 COMMISSIONER GRANA: I have one more
19 question, Mr. Chair.

20 Mr. Stieve, when I reviewed the zoning
21 table on Z-1, I'm just comparing Z-1 to A-4, just to
22 be clear.

23 On the zoning table, we are saying that
24 50 percent of the roof will be green roof, and then
25 the rest of the deck area -- the rest of the area

1 may be used for deck space. That is what it says in
2 the zoning table.

3 So I am just trying to confirm if I
4 look at A-4, with the exception of the egress points
5 and the utilities, we are saying that 50 percent of
6 this roof will be green, and the remaining balance
7 except for egress and utilities is to be used for
8 the deck.

9 THE WITNESS: That's correct.

10 We are actually using slightly less
11 than the remaining because there are some areas that
12 are inaccessible that will just be roof, and there
13 are also some areas that will be occupied by
14 mechanical.

15 COMMISSIONER GRANA: Understood.

16 THE WITNESS: 50 percent of the roof
17 area is -- and we are slightly over that 50 percent
18 calculation is actually green vegetated roof.

19 VICE CHAIR GREENE: So 50 percent,
20 maybe a bit more, is green vegetated roof. The
21 balance is egress points, utilities and non
22 accessible areas of the deck?

23 THE WITNESS: That's correct.

24 COMMISSIONER GRANA: Thank you.

25 CHAIRMAN AIBEL: Any other Board

1 members, professionals, any questions?

2 We're finished.

3 Let me open it up to the public.

4 Anybody have questions for Mr. Stieve?

5 COMMISSIONER GRANA: Seeing none,
6 motion to close public portion for this witness.

7 CHAIRMAN AIBEL: Second?

8 VICE CHAIR GREENE: I'll second.

9 CHAIRMAN AIBEL: All in favor?

10 (All Board members answered in the
11 affirmative.)

12 COMMISSIONER GRANA: One last thing,
13 Mr. Stieve. Would you mind passing your exhibits
14 around to the Board?

15 THE WITNESS: Sure.

16 COMMISSIONER GRANA: Thank you.

17 (Witness excused.)

18 MR. GALVIN: Raise your right hand.

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

22 MR. LEWIS: I do.

23 G R A N T B. L E W I S, PE, PP, Dresdner Robin,
24 55 Lane Road, Fairfield, New Jersey, having been
25 duly sworn, testified as follows:

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

3 THE WITNESS: Grant Lewis, L-e-w-i-s.

4 MR. GALVIN: All right. Unfortunately,
5 I am not familiar with Mr. Lewis.

6 What are your credentials?

7 THE WITNESS: I'm a licensed
8 professional engineer in the State of New Jersey.

9 MR. GALVIN: All right.

10 Can you give us three Boards you have
11 appeared before recently?

12 THE WITNESS: Certainly.

13 I have been before the City of
14 Hackensack, West Caldwell, Harrison, Wayne, Woodland
15 Park.

16 MR. GALVIN: Okay.

17 Do we accept his credentials?

18 CHAIRMAN AIBEL: We do.

19 MR. GALVIN: You may proceed. Welcome
20 to Hoboken.

21 THE WITNESS: Thank you.

22 (Laughter)

23 We are going to find you a couple of
24 towns down in Central Jersey, man. You got to drive
25 a little bit.

1 Go ahead.

2 (Laughter)

3 THE WITNESS: Should I bring the boards
4 up?

5 MR. GALVIN: Remember, we are trying to
6 mind the clock.

7 THE WITNESS: I'll keep it brief.

8 MR. GALVIN: Are you a PE?

9 THE WITNESS: I'm sorry?

10 MR. GALVIN: You are a PE, right?

11 THE WITNESS: Yes.

12 MR. GALVIN: Okay.

13 MS. GONCHAR: While you are putting up
14 the boards, can you just tell us --

15 MR. GALVIN: Are you traffic or civil?

16 THE WITNESS: General, civil, site --

17 MR. GALVIN: General, civil, okay.

18 (Laughter)

19 MS. GONCHAR: Do you want to tell them
20 where you work?

21 THE WITNESS: I work for Dresdner Robin
22 out of our Fairfield office.

23 MS. GONCHAR: I thought maybe you would
24 like to know where he worked.

25 MR. GALVIN: No. I didn't care. If he

1 is a PE, he's ready to go. Let's go.

2 MS. GONCHAR: All right.

3 Can you identify what you just placed
4 before the Board and advise them if that was part of
5 the package that was submitted to them in the first
6 submission?

7 THE WITNESS: These are.

8 This is the utility plan that our
9 office prepared, as well as on the back side the
10 utility detail sheet, and the survey is mounted on
11 the other board. They are exactly the plans that
12 were submitted with the original application.

13 MS. GONCHAR: Okay. Thanks.

14 Why don't you, rather than my taking
15 the time to question, since we want to move it, why
16 don't you go through and describe, among other
17 things, conditions at the site and the various
18 utilities and stormwater?

19 THE WITNESS: Certainly.

20 Our office was asked to prepare the
21 utility plan detail sheet as well as an engineer's
22 report that was submitted with the application.

23 From a utility perspective, it was
24 fairly straightforward. We are utilizing many of
25 the existing utilities that go in and service the

1 office building as well as the warehouse.

2 Just a quick run through here. Along
3 Willow Ave, there is an existing six-inch sanitary
4 sewer that we will continue to utilize as a sanitary
5 sewer lateral.

6 On 15th Street, there is an existing
7 four-inch water service that will serve as the fire
8 service under the proposed conditions, and we are
9 proposing to either decommission or remove the
10 two-inch gas service that's on 15th Street,
11 depending on whether they want the entire pipe
12 removed. It's up to PSE&G.

13 On Clinton we will utilize the existing
14 electric connection with some modifications inside
15 based on the mechanical, electrical, plumbing
16 engineer's design in the future.

17 There is an existing two-inch gas
18 service that will remain and serve the three tenant
19 spaces inside, and then there is the remaining
20 four-inch water service that will be converted to
21 the domestic for the building.

22 The only new utility line that we are
23 proposing is a dedicated storm pipe lateral going
24 out to an existing inlet at the corner of 15th and
25 Clinton Avenue. This is in conformance with the

1 North Hudson Sewer Authority's standard to separate
2 the sanitary and the storm to the combined sewers,
3 so in the future that they could be separately
4 attached, if they ever are not a combined sewer
5 system.

6 In addition to the plans and the
7 engineering report, our office had also submitted to
8 the DEP for a flood hazard area determination, which
9 we received on October 16th, which stated that this
10 project, in fact, was not a substantial improvement
11 and was not subject to DEP review in the flood
12 hazard area regulations.

13 So as Mr. Stieve pointed out before,
14 there is flood work to be done with the building and
15 the local regulations, but it's not subject to state
16 reg.

17 Regarding stormwater, it is fairly
18 straightforward as the site is -- as the existing
19 building and this project is not deemed a major
20 development for the DEP stormwater rules. We are
21 disturbing less than an acre and not increasing more
22 than a quarter acre of new impervious, therefore,
23 not meeting the state rules.

24 In addition, we also don't meet the
25 definition of new or redevelopment for the North

1 Hudson Sewer Authority stormwater standards.
2 Therefore, we are not subject to their stormwater
3 management requirements.

4 As I mentioned earlier, we do have a
5 dedicated stormwater lateral. This has been a
6 requirement by North Hudson Sewer Authority on this
7 project, as well as other projects. It was
8 something requested in the will-serve letter that we
9 received from them, so it has been provided.

10 The one thing, as you know, there is a
11 green roof proposed as the desire of the applicant.
12 This green roof, although we are not subject to the
13 stormwater regulations and to meet the North Hudson
14 Sewer Authority's standards does exceed the
15 stormwater reductions for quantity, even though it
16 is voluntary.

17 We received almost a 50 percent in the
18 two, ten and hundred-year storms, where as if you
19 were subject to the regulations of North Hudson, you
20 would be looking at a 50, 75 and 80 percent and for
21 the two, ten, and hundred.

22 So essentially, we are meeting the goal
23 of the smaller storms, the two-year event, but we
24 are far exceeding for the larger events, like a
25 ten-year or a hundred-year rainfall event.

1 As far as sewer and water demand, they
2 are minimal because -- primarily because of the rock
3 climbing gym. We don't need a sewer approval from
4 the DEP, and so we don't need a TWA because we are
5 under the 8,000 gallon threshold. We are at 4500
6 gallons per day, and as far as water demand, we are
7 looking at about 5600 gallons per day, which does
8 not require DEP approval. However, I will note
9 obviously we will need utility connections from the
10 perspective providers, North Hudson and Hoboken
11 Water.

12 MR. GALVIN: All right.

13 Anything else?

14 MS. GONCHAR: And you mentioned a
15 will-serve from North Hudson. We also got
16 will-serve letters from the other utilities from the
17 water and the sewer?

18 THE WITNESS: We did.

19 We received will-serves from Hoboken
20 Water as well as PSE&G for gas and electric.

21 MS. GONCHAR: Which we will provide.

22 MR. GALVIN: I think the next time what
23 we should do is have our professionals ask questions
24 of the engineer. I think that's where to go.

25 MS. GONCHAR: That's fine. And if

1 there is anything else, we will redirect after.

2 MR. GALVIN: Sure.

3 Go ahead, guys.

4 MR. MARSDEN: Your North Hudson letter
5 is not just a will-serve. It is a statement that
6 you don't need detention, and you satisfy their
7 needs.

8 THE WITNESS: The will-serve response
9 did not outline or did not specifically state that
10 we do not need detention. It did mention in the
11 letter that you need to provide a separate service
12 lateral, that they will review upon submission for
13 the sewer connection.

14 MR. MARSDEN: I request that you get a
15 letter from them saying they are okay with your
16 reductions as proposed, because you fall into these
17 categories.

18 THE WITNESS: Okay.

19 MR. MARSDEN: Okay. It should be very
20 easy to get.

21 MR. GALVIN: Who are we getting that
22 letter from?

23 MR. MARSDEN: North Hudson Sewer
24 Authority.

25 The date on your plan, what is the

1 current date? There are no revisions on the one I
2 have.

3 THE WITNESS: No revisions. March
4 24th.

5 MR. MARSDEN: So a lot of the gray
6 point spot grades you show on your sidewalks exceed
7 the two percent requirement for ADA requirement. I
8 know the architectural plans put a note that they
9 say they will be max. You need to just modify these
10 to show two percent crosswise.

11 THE WITNESS: I mean, we can certainly
12 put a note and maybe reference the architecturals.
13 I like not to show duplicate information because
14 these are existing shots, and the architectural
15 package had the site plan and grading plan.

16 MR. MARSDEN: I would request that you
17 add some spot grades to show you can do it, just
18 saying two percent in some cases might be very
19 difficult to maintain. So that if you don't have an
20 area that will need two percent, that is fine, but
21 you need to show what those grades are and how
22 you're marrying them. That's all.

23 THE WITNESS: Yeah.

24 MR. GALVIN: Where are we putting the
25 spot grades? Where are they going, on what plan?

1 MR. MARSDEN: On the utility plan.

2 COMMISSIONER MC ANUFF: C-501.

3 MS. GONCHAR: You are asking if this is
4 approved, that you want as a condition of approval
5 that the plan be modified to show --

6 MR. MARSDEN: Yeah. Plans be modified
7 to show that the spot grades are working and showing
8 two percent.

9 THE WITNESS: Okay.

10 MR. MARSDEN: You might have to vary
11 the grade at the building is what I'm saying, just
12 to maintain the two percent, so I don't want the guy
13 out there building it to reframe all the curves, you
14 know --

15 THE WITNESS: No. I certainly can
16 appreciate the concern, and I just want to make sure
17 that there isn't duplicate or information that is
18 shown on the architectural that may conflict with
19 what we were doing on the utility plan.

20 MR. GALVIN: Make sure it doesn't
21 conflict. That is your job.

22 (Laughter)

23 I'm sorry. It is the truth.

24 MS. BANYRA: I just had a question.

25 You indicated a 50 percent reduction in

1 stormwater. What is that attributed to, if you are
2 not doing detention?

3 Is that the green roof?

4 THE WITNESS: The green roof is a
5 detention system.

6 MS. BANYRA: Okay.

7 So have you actually quantified it for
8 North Hudson, I guess?

9 I don't know that we ever received
10 anybody that's actually quantified their green roof
11 and what the water reduction is. So if you could
12 provide it, that would be great.

13 THE WITNESS: Yeah. There was an
14 appendix in the engineering report. It was a design
15 by roof meadow -- or I forget --

16 MS. GONCHAR: We have an extra copy, if
17 somebody needs it.

18 MR. MARSDEN: We have it.

19 MS. BANYRA: I didn't see it there.

20 Okay. Thank you.

21 MS. GONCHAR: Can you just tell them
22 the date on that? There was only one report
23 submitted, one engineer's report.

24 THE WITNESS: The March 15th engineer's
25 report.

1 MS. BANYRA: Okay. Great. Thank you.

2 Then would you be the person that would
3 be discussing the landscaping in terms of I had
4 requested that there is additional landscaping, and
5 I don't know if anybody is going to be addressing
6 that, you know, specifically or not, or address it
7 as a condition or something.

8 MS. GONCHAR: Well, this is not the
9 engineer.

10 THE WITNESS: Not me but --

11 MS. BANYRA: Okay. Then no problem.
12 Thank you.

13 MR. GALVIN: Any other questions from
14 the Board?

15 I recommend we open it up to the
16 public.

17 CHAIRMAN AIBEL: Open it up to the
18 public. Any questions for the engineer?

19 MR. GALVIN: Seeing no one.

20 CHAIRMAN AIBEL: Motion to close.

21 COMMISSIONER MC ANUFF: Motion to close
22 public portion.

23 CHAIRMAN AIBEL: Second?

24 VICE CHAIR GREENE: I'll second.

25 CHAIRMAN AIBEL: All in favor?

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

3 (Witness excused.)

4 MR. GALVIN: Thank you. Good job.

5 It is hard. We don't have like a major
6 entrance of a highway or parking lots --

7 MR. LEWIS: They're not that interested
8 in sewer laterals.

9 MR. GALVIN: Sorry about that.

10 (Laughter)

11 You can take your time, but then we
12 have to carry it to another night.

13 Raise your right hand.

14 Do you swear to tell the truth, the
15 whole truth, and nothing but the truth, so help you
16 God?

17 MR. DEAN: Yes, I do.

18 G A R Y D E A N, having been duly sworn, testified
19 as follows:

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

22 THE WITNESS: Gary Dean, D-e-a-n.

23 MR. GALVIN: Mr. Chairman, do we accept
24 Mr. Dean's credentials as a traffic expert?

25 CHAIRMAN AIBEL: We do.

1 THE WITNESS: Thank you, Mr. Chairman.

2 MR. GALVIN: Being preeminent in the
3 state.

4 Go ahead.

5 THE WITNESS: Thank you.

6 MS. GONCHAR: All right.

7 First, just for the record, can you
8 identify the report that you submitted by -- or I
9 guess it was a letter report by date, so that if the
10 Board is looking at it, they know they have the
11 right document?

12 THE WITNESS: Certainly.

13 We submitted a letter as part of the
14 application addressed to the Zoning Board, dated
15 February 23rd, 2015, and it is a report that
16 summarizes, recognizing that we are here for a use
17 variance, the traffic comparison of the uses that
18 are permitted in the industrial zone -- I am
19 sorry --

20 VICE CHAIR GREENE: Excuse me --

21 THE WITNESS: -- April 1st. April 1st.
22 My apologies.

23 VICE CHAIR GREENE: -- I have a letter
24 dated April 1st.

25 MS. CARCONE: April 1st.

1 THE WITNESS: And it sets forth the
2 comparison of the traffic one would expect with uses
3 permitted in the I Zone, which include
4 manufacturing, research and development facilities,
5 factory outlet stores and office uses.

6 The site is somewhat unique in that the
7 building comprises the entire lot, and what
8 typically generates traffic is obviously the
9 availability of off-street parking and the fact that
10 some motorists will in fact drive to the site, park
11 their vehicles and count as what we refer to as site
12 specific trip generation.

13 With this particular use, there is no
14 parking, but of course, there will be traffic. So
15 what is the characteristic of that traffic, which is
16 the fundamental question.

17 As you heard from the applicant and the
18 representatives from the climbing facility, there
19 will be drop-off activity, parents dropping off
20 children and the like, and there may be some
21 residents or individuals from outside the immediate
22 neighborhood who may drive to the site.

23 In general, that traffic activity,
24 which we have summarized on Table 1, Page 3 in our
25 report, would vary between about a dozen vehicles in

1 the morning peak hour to maybe two dozen vehicles,
2 25 or so in the afternoon peak hour, and there are
3 three components associated with this proposal.

4 The retail showroom, the office and
5 commercial component, and then the recreational
6 facility, and our traffic study shows the
7 distribution among those three uses.

8 I will say that within the spectrum of
9 traffic, that we would expect with a re-occupancy of
10 the existing building, ignoring this application
11 entirely and expecting that something will go in
12 that, I would submit that the traffic
13 characteristics of the proposal are either
14 equivalent to or less than the traffic we would see
15 with a by-right or permitted use in the industrial
16 zone, and you will hear from our planner.

17 But in terms of a traffic perspective,
18 we are certainly in character with what your zoning
19 ordinance would otherwise anticipate.

20 The traffic will originate, we expect,
21 principally from pedestrians, residents, who live in
22 the surrounding neighborhood, who will avail
23 themselves of recreational facilities, perhaps be
24 customers of West Elm. There may be some of what we
25 call outside or non-indigenous traffic that comes to

1 the office component.

2 However, this portion of Hoboken is
3 served, at least by my count, thirteen different
4 mass transit routes that don't involve an automobile
5 or walking or bicycling, and there are I think eight
6 or so different bus lines. There's obviously the
7 light rail. There's the New York Waterway and Ferry
8 Service, access to Path, and then the New Jersey
9 Transit commuter rail facility as well.

10 I am not sure whether the Hop is still
11 running or not, but at least it shows on your
12 website as still being an available transit option.

13 So in terms of traffic impact, it will
14 be confined to either on-street parking or parking
15 within adjacent garages, and in a very quick
16 inventory, I identified I think 1100 parking spaces
17 within two blocks of this site. And given the
18 nature of the use being retail and certainly the
19 recreational component, we would expect to see those
20 uses to be the busiest off peak hours, say later in
21 the evening or certainly on the weekends, where
22 there is not the same demand that we might see for
23 parking during the week.

24 So somewhat unusual -- oh, and I did
25 want to mention that I appeared before this Board

1 for the application on the restaurant, I think it is
2 1426 Willow last year, and as part of that
3 application we conducted an inventory of on-street
4 parking and identified 121 spaces, and at the
5 highest peak time of use, which was about 7 o'clock
6 in the evening, which is when we would expect these
7 facilities to be busiest, we found that there would
8 be 39 empty on-street spaces at that time.

9 There are a mixture between metered,
10 you know, the pay station or resident permit
11 parking, but expecting that some of the customers or
12 members will be residents, and obviously they would
13 have access to those spaces.

14 So unless there is anything specific
15 that the Board has a question regarding, that
16 really -- I did read Mr. Marsden's review report. I
17 don't think there is anything specifically related
18 to traffic, other than I think just a request for
19 off tract improvements to resurface the road, and I
20 don't believe there is any exception taken to that
21 request.

22 MS. GONCHAR: Is there -- I don't know
23 if you heard the discussion that there is a great
24 deal of bicycle racks that are being proposed.

25 Do you think that there is an increased

1 likelihood that given the nature, at least of the
2 recreation use, that you will find a greater degree
3 of people either walking or riding bikes that
4 somehow the use also impacts how people get there?

5 THE WITNESS: I would hope that is the
6 case. Intuitively being a fitness oriented type
7 component, that same mind set applies to the choice
8 of transportation.

9 Oddly, though, at many health clubs in
10 more suburban areas, the parking spaces closest to
11 the door are the ones that are the most heavily
12 used, and people seem to avoid parking further away.

13 But it is Hoboken, and I am seeing more
14 and more changes in, I'll call it somewhat of a
15 lifestyle, but certainly it's related to
16 transportation, where bicycle-friendly facilities
17 are being implemented, and I certainly advocate
18 that, and I think it is in keeping with the goals
19 and objectives of alternate means of transportation.

20 MS. GONCHAR: So at least from a
21 traffic and parking demand basis, would it then be
22 your testimony that should the Board act favorably
23 on the application to permit the proposed uses,
24 including those that are not permitted under the
25 ordinance, that there would not be a negative impact

1 in terms of traffic generation, the nature of the
2 traffic or parking demand when compared to the uses
3 that are permitted under the ordinance?

4 THE WITNESS: I find that, as I
5 indicated, from a traffic perspective, that the
6 anticipated impacts are comparable, if not much less
7 than we would expect to be generated in the zone.
8 But the parking characteristics would be similar,
9 and obviously there is no parking available on this
10 property.

11 So even if the building were reused as
12 it's intended under your zoning ordinance, there
13 would still be a parking demand that needs to be
14 accommodated somewhere and presumably within the
15 1100 or so spaces within very close walking
16 proximity to the site, or people using mass transit.

17 So I find it to be, in terms of a
18 traffic impact, net neutral. It is equivalent.
19 It's a little bit different in that, for example,
20 the recreational component will attract traffic at
21 night towards the close of business, as people are
22 leaving, wherever they are working and coming to
23 work out, where as with a manufacturing facility or
24 an R and D facility in your I Zone, that traffic
25 would be reversed. There would be people leaving at

1 the end of the day. But in terms of volume, it is
2 roughly equivalent.

3 MS. GONCHAR: And would an industrial
4 use have the potential to attract a different kind
5 of traffic in terms of trucks that you might not
6 anticipate from these types of uses?

7 THE WITNESS: In the I Zone, as I
8 indicated, manufacturing is one such use and R and
9 D. I would expect it is difficult to predict with
10 certainty how much truck traffic it might be. We
11 recognize that West Elm will get occasional
12 deliveries and attract smaller trucks, as we would
13 expect in a manufacturing zone, but I don't believe
14 it is out of character of what would otherwise be
15 expected in the zone and perhaps it would be less.

16 MS. GONCHAR: That is all I have on
17 direct for this witness, subject to recall.

18 CHAIRMAN AIBEL: Thank you.

19 Board members, anything for this
20 witness?

21 VICE CHAIR GREENE: I do.

22 CHAIRMAN AIBEL: Please.

23 VICE CHAIR GREENE: If I can go back to
24 your testimony regarding mass transit, I just wanted
25 to make sure I understood what you said.

1 THE WITNESS: Certainly.

2 VICE CHAIR GREENE: The fact that --
3 could you repeat what you said, rather than my
4 trying to attempt to repeat what you said?

5 THE WITNESS: That there are a
6 significant number of means, and last time I
7 appeared, I think it was before this Board, I think
8 Hoboken has the unique distinction of being the most
9 mass transit friendly community in the United
10 States. There are more opportunities available in
11 Hoboken than any other American city, and within
12 immediate proximity to this site and within Hoboken
13 are 13 different mass transit options, routes.

14 As I indicated, there are one, two,
15 three, four, five, six, seven, eight different bus
16 lines, waterway ferry service, New Jersey Transit
17 commuter rail, Hudson Bergen light rail and Path,
18 and these are all ways for people to get to Hoboken
19 and to this site.

20 VICE CHAIR GREENE: When you say
21 "Proximity," what is the distance that makes
22 something have proximity?

23 THE WITNESS: Well, for example, Path
24 is at the other end of town, this end of town, so
25 one has to get from the site to Path, but with bike

1 options, and I know Uber is not appropriate in
2 Hoboken, but there are ways to get I'll say around
3 town.

4 That's what I said, I don't know if the
5 Hop service still runs, but that does create loops
6 that connect to the Path station to connect to, I'll
7 say, this site or the northern portion of the city.

8 VICE CHAIR GREENE: Okay.

9 I mean, what I take issue with is the
10 Path is completely irrelevant as it comes to this
11 site. The light rail is generally irrelevant as it
12 comes to this site.

13 The waterway ferry is generally
14 irrelevant as it comes to this site, and two bus
15 lines do have stops right in front of the building,
16 so, you know, to take credit for Hoboken's great
17 mass transit and translate it to being beneficial to
18 this site, I don't see that connection.

19 THE WITNESS: Well, for example, if one
20 lived in New York City and wished to work in an
21 office in Hoboken, that is a direct reverse commute
22 using the New York Waterway over to the Shipyard. I
23 don't find it to be an unreasonable walk from the
24 Shipyard to this particular site. It is not that
25 far, in my opinion, so I do see that connectivity.

1 Similarly, the light rail I think is
2 seven blocks away, and that depends on what we see
3 in the future with perhaps another light rail stop
4 closer to 15th Street. It may or may not happen,
5 but it is at least in discussion, so there is at
6 least that connectivity.

7 Granted, one cannot walk out of 1420
8 Willow and get on the Path. I will concede that,
9 but there is connectivity. And, again, with the
10 office component, that does have a little different
11 dynamic in terms of traffic, but I would agree for
12 retail customers and probably the recreational
13 component, that traffic will originate from within
14 the neighborhood, so it is less critical.

15 VICE CHAIR GREENE: Thank you.

16 CHAIRMAN AIBEL: Board members?

17 Mr. Marsden?

18 MR. MARSDEN: If I recall, didn't the
19 restaurant have an agreement with the parking
20 garage?

21 MS. GONCHAR: My understanding is that
22 there is a program where you --

23 MR. MARSDEN: Right, right.

24 (Board members confer)

25 MS. BANYRA: Let him answer.

1 MR. MARSDEN: Okay. You can answer.

2 MS. BANYRA: You testified, right?

3 THE WITNESS: I don't recall how that
4 was finally resolved, other than I have no doubt
5 that in between the valet service, that those cars
6 are being put somewhere, most likely where Mr. Bijou
7 has surplus capacity.

8 MR. MARSDEN: I was just inquiring as
9 to whether that might be the same type of thing that
10 might be available for this --

11 THE WITNESS: A restaurant use is a
12 very common application for valet parking. One
13 gives their keys to the attendant and is in the
14 restaurant for two hours at a time.

15 I don't know that it works necessarily
16 for retail shopping per se, which has a shorter
17 duration, and that the times of waiting for the car
18 at the end might not be, I will say as tolerable, as
19 one would find in a restaurant situation.

20 It could work for the recreational
21 component, but again, there is a big difference
22 between a two-hour dinner and a 45-minute or an hour
23 workout, and I just don't know whether it lends
24 itself to valet and that type of operation.

25 MR. MARSDEN: Thank you.

1 THE WITNESS: If it's found to be
2 successful, I have no doubt Mr. Bijou will implement
3 it. It is not the kind of thing to mandate it, if I
4 could speak frankly, that is kind of cumbersome and
5 it may not work, but it is available.

6 MS. BANYRA: So I just can follow up on
7 that.

8 So I don't know that we were talking
9 about valet parking. I think -- I guess my thought
10 was whether or not there was the available parking,
11 should the Board need that, if there is excess
12 capacity. I think the parking lots that you are
13 talking about is Mr. Bijou's parking lot across Park
14 Avenue and then maybe the Hudson Tea. I think
15 they're both in your report, and those are both
16 primarily serving residential uses.

17 So I think your testimony was that, you
18 know, the nature of this use, and there may be some
19 shared, and certainly there is a lot of parking
20 available, but that there might be some shared
21 nature to that parking, so should the Board say, for
22 example, we need 50 spaces, and there is 50 spaces
23 available, I don't think it was valet necessarily,
24 but might there be some kind of shared parking set
25 up?

1 THE WITNESS: At 1450 Garden Street, at
2 Park and Garden, there are 383 spaces.

3 At Hudson Tea, there are roughly 300,
4 and then Willow 14, I think that is Advance's
5 building, they have close to three -- just under
6 400.

7 And, again, I don't know the
8 allocation, but that is one block away, so there is,
9 by quick count, 1100 spaces within two blocks, and
10 it is whether a service goes and finds through
11 contract parking within those buildings or the
12 customer just avails themselves of public parking,
13 the way they typically do.

14 MS. BANYRA: Okay.

15 And your study basically shows that
16 there was -- you did a study of those, and there was
17 parking available?

18 THE WITNESS: I didn't do a study of
19 those garages principally because, for example, at
20 Park and Garden, I don't think they're fully
21 occupied --

22 MS. BANYRA: Still being under
23 construction, right. Okay.

24 THE WITNESS: -- so, you know, with the
25 school and the different components, it is tough to

1 guess what the surplus is. But being part of that
2 application, I think everybody was comfortable that
3 there was considerable surplus as has been borne out
4 through the Tea Company.

5 MS. BANYRA: So then the final question
6 I have is your testimony was regarding on-street
7 parking, and that there was a surplus of on-street
8 parking, and your survey was done in 2013 for that,
9 and it was related to the restaurant.

10 You are familiar with that there has
11 been a number of approvals in that area, residential
12 and otherwise, and is your testimony the same, that
13 there is still available parking, and/or how will
14 that be impacted based on approvals that you may or
15 may not have looked at or whatever?

16 THE WITNESS: I don't know all of the
17 different approvals. But, for example, Advance's
18 building, and I have to believe that this Board and
19 the Planning Board had an allocation of sufficient
20 parking for each one of those uses, particularly on
21 the redevelopment sites. But for this application,
22 which retains the footprint of the building, I don't
23 know that there have been too many other
24 applications that didn't have some component of
25 off-street parking.

1 MS. BANYRA: No, I understand. But you
2 are indicating that there is a number of parking
3 spaces available based on the 2013, and I'm just
4 wondering, is it --

5 THE WITNESS: There were.

6 MS. BANYRA: -- yeah, there were.

7 So how does that change based on within
8 a block of this, there has been a number of other
9 approvals, would you -- is your testimony basically
10 the same, that there is still going to be a hundred
11 plus places on-street parking available or what
12 percent --

13 THE WITNESS: Well, it was 39 available
14 out of 121, so I'll guess quick math, that's
15 probably somewhere around 35 percent, maybe -- yes,
16 that is about right, about 30.

17 Now, that is 39 spaces. Some of those,
18 one might imagine would be used by the restaurant,
19 if and when that opens, and some will be occupied by
20 other neighbors or residents, if for whatever reason
21 those buildings have a visitor, so maybe that number
22 of 39 drops to half of that.

23 You know, we still have I think enough
24 surplus either on-street -- and again, with the
25 expectation that particularly with the recreational

1 component --

2 MS. BANYRA: I'm done --

3 THE WITNESS: -- with all of the
4 residential that has come in, this serves, it is
5 basically an accessory use to the primary use being
6 residential. The services need to match the demand
7 that's generated by the residents, so...

8 MS. BANYRA: Thank you.

9 MR. GALVIN: Okay. No problem.

10 It was a good discussion, but it didn't
11 get us any more parking spaces.

12 MR. BIJOU: I just wanted to comment on
13 the parking.

14 MR. GALVIN: Sure, go ahead.

15 MR. BIJOU: I knew nothing about
16 parking when I came into town, and when I bought
17 Park on Park, I learned the business the hard way.

18 But, you know, Park on Park now is
19 called Park and Garden, and there's 383 automated
20 spaces, and that serves the building, which is 212
21 units. It serves the retail in the area, and it
22 serves the neighbors, the residential neighbors in
23 the brownstone blocks, so -- and we have plenty of
24 parking there.

25 The Advance garage, which is coming on

1 line now, it is being built and will be finished
2 before our property will be finished. They have 300
3 spaces, so they have a Trader Joe's in there, so
4 basically there is so much parking available. And
5 my office is in that part of town. I am in the
6 Pilsner House up on the fifth floor, not on the
7 bottom, but I just know there is no parking there.

8 There is plenty of parking, if anybody
9 ever visits the Pilsner House on any weekend, there
10 is tons of people there, and there's always still
11 parking on the streets.

12 You know, I'm just a firm believer that
13 with the bike program, with the type of people that
14 are going to use this facility, there's going to be
15 more of those people using the bike share program
16 than there are cars, and I don't see valet parking
17 as a valid program for this area.

18 This is a funky area. We want to keep
19 it that way. It is not meant to be, you know, a
20 gentrified, upscale, you know, I think it has a good
21 vibe going, and I would like to see it stay that
22 way.

23 MR. GALVIN: All right. Cool.

24 COMMISSIONER GRANA: I have one last
25 question on transportation.

1 CHAIRMAN AIBEL: Go ahead.

2 COMMISSIONER GRANA: The reference was
3 just made to bike share.

4 Do we know if there is a planned bike
5 share station to be located in the vicinity of this
6 property?

7 THE WITNESS: I don't.

8 MR. BIJOU: Yeah. There is one right
9 outside of the building.

10 (Audiende talking at once.)

11 MR. BIJOU: We have ours at 15th and
12 Park, but there's also one on Clinton, right on
13 Clinton Street by the viaduct --

14 (Audience talking at once.)

15 THE REPORTER: What?

16 (Laughter)

17 VICE CHAIR GREENE: Do you want that
18 repeated?

19 MS. GONCHAR: Do you want that
20 repeated, so that the nameless voice is not the
21 witness?

22 You just identified where there were
23 two bike share --

24 MR. BIJOU: There is one on Garden
25 Street at Park and Garden, and there is another one

1 at Clinton Street in front of The Edge, which is a
2 block, you know, two buildings down from 1420.

3 So, you know, to tell you the truth, we
4 are a sponsor of that -- one of the sponsors of that
5 program, and bikes are used all of the time. You
6 very rarely see bikes sitting in the bike rack, so
7 already it's being overused, so they will have to
8 get more bikes, and you know, that is surprising to
9 see that.

10 I just wanted to say before we end,
11 there is a lot of young people here that have been
12 here for two meetings, and I would like to see, if
13 they have something, if we have time to --

14 MR. GALVIN: Well, we are already way
15 beyond the time we allotted for this, and we're
16 trying to get you finished. All right?

17 COMMISSIONER GRANA: I am just
18 clarifying the testimony that there are two bike
19 share stations within approximately a block of this
20 proposed --

21 MR. BIJOU: Right. One is -- one is
22 two blocks --

23 (Audience talking at once.)

24 CHAIRMAN AIBEL: All right. Let me
25 open it up to the public. Questions for the traffic

1 engineer.

2 MR. GALVIN: Seeing none.

3 THE WITNESS: Thank you for your time.

4 (Witness excused)

5 CHAIRMAN AIBEL: Motion to close the
6 public portion.

7 VICE CHAIR GREENE: Motion.

8 COMMISSIONER GRANA: Second.

9 CHAIRMAN AIBEL: All in favor?

10 (All Board members answered in the
11 affirmative.)

12 CHAIRMAN AIBEL: What do you want to
13 do?

14 MR. GALVIN: What are we going to do?

15 MS. GONCHAR: We have one more witness.
16 We have our planner and then --

17 CHAIRMAN AIBEL: Mr. Matule, are you
18 okay?

19 MR. MATULE: Actually I was waiting for
20 a break because I understand Mr. Grana has to recuse
21 himself on 100-108, which will bring us down to five
22 Board members --

23 MR. GALVIN: So would you like that
24 case to go home?

25 MR. MATULE: -- so we were going to ask

1 if that case could be carried to the November 30th
2 meeting with no further public notice, and that
3 would allow Mr. Bijou a little more time.

4 MR. GALVIN: Okay. That's gracious.
5 That's being fair to everybody.

6 Like I told you, a lot of people are at
7 the 120 marker. That's what my problem is, so if
8 you guys are gracious about that, that helps.

9 MR. MATULE: Yes. We will consent to
10 the time within which the Board has to act.

11 MR. GALVIN: You're not going to
12 participate in the motion.

13 Can I have a motion --

14 MS. CARCONE: I just wanted to mention
15 that we're pretty loaded up for that meeting, so we
16 can put them on, but --

17 MR. GALVIN: So we can put them on
18 November 30th, but --

19 MR. MATULE: Put us on and we'll see
20 where we go.

21 CHAIRMAN AIBEL: Is it better to just
22 get a December date?

23 VICE CHAIR GREENE: Why don't you move
24 it to December, at least I'll be there.

25 MR. GALVIN: Do you want a real date?

1 CHAIRMAN AIBEL: Do you want a real
2 date?

3 MS. CARCONE: December 15th is our --

4 MR. GALVIN: And we'll put them on
5 first, so that it's a guarantee?

6 MR. MATULE: My client is giving me an
7 affirmative response, yes, December 15th.

8 CHAIRMAN AIBEL: It's better than being
9 last.

10 MR. MATULE: No further notice.

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

13 MR. MATULE: Yes.

14 MR. GALVIN: Is there anybody here on
15 this case?

16 Nobody is here.

17 So with Mr. Grana not participating, I
18 need a motion to carry this matter to December 15th
19 without notice.

20 VICE CHAIR GREENE: I will move it.

21 COMMISSIONER MURPHY: I can second it.

22 MR. GALVIN: Okay.

23 All in favor?

24 (All Board members answered in the
25 affirmative)

1 MR. GALVIN: All right. So that knocks
2 that one out, but don't dilly dally now.

3 (Laughter)

4 MS. GONCHAR: Thank you.

5 MR. GALVIN: Mr. Kolling, raise your
6 right hand.

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

10 MR. KOLLING: Yes, I do.

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

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

15 THE WITNESS: Edward Kolling,
16 K-o-l-l-i-n-g.

17 MR. GALVIN: Mr. Chairman, do we accept
18 Mr. Kolling's credentials?

19 CHAIRMAN AIBEL: We do.

20 MS. GONCHAR: Thank you for accepting
21 Mr. Kolling as an expert in the field of planning.

22 MR. GALVIN: I am trying to be helpful,
23 okay?

24 In your report, there has been some
25 discussion or consideration of the fact that you

1 kind of were talking about readaptive uses --

2 MS. BANYRA: Adaptive reuse.

3 MR. GALVIN: Be aware that your client
4 has already said that this is not a readaptive use,
5 so it would be not sensible to go into that. But I
6 am sure you have other arguments. Produce the other
7 arguments.

8 THE WITNESS: Correct.

9 MR. GALVIN: Thank you.

10 MS. GONCHAR: For the record, can you
11 identify for the Board by date the planning report
12 that was submitted with the application?

13 THE WITNESS: I have to go get a copy
14 of my dated report.

15 It was April 1, 2015.

16 MS. GONCHAR: Okay. And we have not
17 submitted an amended report. That remains the
18 current document as part of the application.

19 THE WITNESS: Yes.

20 MS. GONCHAR: Can you discuss briefly
21 the current zoning at the site, including what is
22 permitted and what we are seeking, and also just
23 reiterate, I think this was also part of Dean's
24 testimony, but some of the surrounding properties
25 and the characteristics of the neighborhood, where

1 the property is located?

2 THE WITNESS: Well, the property is in
3 an I-1 Industrial District. That industrial
4 district permits things like manufacturing,
5 processing, fabrication, research labs, warehouses,
6 and it also permits office buildings or office uses.

7 The uses that we are proposing are
8 general commercial use on the upper floors along
9 Willow Street and possibly an office use there as
10 well. The commercial aspect is not permitted. The
11 office is.

12 Commercial recreation is not permitted.
13 It's just proposed, and the retail, meaning the
14 furniture store, is also not permitted.

15 Currently along Willow, there is a more
16 of a commercial retail restaurant service type of
17 character to it.

18 Next door to the south is Bataglia's
19 House. There is also a Hertz car rental place.
20 There was a restaurant that was approved just to the
21 north.

22 And if you go further south along
23 Willow, there are other retail uses, such as
24 pharmacies in that location, and then there's more
25 retail as you extend down 14th Street to the east.

1 MS. GONCHAR: Can you describe any
2 characteristics of the subject site that are
3 relevant from your perspective, from the planning
4 perspective?

5 THE WITNESS: Well, the site currently
6 has a rather nondescript warehouse looking type of
7 building. There is some office within it. It
8 covers a hundred percent of the site. It has no
9 side yards or front yards. It does have, as you
10 heard the architect mention, a very substantial
11 floor slab that we intend to use. But other than
12 that, it's really a fairly nondescript industrial
13 warehouse looking building.

14 MS. GONCHAR: Okay.

15 And have you made an analysis of the
16 current ordinance and also the master plan and
17 looked at some of what I call the planning history
18 of the site?

19 THE WITNESS: Yes. The site went
20 through, I guess it has been zoned Industrial 1 for
21 a long time, a very long time, since I believe the
22 ordinance was adopted back in I guess it was the
23 '70s or so.

24 There has been some study of it in
25 terms of the master plan, which designated it as the

1 Underbridge Economic Development District. Under
2 that designation, these types of uses probably would
3 have been something that would have been encouraged.

4 However, subsequent to that, there was
5 a 2010 Reexamination Report that discussed returning
6 this to I-1 and saying that the Council has decided
7 to proceed with their redevelopment investigation of
8 the area and rather than consider changes using
9 standard zoning. To this date, although there has
10 been a designation of the area, that redevelopment
11 plan has not been approved, so there is really no
12 indication on what the direction would be at this
13 point in time.

14 MS. GONCHAR: Does the designation for
15 redevelopment and rehabilitation indicate that the
16 city is at least considering changing things?

17 THE WITNESS: Yes, yes. At least we
18 know that it is under study and that they are
19 looking at different aspects, and then I think you
20 also need to look at some of what the surrounding
21 uses are and anticipate that they wouldn't do
22 something that would be contradictory or which would
23 serve as a detriment to what the existing uses are.

24 MS. GONCHAR: Now, can you just go
25 through and describe what type of relief we are

1 seeking?

2 Obviously, we are seeking preliminary
3 and final site plan approval, but in terms of the
4 relief that we need, either the D variance or
5 variances, as Ms. Banyra has identified them, and
6 also what we are calling sort of the subsumed bulk
7 variances that are also -- that don't meet what
8 would be the standards of the I Zone?

9 THE WITNESS: Well, we are definitely
10 looking at use variances here.

11 We are asking for three different uses
12 in the building that are currently not permitted as
13 I described.

14 We have a commercial recreation use
15 that will occupy the portion of the building
16 fronting on Clinton and 15th.

17 We are looking for a retail use that
18 will occupy a portion of the building fronting on
19 Willow with some back of the house operations, which
20 will go through to Clinton, and we are looking for a
21 more general commercial type of use on the upper
22 floors fronting on Willow, which may also include
23 office, which is permitted, but may also include
24 things like a yoga studio or maybe an artist studio
25 or things like that, that might not fall under the

1 category of office, but yet still would be
2 commercial in nature.

3 In terms of the bulk variances, we
4 are -- if I might find my notes -- I know we are
5 looking at lot coverage. We are looking at side
6 yard, rear yard, and I think that is where we are on
7 those. Yeah. Side yard setback, front yard, rear
8 yard and lot coverage.

9 MS. GONCHAR: Now, some of those are
10 existing conditions, and some of those -- again,
11 those are applicable in the I-1 Zone, but just to
12 advise the Board, some of those are existing
13 conditions, and some of those, while possibly
14 existing, may be increased, if you will, by virtue
15 of what is proposed in terms of removing buildings
16 and building walls, I should say.

17 Can you address that?

18 THE WITNESS: Yes.

19 Well, even if the walls were remaining
20 since we are expanding the building and extending
21 the buildings in a vertical manner, those would fall
22 under a variance classification anyway.

23 But in this particular case, there are
24 walls being removed along the street lines, and new
25 walls being constructed. The appearance of the

1 building is being changed, even if they weren't
2 removed, there would have been substantial changes
3 to them anyway, so I think either way, we end up
4 with these variance conditions, and so therefore,
5 that more or less triggers the setback variances.

6 I would point out that the existing
7 buildings, not just on this site, but the adjoining
8 buildings have a similar configuration. The
9 building at the corner of 15th and Willow comes to
10 the street line on both of those frontages.
11 Buildings further down Clinton are to the front
12 property line.

13 Buildings extending down Willow be on
14 the front property line, so the character of this is
15 they are basically at a zero lot line, so the
16 condition on the block in general.

17 MS. GONCHAR: All right.

18 Can you address the proofs to support
19 the variances that we are seeking both with regard
20 to -- start with whichever ones you want -- the
21 variances that we are seeking this evening in terms
22 of the statutory criteria?

23 THE WITNESS: Well, I think that the
24 property is well suited for conversion to the types
25 of uses that we are asking for.

1 You will find in industrial areas in
2 general, as industrial land uses have declined, that
3 uses like commercial recreation have come into
4 places like that.

5 I know in the town where I live, some
6 of the warehouse sites have been now used for things
7 like batting cages and things of that nature. I
8 think that is pretty common to see, and the reason
9 for that I think is that these sort of industrial
10 sites have larger footprints and allow -- they have
11 the ability to accommodate those types of commercial
12 recreation uses, which typically need a large volume
13 both in terms of the footprint as well as the
14 vertical dimension.

15 Offices, of course, are permitted in
16 the area, but I think that also you find in
17 industrial areas other types of commercial uses that
18 are put into vacant industrial buildings or on
19 sites, industrial areas that are being redeveloped.
20 Again, things such as the commercial uses like
21 studios and artists and things of that nature.

22 This I think is also well suited for
23 the retail use, especially the specific part of the
24 site where we're looking to place it, in that Willow
25 Avenue -- Willow Street has a kind of a retail sort

1 of characteristic to it already. I think that that
2 use will compliment that -- those existing uses in
3 that particular location, so I think that the site
4 is suitable for the types of uses proposed.

5 I think the site will provide a needed
6 service in the area as well. For instance, in the
7 master plan, there is in the open space a recreation
8 area. They talk about encouraging additional
9 commercial -- additional recreational uses and open
10 space. That recommendation primarily deals with
11 more traditional types of things, such as parks and
12 playgrounds.

13 But I think that in a very urbanized
14 area like Hoboken, even commercial recreation areas
15 serve the benefit, so I think that that provides
16 that within this area and addresses that need
17 because of the particular suitability of the site.

18 I think also in terms of the larger
19 scale retail, retail such as furniture stores, that
20 need larger footprints, there is really no space --
21 there's no space along say Washington Street or more
22 traditional corridors, for uses that are of that
23 size. So those size retail uses need spaces that
24 are a little bit larger or a little bit more open,
25 and this type of area, this type of property can

1 accommodate that.

2 And then likewise, you know, I think
3 the ability to provide those alternate forms of
4 commercial uses aren't really being met to any great
5 degrees in other areas.

6 This type of -- this area now, because
7 it's recently emerging and has the existing property
8 size that it has can accommodate those sort of
9 alternative commercial service types of uses, so I
10 think we addressed that as well.

11 So I think that in general, because of
12 the particular suitability of the site, we do
13 address what I think are needs for the community,
14 and I think we promote in that way the general
15 welfare and the public good.

16 MS. GONCHAR: And are the
17 characteristics that you've identified, both the
18 existing building that will -- that sort of defines
19 what we're putting there, since I can't describe it
20 all, I'd say adaptive reuse, but integrating
21 portions of the existing building into what we're
22 proposing, as well as what you've identified as the
23 characteristics, the emerging characteristics
24 immediately adjacent, would it be your opinion that
25 that makes this site different than other sites in

1 proximity, and that the surrounding uses you have
2 identified, the demand for residential in the area
3 allows this site to meet that standard of particular
4 suitability that distinguishes it?

5 THE WITNESS: Yes. And I think also
6 some of the physical characteristics of the
7 property.

8 The footings and foundation and slab
9 has been created, was built for something of
10 substance, you know, warehousing and things like an
11 industrial type of use. Being able to reutilize
12 that structure, I think is pretty beneficial as
13 well, so I think that that addresses some of the
14 particulars of the building.

15 MS. GONCHAR: All right.

16 Now, in your report you identified
17 certain recommendations in the master plan. This
18 was -- I don't know if the Board has their report --
19 but these were on pages four and five.

20 You indicated that in your view, that
21 the proposal did in fact further various of these
22 objectives of the master plan. Can you just briefly
23 highlight those, so they are part of the record?

24 THE WITNESS: In terms of promoting
25 compatibility in scale and density and design and

1 orientation between a new and existing development,
2 obviously density is not in play here because there
3 is no residential. But I think that the scale of
4 this structure is comparable to the other buildings
5 in the area. The fact that it orients both to
6 Willow as well as to Clinton and 15th Street I think
7 is a positive, because it takes a street scape that
8 is now dull, dead, and unattractive and makes it
9 into a vibrant type of street scape, so I think that
10 it promotes that recommendation.

11 It also goes to the next one about
12 requiring buildings to be oriented to the street.
13 The existing building is just a dead facade.
14 There's really no relationship to the street, and
15 this building the way it's designed has a clear
16 relationship to the street scape.

17 Enacting green architecture, this
18 building will have a green roof as well as other
19 green aspects. Bicycle, transit is being encouraged
20 and other aspects that fall under the category of a
21 green approach to development.

22 It provides additional street trees as
23 well, and I think that is within the recommendations
24 of the master plan, as well, as I previously
25 mentioned about promoting additional recreational

1 opportunities in Hoboken.

2 So I think those aspects of the master
3 plan, it does encourage.

4 MS. GONCHAR: All right.

5 Now, You also again for the Board on
6 Page 6 speak about those purposes of planning set
7 forth in the Land Use Law that would be furthered by
8 the granting of this variance.

9 Again, briefly, can you place on the
10 record or reiterate, since it is in the report
11 already, those purposes of the statute that would be
12 furthered by the variance?

13 THE WITNESS: Subparagraph 2(a) within
14 the Municipal Land Use Law talks about promoting the
15 general welfare, and I think that this project would
16 promote the general welfare in the types of uses
17 that are being proposed, how it will serve the
18 community, but also through the provision of the new
19 sidewalks and street trees and the active uses that
20 will revitalize the area and add to the vitality of
21 the street and promote the safer environment along
22 the pedestrian way.

23 I think that we promote 2(g) because of
24 the size of the site and the fact that it provides
25 sufficient space in an appropriate location for the

1 types of commercial uses that are being proposed,
2 and that they will meet the needs of the community.

3 Subparagraph 2(i), it will promote a
4 desirable visual environment. The current building,
5 as I keep repeating, is really not very attractive.
6 It's not desirable. In my opinion, it is really
7 detrimental, and the new building will replace that
8 with a very attractive building.

9 And I think that the granting of the
10 variance also encourages the coordination of the
11 public and private procedures that shape land
12 development and will lessen the cost of such
13 development, because we are able to utilize some of
14 the structure aspects of the building, the slab and
15 things in that manner, and that provides for a more
16 efficient use of the land, which is promoted in
17 paragraph 2(m). I think we promote those aspects of
18 the Municipal Land Use Law as well.

19 MS. GONCHAR: All right.

20 With regard to the use variance, let's
21 speak about the negative criteria.

22 Have you been able to identify, or do
23 you believe that there will be negative impacts or
24 detrimental impacts in particular to the surrounding
25 area, if the D variances for the uses that are not

1 permitted and that we are seeking were to be
2 granted?

3 THE WITNESS: I don't see any
4 substantial detriment to the surrounding area.

5 As I was mentioning, there are already
6 other commercial uses along Willow. There are other
7 commercial uses evolving on 15th and Grand, I
8 believe, where the restaurant, the German Biergarten
9 had been developed, there's similar type of uses in
10 the upper floors of that as are being proposed here
11 in terms of office or studio type uses

12 I see these uses as reinforcing those
13 and complimenting those, rather than being
14 detrimental to those uses or to the surrounding
15 area, so there would be no substantial detriment to
16 the granting of this variance for those purposes.

17 MS. GONCHAR: And to the extent that
18 there are residential uses in close proximity, you
19 would have the same opinion in terms of potential
20 impact on the residential uses, even though those
21 might not be permitted uses in the I-1 either?

22 THE WITNESS: Well, yes. These are --
23 what we're proposing are not noxious uses. There's
24 not something that would be detrimental to the
25 residents in the area, and I think quite the

1 opposite. These being proposed in this building may
2 very well be utilized by residents of the community,
3 and that is what we would hope.

4 MS. GONCHAR: And finally, with regard
5 to when we analyze the proposed uses and the
6 variances that we're seeking against what the
7 ordinance permits, and given the enhanced criteria,
8 the enhanced standard that we are subject to, do you
9 believe that we can reconcile -- is it your opinion
10 that these can be reconciled, given what you
11 indicated is some flux in terms of what is the goal
12 of this particular area from the municipal
13 perspective?

14 THE WITNESS: Well, yes, because, as I
15 was mentioning, the zone plan for this area is very
16 old. It hasn't been modified in many, many years.
17 There have been multiple studies and recommendations
18 that have come out of the master plan, and then the
19 master plan reexamination report and then being
20 looked at from an area in need of rehabilitation
21 type of perspective, and so it's clear I think that
22 the area is in flux in terms of what the future uses
23 will be.

24 I don't think that we're looking at
25 something that's going to be heavy industrial here

1 going forward. These types of uses I believe would
2 be suitable, if the area went more commercial. They
3 would also be suitable if the area went more
4 recreational or if the area went more residential.

5 So I think that we can reconcile what
6 we're asking for with the zone plan and the various
7 recommendations that have gone on over the last
8 couple of decades.

9 MS. GONCHAR: Completely, although I
10 think the last time we were before this Board, there
11 seemed to be a consensus under the most recent court
12 decisions that the C variances, unless the Board's
13 position has changed about that, that the C type
14 variances are generally subsumed.

15 I would like you to deal with the
16 parking variance that we're seeking and the fact
17 that we're not providing any parking, and I believe
18 79 spaces are required based upon the various uses
19 that are being included, and based on the testimony
20 that you have heard from Mr. Dean, do you believe
21 that this can be granted under our C variance
22 standards, since I think that variance may still
23 stand alone?

24 THE WITNESS: Well, yes. It is clear
25 that any reuse of this property, even if it were

1 reused as is, would generate a parking demand, and
2 given the condition that the property is in,
3 covering a hundred percent of the site, and that the
4 property is fully utilized for building, it would be
5 impossible to provide parking, so that issue would
6 always be there.

7 It's not a result of the granting of
8 the variance for these particular uses. So the
9 granting of the variance, therefore, does not result
10 in a substantial detriment. It is existing with the
11 property, and the only way to address that would be
12 to demolish the structure and build something
13 completely new, which certainly would be difficult
14 or a hardship because you would be removing even the
15 foundation and the floor slab, so I think you can
16 look at it from the hardship perspective in that
17 regard.

18 I think you can also look at what are
19 the general benefits of the project, and there are
20 many benefits to this project, as we've already
21 discussed, and I think that the detriments would be
22 rather slight from the parking -- granting the
23 parking variance, so I think also you can look at it
24 from the C-2 criteria.

25 The reason why I say that the

1 detriments would be slight is because of the
2 proximity of a number of other parking facilities in
3 the area, some existing and some about to come on
4 line. And within the master plan, for instance,
5 there's a discussion in terms of when you have
6 parking, they talk about promoting shared parking
7 for multiple uses, and I think that's what would
8 result in this particular situation.

9 The Advance just slightly a block or so
10 to the south is going to have a number of additional
11 parking spaces, over what the demand would be from
12 the site itself. And even if there are other spaces
13 there that could be utilized by that site, they
14 aren't used a hundred percent of the time by a
15 hundred percent of the uses on site. There would be
16 an opportunity for shared uses, to share some of
17 those parking spaces. So with so many parking
18 spaces in the vicinity, Park and Garden and Advance,
19 there is always going to be an opportunity for
20 shared uses of parking, so I think that it would not
21 be a substantial detriment for the granting of the
22 variance at all.

23 MR. GALVIN: Cool.

24 I am interjecting because I think you
25 covered it a few times, and we've been patient now.

1 MS. GONCHAR: And we want just to --
2 since the report is -- just to confirm that the
3 report is part of the record obviously.

4 MR. GALVIN: Oh, I'm sorry. I didn't
5 mean to interrupt. I'm just trying to interject.
6 Sometimes we kind of hear the same thing.

7 MS. GONCHAR: Okay.

8 THE WITNESS: I guess I am done.

9 MS. GONCHAR: That is our direct. We
10 do realize that we promised to answer a question and
11 we need to get something Mr. Marsden asked about
12 whether there were encroachments, and I want to make
13 sure our engineer -- I think we may have skipped
14 that in the response.

15 MR. GALVIN: What I am concerned about
16 or became concerned about, and I'm thinking about it
17 tonight, is that you are also asking for a final, so
18 I want to make sure that we take care of those kind
19 of things. Normally we have time, but we don't have
20 time this time. I don't think I should use "time"
21 in the same sentence twice, but okay.

22 Could you tell us, are there any
23 encroachments?

24 MR. LEWIS: There are minor
25 encroachments in Clinton Ave --

1 MR. GALVIN: Mr. Lewis, come up more
2 towards the table.

3 MS. GONCHAR: Are these other
4 properties encroaching on our property, or our
5 property encroaching on their property?

6 THE WITNESS: No. These are
7 encroachments of the existing building into the
8 right-of-way.

9 MR. GALVIN: Okay. So on those, you
10 need to get municipal authorization --

11 MS. GONCHAR: But --

12 MR. LEWIS: But under proposed
13 conditions, as Mr. Stieve pointed out, you know,
14 these will be replaced, so --

15 MR. GALVIN: So the new building is
16 going to be -- so you're going to bring the new
17 building into conformity?

18 MR. LEWIS: That's correct.

19 MR. GALVIN: That's a good thing.

20 MR. LEWIS: And there are no easements.

21 MR. MARSDEN: No easements, no
22 encumbrances?

23 MR. LEWIS: No.

24 MR. MARSDEN: Okay. That answers my
25 question.

1 MS. GONCHAR: So, of course, that is
2 another benefit, if you want to have our planner
3 discuss that as well.

4 (Laughter)

5 MR. GALVIN: No. I think I covered it
6 for you.

7 MS. GONCHAR: Thank you.

8 MR. BIJOU: I just wanted to say this
9 before you take a vote --

10 MR. GALVIN: Well, we don't know that
11 yet.

12 MR. BIJOU: -- I just wanted you to see
13 these young people here --

14 MR. GALVIN: Hold on a second.

15 I got you.

16 MR. BIJOU: -- have them stand up
17 and --

18 MR. GALVIN: No. This is the new
19 Hoboken. Everybody will get their chance. We are
20 not going to shuffle them off to Buffalo.

21 COMMISSIONER GRANA: I have a question
22 of the planner.

23 MR. GALVIN: Yeah, go ahead. Ask
24 questions of the witness.

25 COMMISSIONER GRANA: All right.

1 MR. GALVIN: I'm just trying to make it
2 more --

3 COMMISSIONER GRANA: I'll try to be
4 brief. I have a few questions.

5 MR. GALVIN: Sure. Take your time.

6 COMMISSIONER GRANA: Mr. Kolling, good
7 evening.

8 So I am looking in kind of a detail at
9 Block 123, and just for reference, I am using Mr.
10 Marchetto's and Mr. Stieve's artifact.

11 So when I -- just to break this up --
12 when I look at the proposed development at the
13 application, if I look at the Willow Street side,
14 let's call it the West Elm side, whatever you want
15 to call it, what is the use directly to the north of
16 that, do we know?

17 THE WITNESS: Yes. It is a small
18 mixed-use building. I think it's three stories, two
19 floors of residential, and the ground floor is
20 currently being renovated for a restaurant.

21 COMMISSIONER GRANA: So it's
22 residential and commercial?

23 THE WITNESS: Yes.

24 COMMISSIONER GRANA: Okay.

25 So the use directly to the south, so

1 that would be Lot 15 I think --

2 THE WITNESS: Bataglia House, it's a
3 furniture store and showroom.

4 COMMISSIONER GRANA: Right.

5 So that's a commercial use?

6 THE WITNESS: Yes.

7 COMMISSIONER GRANA: And then there are
8 other commercial uses on that side of the block?

9 THE WITNESS: I believe it's Hertz Rent
10 A Car that's at the corner.

11 COMMISSIONER GRANA: Okay.

12 So now if I look at the -- we'll call
13 it the Clinton side of the application, to the south
14 of that, I believe there is parking, which is a --

15 THE WITNESS: I believe it services
16 Bataglia.

17 COMMISSIONER GRANA: Bataglia's, so
18 that is a permitted use.

19 And what is to the south of that?

20 THE WITNESS: I believe that's a
21 six-story residential building.

22 COMMISSIONER GRANA: And so that is
23 residential --

24 THE WITNESS: I believe on the ground
25 floor, there's commercial there as well.

1 COMMISSIONER GRANA: Okay.

2 Then in terms of the height that we
3 just saw, I think the testimony was that the
4 building would be 40 feet above BFE.

5 How does that height relate to -- let's
6 just start with Willow -- the height relate to the
7 buildings that are to the north and south?

8 THE WITNESS: I believe it is a little
9 taller than what is there existing, but it is
10 certainly well below what would be permitted, which
11 would be 80 feet.

12 COMMISSIONER GRANA: So it's --

13 COMMISSIONER MURPHY: Industrial use.

14 COMMISSIONER GRANA: -- so as an
15 industrial use, it would be 80 feet, and here it
16 would be 48, if we include from average grade?

17 THE WITNESS: Yes, correct. 48 feet
18 from grade.

19 COMMISSIONER GRANA: Okay.

20 When I did a site inspection of this
21 block, it seems to me that a lot of these properties
22 currently have a hundred percent or near lot
23 coverage. Do we know if that's the case?

24 THE WITNESS: Yeah, actually they do.
25 I mean, other than the places that have been set

1 aside as parking --

2 COMMISSIONER GRANA: Right.

3 THE WITNESS: -- the rest of the block
4 is covered by building.

5 Even the building next door, for
6 instance, the three-story building --

7 COMMISSIONER GRANA: Yeah.

8 THE WITNESS: -- the three-story
9 portion may not cover the whole hundred percent, but
10 the lower floor definitely covers a hundred percent.
11 I think there's been some other additions on it --

12 COMMISSIONER GRANA: Okay.

13 THE WITNESS: -- so even that building
14 does. The Bataglia building covers a hundred
15 percent of that lot, and the residential building
16 covers just about a hundred percent as well.

17 COMMISSIONER GRANA: Okay. Thank you.

18 So if that is the case, where is the
19 donut in this block?

20 THE WITNESS: There isn't any.

21 You know, the donut typically occurred
22 where you had residential zoning. This has never
23 had residential zoning to my knowledge.

24 COMMISSIONER GRANA: So the combination
25 of what is proposed, but also what exists, that

1 would likely not be a donut or it would depend on --
2 certainly this application could amend lot coverage,
3 but the existing properties don't seem to provide
4 for much of a donut?

5 THE WITNESS: That is correct.

6 COMMISSIONER GRANA: Okay.

7 Maybe you could educate me because I
8 don't really know.

9 This was proposed as a tenant secured,
10 but, you know, I realize that doesn't really come
11 into my thinking so much, except that we talk about
12 it as being like a commercial showroom.

13 What is the difference between a
14 commercial retail showroom and a factory outlet, the
15 factory outlet is permitted in the zone --

16 THE WITNESS: Well, the factory outlet,
17 I think the difference would be is that some of
18 those goods might be produced on site, and then it
19 would be sold.

20 In this case they're brought to the
21 site and then sold. But the scale of the operation
22 would probably be very similar.

23 COMMISSIONER GRANA: Thank you.

24 CHAIRMAN AIBEL: Anybody else, Board
25 members?

1 VICE CHAIR GREENE: No.

2 COMMISSIONER MC ANUFF: No.

3 CHAIRMAN AIBEL: Let me ask you a
4 couple of questions, Mr. Kolling.

5 First of all, I just wanted a
6 clarification. You basically -- let me put it
7 differently.

8 I believe you testified that in effect
9 the building was being retained. But as I
10 understand it, the interior is going to be
11 demolished. The wall on Clinton and Willow is going
12 to be demolished, as is most of the wall on the
13 north side of the building, and I still don't know
14 how tall the remaining wall will be, but it is going
15 to be an open space, correct?

16 THE WITNESS: Yes.

17 I think what I was saying is that was
18 even if the building were retained and the walls
19 were increased, you would still have those kind of
20 variance conditions. But in this case, those walls
21 are being removed along the street lines. The
22 interior is being completely gutted. Some of the
23 structural elements are being replaced, because the
24 building is now going to be taller than what the
25 existing building is, so there is substantial

1 renovation and replacement.

2 CHAIRMAN AIBEL: But effectively, you
3 are going to have a blank slate with a slab from
4 Willow to Clinton and a couple of walls.

5 THE WITNESS: Essentially it's a blank
6 slate with a slab and I believe the party walls.

7 CHAIRMAN AIBEL: Okay. So the site
8 could accommodate other uses, I take it, a
9 restaurant?

10 THE WITNESS: Could it accommodate
11 other uses?

12 CHAIRMAN AIBEL: Yes.

13 THE WITNESS: Yeah.

14 CHAIRMAN AIBEL: A restaurant, a
15 work-live space, office space?

16 THE WITNESS: I guess -- well, it
17 depends on what the -- in terms of work-live, I
18 guess it would depend on how air, light, window
19 space and things like that, but other uses could be,
20 yes.

21 CHAIRMAN AIBEL: But you could build it
22 any way you wanted. You could develop it with an
23 interior courtyard, correct?

24 THE WITNESS: I assume you could.

25 CHAIRMAN AIBEL: Are you aware of the

1 North End Redevelopment Study that was I guess
2 conducted in 2013?

3 THE WITNESS: I believe that's what it
4 was called, yeah. I was referring to that when I
5 was talking about the area in need of redevelopment
6 study that was done, and I believe it was
7 recommended that it be an area in need of
8 rehabilitation, and I think that's what the City
9 Council had adopted.

10 CHAIRMAN AIBEL: And are you aware that
11 there are ongoing efforts to pursue a redevelopment
12 plan?

13 THE WITNESS: I only know that from
14 reading Ms. Banyra's report. I haven't had any
15 contact with anyone personally.

16 CHAIRMAN AIBEL: And you are aware of
17 the Western Edge Redevelopment Plan?

18 THE WITNESS: Yes.

19 CHAIRMAN AIBEL: And the City Council
20 enacted a plan to in effect address the 11 acres in
21 the Western Edge, is that correct?

22 THE WITNESS: That I don't know. I
23 didn't follow the study. I knew that it had been
24 ongoing. I didn't know they adopted it --

25 (Ms. Banyra and Chairman Aibel talking

1 at the same time)

2 MS. BANYRA: I don't know that they've
3 adopted that, unless they've adopted it very
4 recently. They've had hearings before. I don't
5 know that there is actually an adopted plan yet.

6 (Board members all talking at the same
7 time)

8 MS. BANYRA: They may have. Okay. I'm
9 not aware. Okay, great.

10 CHAIRMAN AIBEL: Am I right?

11 MS. BANYRA: You might be right,

12 CHAIRMAN AIBEL: Okay.

13 But there is a process in place for
14 redeveloping the north end of Hoboken, is that
15 correct?

16 THE WITNESS: I know that they were
17 going through studies, but I did not know if they
18 had adopted anything yet.

19 MR. BIJOU: We would have been
20 contacted if they did.

21 THE REPORTER: Mr. Bijou, I can't hear
22 you.

23 CHAIRMAN AIBEL: No, never mind.

24 MS. GONCHAR: There is no plan for
25 this. They just went out to contract again.

1 MS. BANYRA: That's correct.

2 MS. GONCHAR: That's the second time
3 they put it out to contract, as I understand it, the
4 second RFP for that one.

5 CHAIRMAN AIBEL: I believe -- well, I
6 am not going to say anything.

7 MR. GALVIN: We have to deal with what
8 exists. The existing zoning law, we deal with it as
9 it exists.

10 MS. GONCHAR: Right. This would be
11 protected under time of application in any event,
12 even if there were a redevelopment plan.

13 CHAIRMAN AIBEL: I am not suggesting
14 for a moment that it wouldn't be something that we
15 could grant, but I guess the point that I am making
16 is: This area is under study right now, and I guess
17 I am struggling with, you know, why we should accept
18 a particular vision of this particular applicant
19 when the city in effect is studying it and may have
20 a comprehensive plan.

21 And I will ask it in a question form:
22 Mr. Kolling, were you aware that the 2013 North End
23 Study criticized the ad hoc variances that resulted
24 in the piecemeal development of the North End to
25 date?

1 THE WITNESS: No, I was not aware of
2 that.

3 CHAIRMAN AIBEL: Okay. Well, I will
4 save that for later, I guess.

5 Is there any particular reason that
6 this use is a preferable use to any other use that
7 could be developed for this blank slate?

8 THE WITNESS: Yes. I think I went
9 through it in my testimony.

10 You already have on this block other
11 commercial retail type of uses. You have a very
12 similar type of retail use, in fact, right next
13 door.

14 This type of use, I think the furniture
15 store use, for instance, a retail use, would be very
16 consistent with that and what seems to be the
17 emerging character of the block, and I think that
18 the commercial recreation use is also well suited
19 for this site.

20 I think that because of the ability to
21 have a large open expanse, you know, could
22 accommodate that kind of use.

23 You can't find those types of spaces in
24 other areas, the more traditional type of commercial
25 areas in Hoboken, such as Washington Street couldn't

1 accommodate that kind of a volume, so I think that
2 this type of area would be good to accommodate that.

3 The upper floor commercial uses that we
4 discussed are similar to what was already existing
5 in the rehabilitation of the other industrial
6 building just a couple of blocks to the west on
7 15th, so I think that these types of uses would be
8 well suited here.

9 CHAIRMAN AIBEL: So it is your view
10 that we are the appropriate body to determine those
11 uses?

12 THE WITNESS: Yes.

13 CHAIRMAN AIBEL: Okay, good.

14 Anybody else?

15 All right. Let me open it up to the
16 public. Questions for the planner.

17 MR. BIJOU: If I might --

18 MR. GALVIN: No, no. We're going to go
19 to comments in one second --

20 CHAIRMAN AIBEL: Questions.

21 MR. GALVIN: -- we're going to get
22 them. We're going to get them, I promise.

23 You guys didn't have any questions of
24 the planner, right?

25 CHAIRMAN AIBEL: Seeing none --

1 MR. GALVIN: Is the Board done with the
2 questions of the planner?

3 COMMISSIONER GRANA: Motion to close
4 the public portion for this witness.

5 COMMISSIONER DE GRIM: Second.

6 MR. GALVIN: Now we can open it up to
7 the public.

8 CHAIRMAN AIBEL: Yes.

9 MR. GALVIN: All right. Now we're
10 going to open to the public.

11 The next generation gets to be heard.

12 (Laughter)

13 Raise your right hand.

14 Do you swear to tell the truth, the
15 whole truth, and nothing but the truth, so help you
16 God?

17 MR. DELANEY: Yes.

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

20 MR. DELANEY: Ned Delaney,
21 D-e-l-a-n-e-y.

22 I am a resident of 1426 Willow, that
23 site right at the corner that's currently being
24 changed into a restaurant and right next door to
25 the --

1 MR. GALVIN: The pork place, the
2 barbecue place?

3 MR. DELANEY: No, no.

4 CHAIRMAN AIBEL: Mr. Pino's.

5 MR. DELANEY: Right next to the site.

6 MR. GALVIN: All right. Go ahead.

7 MR. DELANEY: I am also a rock climber.
8 I have been climbing for a little over a year,
9 sometimes three months a year. Currently the
10 nearest --

11 MR. GALVIN: See, I heard that about
12 you. I heard you were upwardly mobile.

13 MR. DELANEY: Yes. I have been hearing
14 that, too.

15 MS. GONCHAR: There should be
16 consequences.

17 (Laughter)

18 MR. GALVIN: It will teach you to come
19 here.

20 Go ahead.

21 (Laughter)

22 MR. DELANEY: The nearest rock gyms are
23 in Manhattan. There is one about the size of this
24 room that is about 25 minutes away.

25 I go to one in Brooklyn, which is about

1 the size of this proposed building and maybe a
2 little bit larger in terms of feet, square footage
3 of the ground floor.

4 Rock gyms require -- or that space had
5 been an old warehouse that has been renovated and
6 turned into a rock gym. That whole block that it's
7 on has been turned into similar uses. This is a
8 great area for a use like this.

9 Personally living at this end of town,
10 it's great to see things get proposed like this
11 Biergarten, this rock gym, all of the residential
12 uses that have come into this area. It is great to
13 see this change, and frankly, I would love to see a
14 rock gym come to Hoboken, and I know this after
15 potentially trying to do it for years, so that is
16 pretty much all I have to say.

17 MR. GALVIN: Awesome. Thank you.

18 CHAIRMAN AIBEL: Anybody else wish to
19 comment?

20 State your name and address for the
21 record.

22 MR. GALVIN: Wait a minute.

23 Raise your right hand.

24 CHAIRMAN AIBEL: Sorry about that.

25 MR. GALVIN: Do you swear to tell the

1 truth, the whole truth -- is this like a little
2 Evers or what?

3 A VOICE: One at a time.

4 (Laughter)

5 MR. GALVIN: He wants you to do one at
6 a time, guys, and he's right.

7 Again: Do you swear to tell the truth,
8 the whole truth, and nothing but the truth, so help
9 you God?

10 MR. GELLMAN: I do.

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

13 MR. GELLMAN: Adam Gellman,
14 G-e-l-l-m-a-n.

15 Hum, I am from this area, and I --

16 MR. GALVIN: Oh, street address.

17 MR. GELLMAN: -- hum, 314 7th Street in
18 Jersey City.

19 MR. GALVIN: Okay. That is a little
20 odd. It's out of the area, but I am going to give
21 you your two cents. Go ahead.

22 MR. GELLMAN: I am a local rock
23 climber. I have been looking to improve, but it's
24 really difficult where there is no gyms within this
25 area.

1 There are some gyms in suburban New
2 Jersey, and there's some gyms in the city, all of
3 which are far. I don't have my license. I can't
4 drive to anything in suburban New Jersey, and it is
5 really difficult, and I think that a rock gym would
6 be really, really great for the demographics of
7 Hoboken. I think that it would work well, and it
8 would attract a lot of people of all ages,
9 everything from little kids to adults.

10 Rock climbing is for everybody. I
11 think that it would really work well. There is
12 really good examples.

13 As mentioned, Brooklyn Boulders is a
14 very, very successful gym that has opened a few
15 locations, and it has similarities I guess to this
16 area that I think would make this gym do really
17 well, and I think it would give a lot of
18 opportunities, especially to teenagers like myself,
19 who don't have a lot of other activities available.
20 I think that it would be a really good thing.

21 MR. GALVIN: Very good. And you should
22 consider joining your high school's moot court team.

23 (Laughter)

24 Go ahead. The next person up. Let's
25 go.

1 He covered it?

2 (Laughter)

3 Raise your right hand. They weren't
4 going to let you off the hook.

5 Do you swear to tell the truth, the
6 whole truth, and nothing but the truth, so help you
7 God?

8 MR. GROSSBARD: I do.

9 MR. GALVIN: State your full name for
10 the record and spell your last name.

11 MR. GROSSBARD: It's Jacob Grossbard,
12 G-r-o-s-s-b-a-r-d.

13 MR. GALVIN: Okay. Address?

14 MR. GROSSBARD: I live on 59 Madison
15 Street, Hoboken.

16 MR. GALVIN: All right.

17 Go ahead.

18 Tell us what you have to say.

19 MR. GROSSBARD: So climbing is a great
20 sport that is for everybody. I have seen a lot of
21 different people in the rock gyms that I have been
22 to.

23 I have been climbing with Adam for
24 about a year now. Climbing is great. It is
25 growing. It would be great for a lot of people in

1 Hoboken.

2 Teenagers like myself, I don't have
3 that many things to do like after school, especially
4 when it gets colder. A rock gym would be a
5 wonderful thing for us to be able to go and do. I
6 know I have a lot of friends that would be really
7 psyched to have a gym here --

8 MR. GALVIN: Good.

9 MR. GROSSBARD: -- and I think it is
10 probably the best use of that space.

11 MR. GALVIN: Thank you very much. I
12 appreciate it.

13 Anybody else who needs to be heard on
14 this case?

15 Raise your right hand.

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

19 MR. PINO: I do.

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

22 MR. PINO: Anthony Pino, P-i-n-o.

23 MR. GALVIN: See, I thought you looked
24 familiar.

25 (Laughter)

1 MR. PINO: Yeah.

2 Thanks for having us.

3 Talking about the whole area in
4 general, I think the building that Larry is talking
5 about here, I think it provides a lot to the whole
6 uptown community, not just with the rock climbing or
7 the retail space, but I think -- I have the
8 restaurant that is going in there -- to that whole
9 area, I think that whole building as a development
10 would help bring a huge attraction to the whole
11 area.

12 You have the new building, where the
13 school is in now, and the whole area is coming
14 about.

15 Now, as these gentleman talked about
16 rock climbing --

17 MR. GALVIN: Wait a minute.

18 Mark that down. It might be the first
19 time you are called gentlemen. That's a good thing,
20 right?

21 (Laughter).

22 MR. PINO: As you talk about things,
23 you know, when you spark something, things grow.

24 Two years ago there wasn't lacrosse.
25 Now everybody does lacrosse. It was new to town,

1 and now everybody plays. My son plays. Now there
2 are clubs, and there's stuff that goes on.

3 Now, rock climbing, again, you bring
4 something to town. With limited things to really
5 do, you bring something like that, clubs for young
6 kids to do something seasonally during the winter to
7 get them out of the house, to get them to do
8 something, it would be great.

9 And what else -- I think it is great.
10 I mean, obviously the building needs attention and
11 with Larry behind it, you know it is going to look
12 great. It's going to feel good. It's going to have
13 a green capability behind it, and I look forward to
14 it.

15 MR. GALVIN: Thank you so much.

16 MR. PINO: I appreciate it.

17 Thank you.

18 CHAIRMAN AIBEL: Anybody else?

19 Come forward.

20 MR. GALVIN: Raise your right hand.

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

24 MR. EVERS: Yes.

25 MR. GALVIN: State your full name for

1 the record, Mr. Evers.

2 (Laughter)

3 MR. EVERS: Michael Evers, 252 Second,
4 Street, Hoboken, New Jersey.

5 MR. GALVIN: You're good to go.

6 MR. EVERS: Thank you.

7 Well, I got to tell you, I never seen a
8 project so attractive that the Boy Scouts turned out
9 to testify for it, okay?

10 The other points I make is that this
11 seems to address most of the concerns that have been
12 brought up in the previous application, the high
13 residential congestion.

14 This is -- I cannot imagine a rock
15 climbing gym in Hoboken, given the population
16 demographics, is not going to be an immense hit, and
17 it would in fact be an immense hit for young people
18 that does not involve consumption of alcohol, which
19 seems to be the principal amenity we offer for young
20 people in Hoboken, so that is another positive.

21 The only other thing I'd say is that
22 Mr. Bijou, who is building this thing, is a
23 developer who has in the past kept his word.

24 I would point to the development of the
25 site the now Elysian Charter School, which I mean,

1 he made that promise six or seven years ago, and lo
2 and behold, he has delivered on the promise.

3 So the legitimate concern that we had
4 about developers making promises that they didn't
5 follow through on, I don't think that is going to be
6 an issue in this particular case.

7 Thank you.

8 CHAIRMAN AIBEL: Anybody else wish to
9 comment?

10 Seeing none, I think we can close the
11 public portion.

12 VICE CHAIR GREENE: Seeing none, I move
13 to close public portion.

14 COMMISSIONER MC ANUFF: Second.

15 COMMISSIONER MURPHY: Second.

16 CHAIRMAN AIBEL: All in favor?

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

19 CHAIRMAN AIBEL: Do you want to ask her
20 what she wants to do or take a break?

21 MR. GALVIN: Well, I think we should
22 take a recess is what I recommend that we do.

23 CHAIRMAN AIBEL: We will take a
24 ten-minute break and return at 9:25.

25 (Recess taken)

1 CHAIRMAN AIBEL: We are on Zoning Board
2 time. It is 9:40, almost 9:25.

3 (Laughter)

4 But, Counsel, do we have anything to
5 put on the record?

6 MR. GALVIN: Yes.

7 You know, I have given it some thought
8 on the break, and I am very uncomfortable with your
9 client proceeding with only six members here, and I
10 strongly recommend to you that you wait until
11 another night to get seven. But it is your call, if
12 you would like to proceed, you know.

13 MS. GONCHAR: I have been doing this
14 too long not to take the advise of counsel.

15 Can we just confirm when we would be
16 coming back for I guess summations, deliberations
17 and --

18 MR. GALVIN: And for purposes of the
19 record, I know you guys have been waiting for a long
20 time. I know you have exceeded the 120 days, and I
21 appreciate the waivers that you've given us in the
22 past. The problem is that the November 15th
23 hearing, which is the next hearing --

24 MS. CARCONE: The 17th.

25 MR. GALVIN: -- the 17th, has got the

1 Stevens case on it, which is a packed house, and I
2 just don't think that that is a good forum for
3 asking the Board members to make a call on this case
4 either.

5 And so on November 30th, we have a full
6 house, but because this will be just your closing
7 argument and our deliberations, I think it should
8 take about a half-hour or 40 minutes. I think we
9 should do it first on the 30th in the hopes of
10 finishing it.

11 MS. GONCHAR: We will give you an
12 extension to November 30th.

13 MR. GALVIN: All right. Very good.
14 Thank you.

15 So is there a motion and a second to
16 carry this matter to November 30th?

17 COMMISSIONER GRANA: Motion to carry it
18 to November 30th without further notice.

19 COMMISSIONER MC ANUFF: Second.

20 CHAIRMAN AIBEL: All in favor?

21 MR. GALVIN: Well, let's do a roll call
22 because of the importance of the case.

23 CHAIRMAN AIBEL: Oh, okay, good.

24 MS. CARCONE: Commissioner Greene?

25 VICE CHAIR GREENE: Yes.

1 MS. CARCONE: Commissioner Grana?

2 COMMISSIONER GRANA: Yes.

3 MS. CARCONE: Commissioner Murphy?

4 COMMISSIONER MURPHY: Yes.

5 MS. CARCONE: Commissioner McAnuff?

6 COMMISSIONER MC ANUFF: Yes.

7 MS. CARCONE: Commissioner DeGrim?

8 COMMISSIONER DE GRIM: Yes.

9 MS. CARCONE: Commissioner Aibel?

10 CHAIRMAN AIBEL: Yes.

11 MS. GONCHAR: So it's the same time,

12 seven o'clock, on the 30th of November?

13 MS. CARCONE: Yes, and that is a Monday

14 night. That's not our normal meeting date. It's a

15 special meeting.

16 MS. GONCHAR: It's a Monday.

17 MS. CARCONE: It's the fifth Monday of

18 the month, yes.

19 VICE CHAIR GREENE: Blue Monday.

20 MS. CARCONE: Blue Monday. Yes, it's

21 right after Thanksgiving.

22 MS. GONCHAR: Thank you very much.

23 MR. GALVIN: Have a nice evening.

24 (The matter concluded)

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, 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: 11/2/15
This transcript was prepared in accordance with
NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
CASE: HOZ-15-7

- - - - - X
RE: 506 Jefferson Street : SPECIAL MEETING
APPLICANT: 506 Jefferson, LLC : October 27, 2015
C Variances : Tuesday 10 p.m.
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Vice Chair Elliot H. Greene
Commissioner Antonio Grana
Commissioner Diane Fitzmyer Murphy
Commissioner Owen McAnuff
Commissioner Frank DeGrim

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

Eileen Banyra, Planning Consultant

Jeffrey Marsden, PE, PP
Board Engineer

Patricia Carcone, Board Secretary

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WITNESS

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JENSEN C. VASIL

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KENNETH OCHAB

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EXHIBIT NO.

DESCRIPTION

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1 CHAIRMAN AIBEL: Knock on wood, we are
2 back on the record. 506 Jefferson Street.

3 Good evening, Mr. Matule.

4 Thank you for waiting.

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

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

9 This is the property, as you said, 506
10 Jefferson Street. It is an application to construct
11 a new two-family house.

12 We have the architect, Jensen Vasil,
13 and our planner, Mr. Ochab.

14 We are requesting two C variances. Mr.
15 Ochab will go into more detail, but one is for
16 height, and one is for lot coverage.

17 Normally we would not be here, but
18 because it is a two-family house, minor site plan
19 approval is not required, so we are here strictly
20 for variances.

21 So, Mr. Vasil, if you want to come up,
22 we can have you sworn.

23 MR. GALVIN: Do you swear to tell the
24 truth, the whole truth, and nothing but the truth,
25 so help you God?

1 MR. VASIL: I do.

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

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

6 THE WITNESS: Jensen Vasil. The last
7 name is V, as in Victor, a-s-i-l.

8 MR. GALVIN: Do we accept Mr. Vasil's
9 credentials?

10 CHAIRMAN AIBEL: We do.

11 MR. GALVIN: You may proceed.

12 MR. MATULE: Just quickly, I see you
13 have a photo board. Is that your photo board or is
14 that Ken's?

15 THE WITNESS: It's Ken's.

16 MR. MATULE: All right. Well, are you
17 going to refer to it?

18 THE WITNESS: I may, yes.

19 MR. GALVIN: Let's mark it.

20 MR. MATULE: All right. Why don't we
21 mark it A-1 for identification, and then we can have
22 Mr. Ochab --

23 (Exhibit A-1 for identification)

24 MR. GALVIN: You're fine. Let's do
25 this.

1 Mr. Ochab, raise your right hand.

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

5 MR. OCHAB: I do.

6 K E N N E T H O C H A B, having been duly sworn,
7 testified as follows:

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

10 MR. OCHAB: Ken Ochab, O-c-h-a-b.

11 MR. GALVIN: All right. Mr. Chairman,
12 do we accept Mr. Ochab's credentials as a planner?

13 CHAIRMAN AIBEL: We do.

14 MR. GALVIN: Okay. Mr. Ochab, you took
15 these photos?

16 MR. OCHAB: I did.

17 MR. GALVIN: Okay.

18 MR. MATULE: Thank you.

19 Jensen, could you please describe the
20 existing site and the surrounding neighborhood for
21 the Board?

22 THE WITNESS: Sure.

23 The existing site is a 25 by 100 lot.
24 There are two existing structures on the lot. There
25 is a one-story structure, which was Diane's Diner,

1 and at the back of the block there is a two-story,
2 plus a cellar structure in the back that was a
3 residence.

4 MR. MATULE: It is a 25 by a hundred
5 lot?

6 THE WITNESS: Yes.

7 MR. MATULE: And what about just
8 contextually, what is around it?

9 THE WITNESS: So in the neighborhood,
10 there is quite a few apartment buildings, four or
11 five-story. Directly across from it is a six-story
12 building, so it is predominantly residential, but
13 there is some ground floor commercial on the block.

14 MR. MATULE: Okay. And would you
15 describe what the proposed new structure is going to
16 be like?

17 THE WITNESS: So the new structure
18 would be a five-story building with the lower most
19 floor storage and building access due to flood plain
20 regulations because it is in the flood plain, so we
21 are raising the main -- the first living quarter is
22 at 14 above sea level, NAVD, and then there is four
23 residential stories up above, so the first floor is
24 just building access and storage. There are two
25 duplex units, so it is almost like a mini

1 brownstone.

2 MR. MATULE: And, in particular, you
3 have varying floor-to-floor heights for the duplex
4 unit?

5 THE WITNESS: That's correct.

6 The parlor levels are a foot taller
7 than the sleeping level, so the lower living floor
8 is taller, which is normal for other brownstones
9 residences.

10 MR. MATULE: And could you just give us
11 some of the site details in terms of what kind of
12 landscaping you are going to have, stormwater
13 detention --

14 THE WITNESS: Sure, absolutely.

15 In the front yard we have a gated front
16 area with a street tree, so there is a tree that is
17 actually inside of our gated area, a planted area,
18 and there is a stoop, which is similar to 512 down
19 the block, which comes in front of the building.

20 Because of the height above flood
21 elevation, it is a little large, but it is the only
22 way to get access to the parlor floor. So there is
23 a brick stoop that comes in, and then there's a main
24 entry, which is into the common stair, that goes up
25 to the next duplex unit and also has access to the

1 first duplex unit on the first floor.

2 The rear yard has --

3 MS. BANYRA: Can you indicate what
4 sheet you are turning to as you turn to it?

5 THE WITNESS: Oh, sure.

6 MS. BANYRA: I just want to know as you
7 are turning.

8 THE WITNESS: That was A-100. I was
9 referring to the basement and the first floor
10 construction plans.

11 MS. BANYRA: Uh-huh.

12 THE WITNESS: And then I'm turning to
13 A-102, which has a rear yard plan showing pervious
14 us pavers, stepping stones and a gravel base, a
15 planter bed at the north edge, the north lot line,
16 and then a small seating area with pervious pavers
17 at the rear yard with planter beds along the rear,
18 so they will be -- at the west wall, there is a
19 planter bed with a bluestone clad privacy wall in
20 the back.

21 MR. MATULE: And you are going to have
22 a stormwater detention built into the backyard?

23 THE WITNESS: Yes, we are.

24 There is going to be a stormwater
25 detention tank that's going to be built right in the

1 center of that back wall, and then in the middle
2 portion of the rear yard, there is going to be
3 synthetic grass.

4 MR. MATULE: That synthetic grass is a
5 product that allows the water to pass through it?

6 THE WITNESS: That's correct. It has a
7 high percolation rate, and it's completely
8 pervious -- impervious.

9 MR. MATULE: And then just in terms of
10 the structure itself, can you just talk about the
11 dimensions and the lot coverage and everything else
12 you have going on?

13 THE WITNESS: Absolutely, sure.

14 The structure is 25 by 60, which is the
15 building itself. There is a balcony on the back,
16 which is where the lot coverage variance comes from.

17 So on the third floor, Page A-101,
18 there is a three-foot deep balcony by 19 foot that's
19 set back from the property lines by three feet. It
20 is just a small balcony to overlook the rear yard.

21 The rear yard is deeded to the lower
22 unit, and on the roof plan there is a roof deck,
23 which would be deeded to the upper unit.

24 We have a green roof, which covers all
25 of the area that is not occupied by either the roof

1 deck or the mechanical equipment, and that is a
2 sedum based green roof.

3 MR. MATULE: So you met the 50 percent
4 green requirement in order to have the rest of the
5 roof a roof deck --

6 THE WITNESS: That's correct. We have
7 55 percent green roof -- it's 55.9.

8 MR. MATULE: And so the balcony is what
9 is generating the 2.28 percent lot coverage
10 variance?

11 THE WITNESS: That's correct.

12 MR. MATULE: And you received Mr.
13 Marsden's letter of May 14th that was revised on
14 October 14th?

15 THE WITNESS: I did.

16 MR. MATULE: Do you have any issues
17 addressing any of his comments?

18 THE WITNESS: No, we do not.

19 MR. MATULE: Could you just go back to
20 the facade elevations and just describe for the
21 Board the materials because I don't believe we have
22 a rendering, correct?

23 THE WITNESS: Correct.

24 So the front elevation has a standard
25 brick masonry facade with cast stone quoins, so the

1 cast stone is in a limestone color, and the brick is
2 going to be a red brick. There is going to be
3 composite crowns.

4 The cross headers above the windows are
5 going to be a crown material, and they are painted a
6 charcoal gray, and there are on the upper level,
7 similar to a lot of mini parlor levels in
8 brownstones, the windows go all the way to the
9 floor, and there's a small gray Juliet balcony on
10 those three floors, so those doors open up, and
11 there are casement windows in the upper sleeping
12 quarters.

13 The lowest level has -- there is a cast
14 stone water table between the lowest level, the base
15 level and the first parlor level, and that first
16 floor level is all a brownstone finish.

17 MR. MATULE: And you complied with the
18 facade ordinance in terms of masonry and
19 fenestration?

20 THE WITNESS: We do.

21 The rear of the building has brick
22 piers on either side. It is brick at the base.
23 There's also a cast stone water table at the bottom
24 between the basement -- or between -- yeah --
25 between the lowest floor and the first parlor floor,

1 and in between that is a Hardie Panel panel system.

2 MR. MATULE: All right.

3 And I see on that rear elevation also,
4 you have a stairway coming down from the first
5 residential floor?

6 THE WITNESS: We do.

7 MR. MATULE: And that is not more than
8 three foot wide?

9 THE WITNESS: That's correct.

10 MR. MATULE: So it doesn't count as lot
11 coverage?

12 THE WITNESS: That's correct. That
13 complies with the current zoning regulations.

14 MR. MATULE: Okay.

15 I have no further questions unless the
16 Board members have any.

17 COMMISSIONER GRANA: Just a couple of
18 questions.

19 THE WITNESS: Sure.

20 COMMISSIONER GRANA: So you are seeking
21 a variance for lot coverage, correct?

22 THE WITNESS: Correct.

23 COMMISSIONER GRANA: And the total lot
24 coverage is estimated to be at 62.28 percent?

25 THE WITNESS: Correct.

1 COMMISSIONER GRANA: What other
2 variances are being sought?

3 THE WITNESS: The height.

4 COMMISSIONER GRANA: And what will the
5 proposed height be?

6 THE WITNESS: 43 foot 11 inches.

7 COMMISSIONER GRANA: 43 feet -- so
8 three feet above --

9 MR. MATULE: Three feet 11 inches above
10 the design --

11 COMMISSIONER GRANA: 43 above BFE.

12 THE WITNESS: Correct.

13 MR. MATULE: 43-11.

14 COMMISSIONER GRANA: 43-11 above BFE.

15 MR. MATULE: Right, right.

16 COMMISSIONER GRANA: And I know it's in
17 there somewhere, but what generates the three feet?

18 MR. MATULE: He testified that on the
19 first floor and the third floor, which are the
20 living levels as opposed to the sleeping levels of
21 the two duplexes, they have higher floor-to-ceiling
22 heights.

23 How much higher are they --

24 THE WITNESS: They're one foot on the
25 parlor, and we are actually going a foot above the

1 DFE, so that's where the three feet comes from.

2 COMMISSIONER GRANA: Thank you, Mr.
3 Vasil.

4 CHAIRMAN AIBEL: Elliot?

5 VICE CHAIR GREENE: The basement plan,
6 describe -- you are showing a lobby on the basement
7 plan and the mail and package room, and also the
8 elevator going down to the basement?

9 THE WITNESS: Correct.

10 So there is an elevator, which is
11 primary to the upper level duplex, because the
12 person on the lowest level normally uses the stoop,
13 and then there is a mail and package room and a
14 couple of storage rooms down there.

15 VICE CHAIR GREENE: Is that permitted,
16 having a mail room in the basement?

17 MS. BANYRA: As long as it's not
18 habitable. I don't know the answer to that, but you
19 know, you're not allowed to have habitable space.

20 THE WITNESS: I met with Ann this
21 morning, and we actually eliminated this wall from
22 the back, so it can flow straight through. You are
23 allowed to have enclosed space for storage. What
24 they don't want to have is, you know, rooms in the
25 back where there's windows and doors where you could

1 actually use it --

2 VICE CHAIR GREENE: So the elevator
3 goes to the basement, and it goes all the way up to
4 the fourth living level?

5 THE WITNESS: Correct.

6 VICE CHAIR GREENE: Now, I realize we
7 don't really get too involved in your interior
8 drawings, but it looks to me like you have the
9 elevator opening into the bedroom on the fourth
10 floor.

11 (Laughter)

12 THE WITNESS: There's no elevator.
13 It's just the elevator bulkhead, so they're going to
14 open on the first floor --

15 VICE CHAIR GREENE: Oh, so the elevator
16 does not go to the bedroom levels?

17 THE WITNESS: Yeah. It just goes to
18 the parlor levels. It doesn't --

19 VICE CHAIR GREENE: Oh, okay.

20 COMMISSIONER MC ANUFF: The basement,
21 first and --

22 VICE CHAIR GREENE: So it doesn't open,
23 which is why there's no door there.

24 So you actually have to climb up to get
25 to your bedrooms?

1 THE WITNESS: Yes.

2 (Laughter)

3 CHAIRMAN AIBEL: So in the rear of the
4 building, how does the balcony relate to the
5 adjoining buildings?

6 THE WITNESS: Well, this is the view of
7 the building looking north, so they have -- their
8 fire escapes and a small deck on the building is
9 kind of immediately adjacent to it, and then the
10 building that's a little bit forward has a fire
11 escape. So we are going to be, because this
12 building is short, we are really going to be even
13 with this building, which has these large deck slash
14 fire escapes on it.

15 CHAIRMAN AIBEL: Will there be any
16 sight lines from your balcony into windows of the
17 adjoining buildings?

18 THE WITNESS: Not on our same block,
19 but, of course, in the back, yes --

20 CHAIRMAN AIBEL: I'm talking about the
21 back.

22 THE WITNESS: Yes.

23 To the buildings to the west certainly,
24 because you are facing the back of their building.
25 But to the immediately adjacent buildings, no, there

1 wouldn't be.

2 MR. MATULE: Could you, if I might,
3 install some kind of privacy panels on the ends of
4 the proposed balcony, so that you could foreclose
5 that possibility?

6 THE WITNESS: We are not opposed to
7 that.

8 CHAIRMAN AIBEL: So this is going to
9 set the standard for the redevelopment of the wood
10 frame houses, I guess, both north and south of this
11 property.

12 MR. GALVIN: What are you calling them,
13 decks, balconies, what are we calling them?

14 THE WITNESS: This is a balcony on the
15 back part.

16 MR. GALVIN: So the balcony is to have
17 what?

18 MR. MATULE: It's going to have privacy
19 screens on the north and south ends, six foot high.

20 THE WITNESS: Correct.

21 MS. BANYRA: The white building there,
22 is that the north end right there? I can't see --
23 yeah, that's the north --

24 THE WITNESS: That's correct.

25 MS. BANYRA: -- so to put a privacy

1 screen against a blank wall, that makes no sense to
2 me, I mean -- right --

3 THE WITNESS: It's a few buildings
4 away --

5 MR. MATULE: That is three buildings
6 away.

7 MS. BANYRA: Okay. I can't really see
8 what you are showing.

9 THE WITNESS: So the red building is
10 the one immediately adjacent to us, and then there's
11 like the mustard colored building and then
12 there's --

13 MS. BANYRA: Okay. I got you.

14 VICE CHAIR GREENE: Am I correct in
15 saying that the rear yard is 40 feet?

16 THE WITNESS: Yes.

17 CHAIRMAN AIBEL: From the rear of the
18 building?

19 THE WITNESS: From the rear of the
20 building. We take the legal dimension of the rear
21 yard from the balcony, so that would be three feet
22 less, so when you see it on the drawings it's 37,
23 but it is really 40 feet to the --

24 CHAIRMAN AIBEL: Do you know
25 approximately how deep the large building on the

1 stairwell or the balcony in the back is?

2 THE WITNESS: This is 60, and this
3 is -- I don't know. I didn't measure this, but I
4 think this is ten.

5 CHAIRMAN AIBEL: So the building itself
6 is 60?

7 THE WITNESS: Correct.

8 CHAIRMAN AIBEL: Any other questions?

9 COMMISSIONER DE GRIM: Yes. I have a
10 couple of questions.

11 The entrance to the basement level,
12 that is essentially hidden by the stairs that lead
13 up to the first residential floor?

14 THE WITNESS: That's correct.

15 COMMISSIONER DE GRIM: Okay. That is
16 fine.

17 And in the drawings that we have, it
18 appears that the crawl space is completely sealed
19 off, but did you just say now that has been changed?

20 THE WITNESS: Yes. We opened it. So
21 per my meeting with the Flood Plain Administrator,
22 we are at the lowest adjacent grade, so we want the
23 water to come straight through and actually be able
24 to go in and out the front. So by removing that
25 wall and not having a separate crawl space that's

1 filled in, we allow that water to come through, so
2 we are actually making it compliant.

3 COMMISSIONER DE GRIM: Okay.

4 MR. MATULE: Do you have that changed
5 on your drawing?

6 THE WITNESS: I do.

7 So we have this opening, and then we
8 have the flood vents that will just go straight
9 through.

10 MS. BANYRA: But that's a different
11 plan.

12 MR. MATULE: But that's not the drawing
13 that's in front of the Board.

14 THE WITNESS: Yeah, correct.

15 MR. MATULE: Okay.

16 So the drawings the Board has, that
17 little wall between the elevator and the bike
18 storage --

19 MR. GALVIN: The plan is to be amended
20 to comply with the comments of the Flood Plain
21 Administrator.

22 MR. MATULE: Okay.

23 THE WITNESS: Yes.

24 MR. GALVIN: Are you done, is that it?

25 MR. MATULE: Unless the Board wants to

1 ask some questions.

2 MR. GALVIN: The Board?

3 VICE CHAIR GREENE: Where are you
4 planning on keeping the trash and recycling
5 containers?

6 THE WITNESS: Inside this open storage
7 area in the basement area.

8 COMMISSIONER GREENE: And following up
9 on the question regarding the entry -- entrance to
10 the basement, where exactly is that door, or what
11 does it look like?

12 THE WITNESS: It's underneath the
13 stoop, so you could go behind the stairs that come
14 up to the first floor, and then there is a double
15 door that's underneath the stoop.

16 MR. MATULE: Is that what you call the
17 new lobby?

18 THE WITNESS: Correct.

19 COMMISSIONER DE GRIM: What is the
20 distance that you have or the width of the walkway
21 that leads to the door into the basement?

22 THE WITNESS: It is three feet.

23 CHAIRMAN AIBEL: And there is no way
24 you can orient the stoop east/west?

25 THE WITNESS: There is too many steps,

1 because we have to go above the flood elevation, and
2 we're at four -- 4.22 is the first -- is the grade
3 elevation, and to get up to 14, it is too many
4 steps. We'd have to come out. We would encroach
5 too far into the --

6 CHAIRMAN AIBEL: Or build it into the
7 property -- into the building.

8 THE WITNESS: Or building --

9 VICE CHAIR GREENE: Am I correct in
10 saying that those doors have to remain unlocked, so
11 the mailman can get in and deliver the mail?

12 THE WITNESS: That was the intent, that
13 they could come into the first door, but not the
14 second, so they could use a key to get into the
15 first door to deliver the mail and packages, but not
16 the second.

17 VICE CHAIR GREENE: Not the second
18 door. Okay.

19 CHAIRMAN AIBEL: Anything else,
20 professionals?

21 MS. BANYRA: We don't have the right
22 plan, so we can't ask questions --

23 MR. MARSDEN: Well, on Z-004 --

24 THE WITNESS: Yes.

25 MS. BANYRA: -- it's a different plan

1 than he's testifying to.

2 MR. MARSDEN: -- it shows the basement
3 is slightly below the outside grade?

4 THE WITNESS: Yes. We amended that
5 based upon my meeting with Ann, so we are taking it
6 to the lowest adjacent grade, which is the correct
7 way -- which was compliant --

8 MR. MARSDEN: Right, which is what is
9 required.

10 But the other thing is, it says ABFE is
11 at 13, and it shows it a foot higher than the floor,
12 and the floor is at 14 --

13 THE WITNESS: Yes, correct -- hum --

14 (Laughter)

15 MR. MARSDEN: -- that's what my plan
16 shows.

17 THE WITNESS: So, yes.

18 The 13 is the design flood elevation,
19 and we're at -- the elevation is at 14, that's
20 correct.

21 MR. MARSDEN: Can I just take a look
22 because we don't have the plan. I'm sorry.

23 The drawing should say that the ABFE is
24 above the first floor --

25 THE WITNESS: Correct.

1 MR. MARSDEN: -- and they don't show it
2 that way, so that has to be corrected.

3 THE WITNESS: Correct.

4 MR. GALVIN: This is the complaint
5 department.

6 Don't you think we ought to have the
7 plan that we need to review, so that we could be
8 prepared?

9 THE WITNESS: Sure.

10 MR. GALVIN: Okay. I know we are
11 always the bad guys, but let's make sure we have
12 them in the future, okay?

13 Is that fair?

14 MR. MARSDEN: Yes.

15 MS. BANYRA: Yes.

16 VICE CHAIR GREENE: The height of the
17 building at 43-11, from -- if looking at Z-003, the
18 street elevation, it looks to be virtually the same
19 height as the buildings at 512 and 514, is that
20 correct, or is that an optical illusion?

21 THE WITNESS: No, that's correct. They
22 are very high stoop buildings with a stoop
23 orientated -- at the same height.

24 VICE CHAIR GREENE: I wasn't talking
25 about the stoop. I was talking about the roof, the

1 height of the building.

2 THE WITNESS: Yes. The overall
3 building, what I meant by that is the fact that
4 their first floor is elevated quite a bit, that our
5 overall height is the same.

6 CHAIRMAN AIBEL: Is that old
7 construction?

8 Are they older buildings?

9 THE WITNESS: No. Actually these are
10 two older apartment buildings, probably from the
11 '40s.

12 (Laughter)

13 MR. GALVIN: He said are they old
14 buildings, and you said no, and then you said they
15 were from the '40s.

16 That's all right.

17 (Laughter)

18 MS. BANYRA: So did you happen to see
19 my letter, dated October 20th?

20 You know, there were a bunch of little
21 picky things. Have those been corrected?

22 THE WITNESS: Yes.

23 MS. BANYRA: Because I have 13 things
24 or 12 things, you know, that were items that needed
25 to be addressed. So what you're saying is those

1 have been addressed?

2 THE WITNESS: Correct.

3 MS. BANYRA: Okay.

4 THE WITNESS: I just didn't have time
5 between the letter and to get it back to you, so we
6 just were able to make your corrections.

7 MR. MATULE: So it is your testimony
8 that the revised plans you submit will address all
9 of the comments in Ms. Banyra's letter as well as
10 Mr. Marsden's letter?

11 THE WITNESS: That is correct.

12 MR. MATULE: Thank you.

13 MR. GALVIN: Again, if we had those, it
14 would be a lot nicer if she said, yes, everything
15 has been done.

16 In a perfect world. We are all busy.

17 CHAIRMAN AIBEL: Okay. I am being very
18 obtuse.

19 Is there a building in the rear of the
20 property?

21 THE WITNESS: There was.

22 MR. MATULE: This is now.

23 THE WITNESS: Well, it is being
24 demolished, correct.

25 MR. MATULE: Yes.

1 CHAIRMAN AIBEL: Thank you.

2 Okay. Anything else?

3 Board members?

4 Professionals?

5 Seeing no --

6 COMMISSIONER GRANA: Open it to the
7 public?

8 CHAIRMAN AIBEL: No public.

9 VICE CHAIR GREENE: Seeing no public.

10 MR. GALVIN: Again, we know that, but
11 if you look at the transcript after the fact, they
12 don't know. It is important to say that.

13 VICE CHAIR GREENE: I'm literally
14 seeing no one.

15 COMMISSIONER GRANA: Yes.

16 (Laughter)

17 CHAIRMAN AIBEL: I think we are ready
18 for Mr. Ochab.

19 MR. MATULE: Thank you, Mr. Vasil.

20 Mr. Ochab, who has been patiently
21 waiting.

22 MR. GALVIN: We are looking for the
23 R.D. version.

24 MR. OCHAB: Okay.

25 You are still under oath.

1 K E N N E T H O C H A B, having been previously
2 sworn, testified as follows:

3 MR. MATULE: Oh, that's right. You
4 have been sworn and qualified.

5 Are you familiar with the master plan
6 and the zoning ordinance, and you're familiar with
7 the proposed new building?

8 THE WITNESS: Yes.

9 MR. MATULE: And you prepared a report,
10 originally dated February 4th, 2015, and you did a
11 revised -- a revision supplement on October 22nd to
12 address the revisions?

13 THE WITNESS: Yes.

14 MR. MATULE: Are they the most current
15 revisions we are aware of?

16 THE WITNESS: Yes.

17 MR. MATULE: Can you just go through
18 your reports quickly and give us your professional
19 opinion regarding the requested variance relief?

20 THE WITNESS: There are only two
21 variances, two C variances that are being requested
22 here. One is for building height at 43 feet 11
23 inches, and the other one is for building coverage
24 at 62.2 percent.

25 VICE CHAIR GREENE: Can I stop you for

1 just a second?

2 THE WITNESS: I'm sorry.

3 VICE CHAIR GREENE: Your zoning block
4 in your report had some additional -- was there --

5 THE WITNESS: There is a revision on
6 October 22nd, a letter --

7 VICE CHAIR GREENE: I stand corrected,
8 or revised, whichever --

9 THE WITNESS: You thought you had me
10 there.

11 (Laughter)

12 VICE CHAIR GREENE: Thank you.

13 No, no. I just -- that's not true.

14 THE WITNESS: It's okay. I am just
15 anticipating this.

16 (Laughter)

17 Okay. So we have two C variances.

18 What is actually happening here on the property is

19 we have a retail building in the front of the

20 property. It is on the front line, but it's set

21 back five feet -- five or ten feet from the side

22 line, and then we have a building, which is in the

23 upper right photograph.

24 This is at rear of the property, so

25 this building is the second principal building on

1 the site set back on the rear property line and side
2 property line, so we have a number of nonconforming
3 conditions.

4 Side yard, rear yard and two principal
5 structures on the same property, so all of that will
6 be removed, and it will be replaced by a conforming
7 structure in terms of the yard requirements and
8 density, et cetera, so we will have a completely new
9 building there.

10 As was mentioned earlier, the building
11 will be 43-11, which is a function of providing 11
12 foot ceilings, floor-to-ceiling heights on the first
13 and third levels and also one foot above the design
14 flood elevation.

15 And the second variance is because of
16 adding a balcony to the rear, the balcony is three
17 feet wide, which reduces the rear yard setback from
18 40 feet to 37, and the extra three feet adds 2.8
19 percent to the overall building coverage.

20 The building itself is 60 percent, as
21 the ordinance requires, so the building itself is
22 not the cause of the lot coverage variance issue.

23 These are both C-2 variances. What
24 Jensen is basically trying to do here is to, I would
25 say, it is not unusual, but what we're trying to do

1 is basically create a brownstone type development
2 project there, which I think he has done by adding
3 the stoop back in, and a doorway to the lower level
4 under the stoop.

5 There's a street scape with trees
6 added -- or at least one tree, maybe two, along the
7 sidewalk. Again, getting rid of all of this
8 nonconforming structure, both structures on the
9 property, and then basically we are doing a
10 conforming structure with the exception of the two
11 minor variances.

12 So from a design standpoint and a
13 benefits standpoint, we are getting rid of
14 nonconforming conditions and non -- actually
15 nonconforming use, because the retail is the only
16 retail on this particular block front, which means
17 it is nonconforming relative to the retail component
18 of the residential ordinance.

19 In terms of impact, again, if you look
20 at the upper left, you can see that facing the back
21 of the property is again five-story -- four or
22 five-story buildings. Both have rear decks on the
23 back, and of course, the lower right photograph
24 shows the properties to the north, again, a 60 foot
25 building, which is two properties away with a ten

1 foot deck on the back. We are at that -- that
2 building is at pretty much where this existing
3 building is, which means it is about 20 feet beyond
4 the immediate building to the north.

5 So we are building a conforming
6 building that will be 20 feet beyond the existing
7 two buildings to the north, which are again older
8 buildings, two and three-story buildings, and so it
9 is not the deck itself, which has an impact because
10 the deck or the balcony is set back within the rear
11 of the building, but they are so far back, that
12 there is no impact of the balcony to show coverage
13 on the adjoining properties and the adjoining decks,
14 which are back there as well.

15 So further, there is no impact to the
16 south because you can see on the upper right
17 photograph, this immediate left side is the building
18 to our south, and that stretches back to about 20
19 feet from the rear line, so there is a balcony and
20 our building will be about 20 feet to the front, so
21 there is no impact. Our building will be basically
22 up against this building here.

23 As Eileen pointed out, there will be no
24 need for a screening device to the south.

25 So there you have it.

1 What we are trying to do again is
2 eliminate the nonconformities, establish a building,
3 which mirrors the brownstone height design, calling
4 for higher ceiling heights and two levels, and
5 that's the purpose of the causation of the building
6 height, and provide a small balcony for a two-family
7 home on that upper level and the first level or
8 living area. But, again, we have a 37 foot rear
9 yard, which is more than sufficient according to the
10 R-2 zoning criteria.

11 So I think we meet the C-2 criteria
12 from a design alternative standpoint and that
13 criteria. And also from my perspective, there would
14 be no substantial detriment as a result of granting
15 the two C variances, nor would there be any
16 substantial impairment to the zone plan based on
17 what I just basically outlined in terms of the
18 program for development here.

19 That is it. I would be happy to answer
20 questions.

21 COMMISSIONER GRANA: You first, Frank.

22 COMMISSIONER DE GRIM: All right.

23 Thank you.

24 If you would hold up the photos again,
25 please, the bottom right-hand corner photograph --

1 THE WITNESS: This is a --

2 COMMISSIONER DE GRIM: -- I said the
3 right-hand corner, yeah.

4 Is that taken from the lot that we are
5 reviewing now?

6 THE WITNESS: Yes, it is.

7 COMMISSIONER DE GRIM: Okay.

8 So the white building with the -- what
9 appears to be a very large fire escape there, is
10 the -- the proposed would be even with that white
11 building?

12 THE WITNESS: Yes, it would.

13 COMMISSIONER DE GRIM: Okay.

14 And so the balcony would be even with
15 that huge fire escape?

16 THE WITNESS: Well, this fire escape
17 here, and when we first started to do these -- well,
18 let me put it a different way.

19 When I first started to do these
20 applications, in some cases we had as much as a ten
21 foot balcony, and I think this is probably one of
22 them, so this is ten feet, and our balcony will be
23 three, so it will be obviously much less than that.

24 COMMISSIONER DE GRIM: Right. But it
25 would be -- I was just trying to get a sense that it

1 would be even with that, albeit much smaller.

2 THE WITNESS: Correct.

3 COMMISSIONER DE GRIM: Okay.

4 Thank you.

5 COMMISSIONER GRANA: Question, Mr.

6 Ochab.

7 The upper right-hand corner -- yes,
8 there -- so in that photograph, are we looking east
9 or west?

10 THE WITNESS: Looking west. You are
11 looking at the rear yard, towards the rear of the
12 property. This is the building that is on the
13 subject property --

14 COMMISSIONER GRANA: In the rear yard.
15 Currently in the rear yard, I see it.

16 THE WITNESS: The upper right, right?

17 COMMISSIONER GRANA: Upper right, yes.

18 MR. MATULE: You can see it --

19 COMMISSIONER GRANA: So we are looking
20 west. Okay.

21 THE WITNESS: Yes.

22 COMMISSIONER GRANA: Now, on the upper
23 left-hand corner where the dry cleaners is, do any
24 of those buildings that are adjacent have windows?

25 I mean, that is a pretty short

1 property. Are there any windows on those adjoining
2 properties that we are closing up?

3 THE WITNESS: It looks like the one to
4 the north has one window on the second story.

5 MR. MATULE: The question is on the
6 adjoining properties, is there any lot line windows,
7 and I'm just wondering if the architect would better
8 know that than Mr. Ochab.

9 THE WITNESS: I am not sure.

10 MR. VASIL: Well, I can't recall.
11 Yeah, I can't recall.

12 THE WITNESS: It looks like there is
13 one on the north side --

14 MR. VASIL: Yes, correct.

15 THE WITNESS: -- on the second level --

16 COMMISSIONER GRANA: So there is one
17 window that would be covered up on the north side,
18 and we're not sure about the south side?

19 THE WITNESS: Right. I can't really
20 recall. I don't want to say something that I am not
21 sure about.

22 COMMISSIONER DE GRIM: You don't have a
23 photograph of the south side?

24 COMMISSIONER MURPHY: And how deep is
25 the south side building?

1 THE WITNESS: The south side building
2 is approximately 80 feet.

3 COMMISSIONER MURPHY: 80?

4 THE WITNESS: Yes.

5 You can see on this photograph back
6 here, this building --

7 COMMISSIONER MURPHY: Oh, right.

8 THE WITNESS: -- it's an existing
9 building, and it runs all the way back to it, which
10 is again about 20 feet. It is a big building.

11 CHAIRMAN AIBEL: Any other questions,
12 Board members?

13 COMMISSIONER GRANA: No.

14 CHAIRMAN AIBEL: So, Mr. Ochab, my
15 problem is we have a zoning ordinance that says 60
16 percent building coverage, and we are at 62 and a
17 half.

18 Why don't we just amend the code and
19 call it 62 and a half, 62.8?

20 THE WITNESS: Well, it has been
21 conventional to use the 60 percent as per building
22 space, per living space, and any additional space
23 beyond that to be additional lot coverage area. I
24 think that has been a traditional pattern that we
25 have had --

1 CHAIRMAN AIBEL: But you can get --
2 -- moving the building back would not
3 achieve anything from a planning or zoning
4 perspective, other than the loss of several feet of
5 the building.

6 CHAIRMAN AIBEL: -- well, you could get
7 access to the rear yard by the stairwell on the
8 first floor, is that correct?

9 THE WITNESS: You could, yes.

10 CHAIRMAN AIBEL: And there is a roof
11 deck for serving the top floor apartment?

12 THE WITNESS: Correct, but you are
13 talking about a two-family home, which, you know, is
14 spacious, has amenities --

15 CHAIRMAN AIBEL: Could you live with a
16 Juliet balcony?

17 I am just concerned about the next
18 applicant, who comes in and says, okay, the rule is
19 now 62.8 percent lot coverage. I'm just raising it
20 for my colleagues.

21 THE WITNESS: I can't answer that
22 question obviously.

23 MR. MATULE: I just asked the architect
24 if we can amend the application to take the rear
25 balcony off the third floor.

1 In response to your question, we used
2 to have something in the ordinance that talked about
3 accessory lot coverage, and you know,
4 philosophically I understand where you are coming
5 from. I still question how we even call this lot
6 coverage because it's not a building. It's not a
7 structure. It doesn't have a roof. It doesn't have
8 support. It doesn't have sides. But it is what is,
9 and we will remove it.

10 MR. GALVIN: It depends on the
11 definition of the ordinance. This Board has
12 routinely --

13 MR. MATULE: Well, the ordinance says
14 lot coverage, C, building coverage.

15 Building coverage says something with
16 walls and ceiling.

17 I don't see that.

18 MR. GALVIN: Well, until we go to court
19 and we get a contrary -- our call counts.

20 MR. MATULE: I understand that.

21 COMMISSIONER GRANA: If the -- if
22 the -- so we are removing the balcony. Does that
23 balcony provide any access to the rear yard?

24 THE WITNESS: No.

25 MR. MATULE: The balcony is for the top

1 duplex.

2 COMMISSIONER GRANA: Okay. I'll just
3 say Goggle on the fly may not be admissible, but
4 there does appear to be windows on the south side,
5 so I believe you are legally allowed, but make sure
6 that that property owner has been noticed. There
7 are windows on the south side --

8 MR. MATULE: Yes. Actually while Mr.
9 Ochab was testifying, I had the architect do the
10 same thing, and there appears to be some -- I guess
11 they look like bathroom windows --

12 COMMISSIONER GRANA: Bathroom --

13 MR. GALVIN: Let's just be clear. You
14 can use Google Map, you just have to --

15 COMMISSIONER GRANA: That looks to
16 be --

17 MR. GALVIN: -- no, no. Let me say
18 this: You have to do what you did, which is
19 disclose the fact that you took a look at it, so Mr.
20 Matule can deal with it.

21 MR. MATULE: And I have no objections.
22 They are there. It is a very deep building. Lot
23 line windows, as you know, are not permissible, and
24 if they have to be closed up, then as applicants
25 traditionally do, they will undertake the cost of

1 closing them up for the neighbor.

2 MS. BANYRA: Can I just ask a question
3 of Mr. Ochab?

4 Mr. Ochab, do you have the width of the
5 sidewalk there?

6 I mean, the front steps project seven
7 feet into the -- 7.2 feet into the right-of-way, and
8 I don't have any dimension on the plans that tell me
9 how wide the sidewalk is and what is the travel way
10 that's left.

11 THE WITNESS: Maybe Jensen could
12 adequately answer that question. I have the same
13 plans you have.

14 MS. BANYRA: Maybe before -- while you
15 are looking that up, so, Mr. Ochab, can you tell me
16 if the steps then match the pattern of development
17 up and down the street, because again, I can't tell
18 that from the plans.

19 THE WITNESS: Well, there's a number of
20 stoops up and down the street.

21 MS. BANYRA: Do they extend seven feet?

22 (Everyone talking at once.)

23 THE REPORTER: Mr. Ochab, I can't hear
24 you.

25 THE WITNESS: I said there are several

1 stoops, as you particularly go north from the site
2 along the street scape.

3 MS. BANYRA: And then I asked: Do they
4 extent seven feet, and Mr. Ochab's answer was he
5 didn't know that.

6 MR. VASIL: It's 15 feet from the front
7 line to the sidewalk.

8 This existing fence from the survey is
9 7.5 feet out, so we are actually reducing that by
10 point 5, so the sidewalk would not be reduced by any
11 amount.

12 MS. BANYRA: Okay. And the street tree
13 is going within that seven foot area?

14 MR. VASIL: That's correct.

15 MR. GALVIN: Wait. Time out, time out.
16 You can't do it so low, solo viche.

17 MS. BANYRA: Thank you.

18 COMMISSIONER MURPHY: Okay. So I have
19 a couple of things.

20 One is just looking at this now, so the
21 first floor has stairs that go down into the
22 backyard, but they don't count as any kind of
23 coverage?

24 MR. MATULE: We testified to that. I
25 had the architect testify --

1 COMMISSIONER MURPHY: I know. I have
2 clarity --

3 MR. MATULE: -- because they are not
4 more than three foot wide, the ordinance permits
5 them, and they don't count as lot coverage.

6 COMMISSIONER MURPHY: Okay. Gotcha.
7 I was just kind of reiterating that.

8 MR. MATULE: Sure.

9 COMMISSIONER MURPHY: So the other
10 question I have is that I know that side windows
11 aren't allowed, but you are talking about an older
12 building that is 80 feet deep.

13 What happens if the windows are bedroom
14 windows, then those apartments no longer have a
15 bedroom, a legal bedroom?

16 MR. MATULE: I think that is the
17 answer, yes, because they are not allowed.

18 I mean, the only way they would be
19 allowed is if they had a light and air easement from
20 the adjoining property.

21 COMMISSIONER MURPHY: But we have seen
22 cases like this, where when you are talking about a
23 building that has been there for a really long time,
24 I don't understand, especially a long building. I
25 understand a regular building, you know, I have had

1 friends that have had to close up windows for that,
2 but that's just something to think about I guess.

3 MR. GALVIN: I don't have anything on
4 it.

5 COMMISSIONER MURPHY: Okay.

6 MR. GALVIN: I don't know of any
7 prohibition, you know. Like they are saying, they
8 are going to pay to close them off.

9 COMMISSIONER MURPHY: Right. But then,
10 you know, I think bedrooms have to have windows
11 legally.

12 MR. GALVIN: Some places -- I don't
13 know. Can you answer that?

14 MR. VASIL: Yeah.

15 From a code compliance perspective, the
16 bedrooms have to have operable windows, but they
17 have to be -- but lot line windows have to be fire
18 rated, so you are allowed lot line windows, but they
19 could never be operable, so you are never allowed to
20 have bedrooms that have non-operable windows, so the
21 bedrooms would be illegal anyway. Even if they are
22 preexisting, nonconforming, they would be illegal
23 because they don't actually have -- they're not
24 allowed to have natural ventilation because they are
25 supposed to be fire rated between the two buildings,

1 between the lot lines.

2 COMMISSIONER MURPHY: So the fire
3 supersedes anything that was old and --

4 THE WITNESS: Correct.

5 COMMISSIONER MURPHY: Okay.

6 CHAIRMAN AIBEL: I guess the good news
7 is those buildings will be replaced at some point.

8 COMMISSIONER MURPHY: Maybe.

9 CHAIRMAN AIBEL: All right.

10 COMMISSIONER GRANA: I still see no
11 public.

12 MR. MARSDEN: May I ask a question?

13 CHAIRMAN AIBEL: Yes.

14 MR. MARSDEN: I'm sorry. This may be
15 for the architect.

16 But when I was looking at the survey
17 and looking at the computer, it appears that you
18 have got this gap between the buildings to the right
19 of it -- I mean -- yeah -- to the left of it, if you
20 look at the survey.

21 MR. VASIL: Yes. Their building sets
22 back within their property line.

23 MR. MARSDEN: What is the space going
24 to be between here?

25 MR. VASIL: That is a foot and a half.

1 That's going to remain whatever it was, so when we
2 go back to this level, that open space is going to
3 remain.

4 MR. MARSDEN: But this wall is going to
5 be there to prevent somebody from going in there?

6 MR. VASIL: That's correct. That wall
7 is going to remain, because that's on their property
8 line.

9 MR. MARSDEN: That's all on their
10 property?

11 MR. VASIL: That's correct.

12 MR. MARSDENZ: And when you go to the
13 new structure, it will be fully within the property
14 line?

15 MR. VASIL: Correct.

16 CHAIRMAN AIBEL: Okay.

17 Are you okay, Jeff?

18 MR. MARSDEN: Yes.

19 CHAIRMAN AIBEL: Okay. There is nobody
20 in the public, so I think we are back to you, Mr.
21 Matule.

22 MR. MATULE: Well --

23 MR. GALVIN: The game is tied. We got
24 to do something.

25 (Laughter)

1 MR. MATULE: -- I mean, obviously the
2 fact that we are eliminating two nonconforming
3 structures is a benefit. We are going to have a new
4 two-family house. It is going to have stormwater
5 detention and meet all of the code requirements.
6 It's going to have a green roof, 50 percent green
7 roof. Obviously we are opening up the hole in the
8 donut in the back, and it's much more
9 architecturally appealing, and as Mr. Ochab
10 testified, the three feet 11 inches doesn't have any
11 appreciable impact on anything on the neighborhood.
12 You have a lot of buildings that are similar in
13 height, even though they are older, and so it
14 certainly can accommodate the additional height.

15 We have eliminated the lot coverage
16 variance for the balcony, so I mean, at this point,
17 I think it is a pretty straightforward application,
18 and I think certainly that as a C-2 variance, that
19 the Board could grant it.

20 CHAIRMAN AIBEL: Thank you, Mr. Matule.
21 Want to put some reasons on the record,
22 the reasons Mr. Matule just provided?

23 Anybody want to kick off?

24 COMMISSIONER GRANA: I could put
25 something on the record, I suppose.

1 I think the architect has designed a
2 building that will enhance the block, attempts to be
3 in alignment with the brownstone character of the
4 city that we like to promote, has accounted for a
5 lot of those things in the architectural design.

6 There are minor variances being asked
7 for from a hardship perspective, and the applicant
8 has already made some adjustments on the lot
9 coverage per the Board's request, and my view is
10 that we could motion to approve this project.

11 CHAIRMAN AIBEL: Anybody else, or do
12 you want to move?

13 COMMISSIONER MC ANUFF: I would say we
14 move to a vote. Really we are only talking about
15 the height variance, and it is three-foot-eleven.

16 If you look at the elevation of the
17 surrounding street scape, it's in line with the
18 other buildings. I don't see a problem with
19 granting this application.

20 CHAIRMAN AIBEL: And I think Mr. Matule
21 elegantly stated the positives and --

22 MR. MATULE: Thank you.

23 CHAIRMAN AIBEL: -- I can support the
24 application as well, so let's bring it to a vote.

25 COMMISSIONER GRANA: Motion to approve

1 506 Jefferson.

2 Do you have any conditions?

3 MR. GALVIN: We do.

4 VICE CHAIR GREENE: Plans.

5 (Laughter)

6 COMMISSIONER GRANA: Plans.

7 MR. GALVIN: 1. The plan is to be
8 amended to comply with the comments of the Flood
9 Plain Administrator.

10 2. The applicant will comply with the
11 letters of the Board's Planner and Engineer, will
12 submit the revisions recently made to the Board's
13 Planner and Engineer prior to memorialization.

14 So the representation that the changes
15 were made, you have to get them over to these guys
16 for our professionals to check them before
17 memorialization, okay? So we don't memorialize it
18 unless they have them, and they have looked at
19 them --

20 MR. MATULE: Okay.

21 MR. GALVIN: -- because that is the
22 representation that was made on the record.

23 Each balcony is to have a six-foot high
24 privacy screen --

25 MR. MATULE: The balcony is gone.

1 COMMISSIONER DE GRIM: The balconies
2 are gone.

3 MR. MATULE: The balcony is gone.
4 (Laughter)

5 MR. GALVIN: The plan is to be amended
6 to eliminate the balcony.

7 MR. MATULE: Why waste a good sentence?

8 MR. GALVIN: Exactly. I get paid by
9 the sentence.

10 (Laughter)

11 Okay.

12 4: The existing buildings are to be
13 removed as described to the Board at the time of the
14 hearing.

15 That is essential to what you guys are
16 offering us. It is obvious you can't build a new
17 building without them, but just in case someone got
18 crazy.

19 MR. MATULE: Looks good in the --

20 MR. GALVIN: Okay. If lot line windows
21 have to be closed up, the applicant will undertake
22 the cost of closing them up.

23 One thing that Eileen has just pointed
24 out to me is that the building kind of has a
25 curvature in it.

1 MR. MATULE: It does, but I think the
2 architect testified it is a foot and a half over the
3 property line, and I think by code they have to be
4 five feet.

5 MR. GALVIN: I know. But we kind of
6 thought that maybe that was an attempt on their part
7 in the past to kind of preserve the light and air,
8 so --

9 MR. MATULE: Who knows.

10 MR. GALVIN: -- and they are not here
11 objecting, so possibly they are going to come in
12 with their plans soon. Who knows? It is what it
13 is.

14 COMMISSIONER GRANA: With the said
15 conditions, motion to approve 506 Jefferson.

16 COMMISSIONER MC ANUFF: Second.

17 MS. CARCONE: Commissioner Greene?

18 VICE CHAIR GREENE: Yes.

19 MS. CARCONE: Commissioner Grana?

20 COMMISSIONER GRANA: Yes.

21 MS. CARCONE: Commissioner Murphy?

22 COMMISSIONER MURPHY: Yes.

23 MS. CARCONE: Commissioner McAnuff?

24 COMMISSIONER MC ANUFF: Yes.

25 MS. CARCONE: Commissioner DeGrim?

1 COMMISSIONER DE GRIM: Yes.

2 MS. CARCONE: Commissioner Aibel?

3 CHAIRMAN AIBEL: Yes.

4 MR. MATULE: Thank you.

5 CHAIRMAN AIBEL: Thank you.

6 MS. CARCONE: 26 Willow, we have to
7 carry that to another evening?

8 MR. MATULE: Oh, 26 Willow. Well,
9 based on my prior choice, December 15th --

10 MS. CARCONE: December 15th, that's
11 what I was going to suggest.

12 CHAIRMAN AIBEL: We are carrying it
13 because there will be five of us, five members?

14 MR. GALVIN: Four.

15 COMMISSIONER MURPHY: I can't.

16 CHAIRMAN AIBEL: Diane is recused.

17 MR. GALVIN: And Tony is recused --

18 CHAIRMAN AIBEL: No.

19 COMMISSIONER GRANA: No. I'm recused
20 on 108.

21 MR. MATULE: Well, I also was not
22 prepared to proceed tonight because we were told it
23 was just being carried to be carried.

24 CHAIRMAN AIBEL: Thank you.

25 MR. MATULE: I'm sure we could have

1 15th.

2 COMMISSIONER GRANA: 26 Willow Court.

3 Motion to carry 26 Willow Court to
4 December 15th.

5 COMMISSIONER MC ANUFF: Second.

6 MS. CARCONE: All in favor?

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

9 CHAIRMAN AIBEL: Motion to adjourn.

10 COMMISSIONER GRANA: Second.

11 CHAIRMAN AIBEL: Board members, before
12 you leave, we have some executive session.

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 11/3/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.