HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

- X
SPECIAL MEETING OF THE :
HOBOKEN ZONING BOARD OF : April 29, 2014
ADJUSTMENT : Tuesday 7:05 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 Phil Cohen
Commissioner Michael DeFusco
Commissioner Antonio Grana
Commissioner Diane Fitzmyer Murphy
Commissioner John Branciforte
Commissioner Tiffanie Fisher
Commissioner Owen McAnuff
Commissioner Richard Tremitiedi

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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CHAIRMAN AIBEL: Okay. Are we all settled down?

Are we all settled? We are starting the meeting.

Good evening, everybody.

Gentlemen?

John, are you ready?

COMMISSIONER BRANCIFORTE: Yes.

CHAIRMAN AIBEL: Good evening, everyone.

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

Would everybody join me in saluting the flag?

(Pledge of Allegiance recited)

CHAIRMAN AIBEL: It is five after seven, and we are at a Hoboken Board of Adjustment Special Meeting.

We have a little bit of business to

take care of. We are going to approve, I hope my colleagues are ready to approve, the minutes for prior meetings, January 28, 2014, February 11, 2014, February 18, 2014, March 18 -- is that March 18, 2014?

MS. CARCONE: Yes.

CHAIRMAN AIBEL: Thank you.

And March 25, 2014.

So we will just do a motion to approve.

MR. GALVIN: Yes.

CHAIRMAN AIBEL: Can I have a motion to approve?

Anybody wish to step up?

COMMISSIONER COHEN: Motion to approve with one amendment,

CHAIRMAN AIBEL: A typo?

COMMISSIONER COHEN: Yes. Mr. Grana's name.

CHAIRMAN AIBEL: Oh, there's two then.

COMMISSIONER COHEN: I believe it says "Antonia" instead of "Antonio."

MS. CARCONE: How do you spell it?

COMMISSIONER GRANA: It's A-n-t-o-n-i-o

MS. CARCONE: Okay. It's different in different places. A-n-t-o-n-i-o?

COMMISSIONER GRANA: That's right.

CHAIRMAN AIBEL: I think we will allow that amendment.

MS. CARCONE: Is it wrong everywhere?

COMMISSIONER COHEN: Yes.

MS. CARCONE: Okay.

CHAIRMAN AIBEL: Thank you, Phil.

We have a motion.

Can I have a second?

COMMISSIONER COHEN: That was on the minutes.

CHAIRMAN AIBEL: Can I have a second, please?

VICE CHAIR GREENE: I will second.

CHAIRMAN AIBEL: Do it by a vote?

MR. GALVIN: Oh, yes. Why not.

CHAIRMAN AIBEL: Pat, call the vote.

MS. CARCONE: Okay. We didn't do a roll call yet.

CHAIRMAN AIBEL: We didn't do a roll call.

Why don't you do the roll call first and then we will do that?

MS. CARCONE: Okay.

Commissioner Aibel?

CHAIRMAN AIBEL: Here.

MS. CARCONE: Commissioner Greene?

VICE CHAIR GREENE: Here.

MR. GALVIN: This is attendance, guys.

MS. CARCONE: Commissioner Cohen?

COMMISSIONER COHEN: Yes.

MS. CARCONE: Commissioner DeFusco?

COMMISSIONER DE FUSCO: Here.

MS. CARCONE: Commissioner Grana?

COMMISSIONER GRANA: Here.

MS. CARCONE: Commissioner Murphy?

COMMISSIONER MURPHY: Here.

MS. CARCONE: Commissioner Branciforte?

COMMISSIONER BRANCIFORTE: Yes.

MS. CARCONE: Commissioner Fisher?

COMMISSIONER FISHER: Yes.

MS. CARCONE: Commissioner McAnuff?

COMMISSIONER MC ANUFF: Here.

MS. CARCONE: Commissioner Tremitiedi?

COMMISSIONER TREMITIEDI: Here.

CHAIRMAN AIBEL: Great.

Why don't you go to the vote now?

MS. CARCONE: Okay. A vote on the approval of the minutes.

CHAIRMAN AIBEL: We have seven voting

members.

MS. CARCONE: Yes.

Commissioner Greene?

VICE CHAIR GREENE: Yes.

MS. CARCONE: Commissioner Cohen?

COMMISSIONER COHEN: Yes.

MS. CARCONE: Commissioner DeFusco?

COMMISSIONER DE FUSCO: Yes.

MS. CARCONE: Commissioner Grana?

COMMISSIONER GRANA: Yes.

MS. CARCONE: Commissioner Murphy?

COMMISSIONER MURPHY: Yes.

MS. CARCONE: Wait a minute. One, two, three, four, five, six. I am sorry.

Commissioner Branciforte?

COMMISSIONER BRANCIFORTE: Yes

MS. CARCONE: Commissioner Aibel?

CHAIRMAN AIBEL: Yes.

MS. CARCONE: All right.

CHAIRMAN AIBEL: Okay. Good.

(Continue on next page.)

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

- X
212 Eighth Street, Block 183, Lot 3 : Special Meeting
Applicant: Raphael S. Zagury : April 29, 2014
Variance for Roof Deck : Tuesday, 7:15 p.m.
- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Vice Chair Elliot Greene
Commissioner Phil Cohen
Commissioner Michael DeFusco
Commissioner Antonio Grana
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CHAIRMAN AIBEL: All right. We have a very full agenda tonight, so I am hoping that everybody can be very efficient. We are going to start with 212 Eighth Street.

Mr. Matule?

MR. MATULE: Thank you, Chairman Aibel.

Robert Matule, appearing on behalf of the applicant, Raphael Zagury.

We were here last week on the 15th presenting testimony with respect to an application for a roof deck on the second floor of the two-story extension on the rear of the subject property.

During the course of the hearing, some questions came up about offsets and distances to the nearby buildings, and frankly, we did not have the specific information. The Board was good enough to allow us a recess to try to get that specific information and come back this week, which we have done.

Revised plans, dated April 18th, were submitted, as well as a rather extensive photo report of the surrounding buildings and the rear yard. So what I would plan to do is have Mr. Moglino testify with respect to some of the specifics.

The plans were also amended to provide some privacy screens, and I don't necessarily want to go through all 20 or 30 photos, but I think we could just touch on some specific ones.

Obviously, the Board members have the entire photo report, so if there are any specific questions that you have, we would be happy to answer those.

So having said that, I would like to have Mr. Moglino come up and --

MR. GALVIN: He is already sworn in, and he's available to us.

L O U M O G L I N O, AIA, having been previously sworn, testified further as follows:

MR. MATULE: All right.

Mr. Moglino, if you will, why don't you, first of all, referring to the revised plans, which I believe the revision date is April 18th --

THE WITNESS: Yes.

MR. MATULE: -- could you tell the Board, there were questions specifically about the distance between the buildings that front on Park Avenue, which runs perpendicular to our property, what the offsets were between the buildings and the fire escape?

Could you give us that specific information?

THE WITNESS: Sure.

Those particular dimensions ran into Sheet Z-1. Immediately after our last meeting, these distances were taken to the west. We have a distance to the adjacent building off the deck which is eight feet, and the distance to the fire escape is just around six feet.

The lot width is 17 feet, and the other adjustment to the drawings were the planters that were proposed previously had been removed, and now we are proposing to put two solid screen walls that were shown on Z-3, similar to the walls that are down at grade level at the rear of the property.

I am referring to Sheet Z-3, and now the screen walls go to the other side of the trellis, and the two side elevations are shown on the bottom of the sheet.

MR. MATULE: With respect to those walls, you show a board-on-board opening in both of them. For practical purposes, that will act as a solid screen. You won't be able to see through that?

THE WITNESS: Correct.

In an attempt not to make a solid wall, I wanted to create some type of screen to allow air and light to penetrate through.

MR. MATULE: And then you have that stepping down as it gets further to the rear of the roof line?

THE WITNESS: Correct.

MR. MATULE: And the elevation facing down the center of the block, the rear elevation, that hasn't changed, correct, other than the walls themselves being on the edges?

THE WITNESS: Correct.

MR. MATULE: And with respect to your photo report, dated April 17th, you state on the cover that you took all of these photos on April 17th, 2014?

THE WITNESS: Yes.

MR. MATULE: Okay.

Just to go through a few of them, not all of them, on Page 2, photo number one, that is standing on the proposed deck area looking immediately to the left at the buildings fronting on Park Avenue?

THE WITNESS: Correct, yes.

MR. MATULE: And so that is the fire

escape that your drawing says is six feet away?

THE WITNESS: Six feet away and also shown graphically on Z-3.

MR. MATULE: Okay.

And photo number two on Page 3, that is basically from the same area, but looking down?

THE WITNESS: Correct.

MR. MATULE: And photo three is just looking a little further out?

THE WITNESS: Further out and toward the northwest, correct.

MR. MATULE: Then jumping over to Page 8, photo seven, that would be looking in the opposite direction toward the northeast?

THE WITNESS: Northeast, yes.

MR. MATULE: And then photo eight on Page 9 is a more direct view to the north, correct?

THE WITNESS: Page 8 is looking towards the east.

MR. MATULE: Right. I'm sorry, to the east, yes.

And are there any other roof decks on any of the adjoining buildings that front on Eighth Street?

THE WITNESS: Yes. Actually if you

stand here, there is a roof deck that is along Garden Street, and there are other photos depicting two immediately adjacent lots to the west to the roof decks at almost the same level, if not lower, than the proposed.

VICE CHAIR GREENE: Could you identify those photos, please?

THE WITNESS: Yes.

On Page 11, photograph 11, photographs 12, 13, 14, and 26 and 27.

MR. MATULE: All right.

Then just one other reference on Page 20, photo 21, this is standing further down into the center of the donut, if you will, on the block looking back at the building?

THE WITNESS: That was taken from the grass area to the north of the property.

MR. MATULE: So that shows the applicant's building on the left?

THE WITNESS: Correct.

MR. MATULE: And then the buildings immediately to our, I guess, west --

THE WITNESS: Southwest.

MR. MATULE: -- on Park Avenue?

THE WITNESS: Looking southwest.

MR. MATULE: And the building in between there with the fire damage, that is the building that has the roof deck up on that level on the third floor?

THE WITNESS: Correct, yes, which has an address of 214 Eighth Street.

MR. MATULE: Okay.

And the way you have designed the screens now, if somebody is sitting or standing on the deck, basically their view to the immediate east and west will be blocked. They won't be able to look in the windows of the buildings immediately on either side?

THE WITNESS: Correct, yes.

MR. MATULE: And you are still planning on having the trellis up on top?

THE WITNESS: Yes. It is still shown.

MR. MATULE: Okay.

I think that is pretty much it, unless the Board has questions.

CHAIRMAN AIBEL: Let me start very quickly.

Are the two roof decks on 214 and 216 on a second floor extension, or are they on a third floor --

THE WITNESS: They are --

CHAIRMAN AIBEL: -- from the top of the building?

THE WITNESS: -- 214 is a three-story building, and I believe 216 is a three-story building as well.

CHAIRMAN AIBEL: So those two roof decks are on the top of the buildings?

THE WITNESS: Yes.

CHAIRMAN AIBEL: Not on a second floor extension?

THE WITNESS: On the roof.

CHAIRMAN AIBEL: All right.

Board members, any questions for the architect?

COMMISSIONER MURPHY: Yeah. I am sorry. I don't really understand the siding that you want -- it is blocking, but you can get air through it?

I am sorry. Can you just describe it a little better for me?

THE WITNESS: It is a framed opening approximately three-by-four.

COMMISSIONER MURPHY: Oh, it's a window kind of?

THE WITNESS: A simulated fence window with a board-on-board insert. It will still allow light and air to penetrate through.

MR. MATULE: Well, if you could, Lou, maybe explain what board-on-board means.

THE WITNESS: Just vertical members of a timber or a finished piece staggered.

MR. MATULE: So they overlap each other?

THE WITNESS: Yes.

MR. MATULE: So there is a space in between, but there is no --

THE WITNESS: Yes, there's a space in between.

MR. MATULE: -- but there is no space separating them vertically?

THE WITNESS: Not virtually, but -- yeah --

COMMISSIONER MURPHY: So the wall that this is set into is completely like a wood wall with no air penetration, nothing, right, just like a --

THE WITNESS: I'm sorry. I didn't get the beginning part.

COMMISSIONER MURPHY: This is inserted into a wall that is just solid pretty much?

THE WITNESS: Correct, yes.

The wall that I'm proposing is similar to the walls that are down at grade at the rear deck, which you can see on Page 20, I believe, or photograph 21.

COMMISSIONER MURPHY: Okay.

CHAIRMAN AIBEL: Anybody else?

MR. MATULE: Does that answer your question?

COMMISSIONER MURPHY: Yes.

So it is more like a solid wall with this lack of another expression for myself, you know, I understand the fencing idea, uh-huh.

MR. MATULE: Thank you.

COMMISSIONER GRANA: I still remain a bit confused.

The privacy walls particularly on the side of this proposed deck that will face the windows, that is to be a solid wall or a wall that allows light and air through it?

I am not clear.

COMMISSIONER FISHER: On this side, the one over here, that one.

THE WITNESS: This one?

COMMISSIONER FISHER: Yes.

THE WITNESS: On Sheet Z-3, the bottom left-hand corner, if you were standing on the neighbor's fire escape, that would be the elevation for the side that you would be seeing from that vantage point.

COMMISSIONER FISHER: How does the light get through the vertical as you described it?

It goes sideways, right?

So when you look straight on, it still looks like a wall?

THE WITNESS: When you go, you know, when you go back and forth, yes. There is some air. There is some space in there.

MR. MATULE: Well, let me ask this question, Mr. Moglino.

The way that board-on-board infill piece is constructed, it is the same width as the wall, correct?

THE WITNESS: Yes.

MR. MATULE: But the boards are staggered on either side?

THE WITNESS: Correct.

MR. MATULE: So when you are looking square straight at it, all you are seeing is solid boards?

THE WITNESS: Solid, correct.

MR. MATULE: But they actually are staggered, so air could pass through there?

THE WTINESS: It is probably like a one-by-six piece of board.

One board would be on one side of the wall, and the other side would be on the opposite side of the wall. They would stagger, and that pattern would continue.

COMMISSIONER FISHER: The wall is how thick? How wide is the wall?

THE WTINESS: It's about five or six inches, yes.

COMMISSIONER FISHER: So on one side, there is a vertical board across five or six inches, and there is another vertical board, and where the air and space -- or the light and air space to go through, it is the offset between the two, the space in between the two?

THE WITNESS: Correct.

COMMISSIONER FISHER: So as soon as you go to the right a little, you're going to see potentially -- you're probably never going to see -- you will never be able to see through it. The air will go through it, and you may see some light, but

you are not going to ever be able to see through it --

THE WITNESS: Depending on the overlap.

COMMISSIONER FISHER: Yes, but very little.

MR. MATULE: That's the theory. The theory is that it's like a louver, except it's --

COMMISSIONER FISHER: Yes. It's vertical. It's vertical --

MR. MATULE: -- it is common in a lot of towns that have fence regulations, where you have to have board-on-board fences.

CHAIRMAN AIBEL: Any other questions, Board members?

VICE CHAIR GREENE: I have a quick question. I just wanted to clarify.

I wasn't here last week, but I did read the transcript, but I am not sure exactly what the variance is.

The variance table, the zoning table here, indicates no variances, but then there is a conversation on the roof coverage that it is not compliant, so am I to assume that is the only variance for roof coverage?

MR. MATULE: Yes. That is the variance

we are asking for.

MS. BANYRA: Mr. Matule, there is a second variance for a nonconforming structure. That was in my report --

MR. MATULE: Yes.

MS. BANYRA: -- I think that is kind of a common one that we call that.

MR. MATULE: Yes. Let me just check my application to see if we asked for that.

CHAIRMAN AIBEL: Any other questions, Board members, while Mr. Matule is looking?

COMMISSIONER FISHER: Just on that point, since it is a nonconforming structure -- I'm sorry -- because it is a nonconforming, it brings everything -- because it's a nonconforming structure --

MS. BANYRA: It is coming to the Board --

COMMISSIONER FISHER: -- it's coming to the Board --

MS. BANYRA: -- no matter what.

COMMISSIONER FISHER: -- no matter what. So it is not specific for one variance. If they want to put a change on a nonconforming structure --

MS. BANYRA: Then they will be coming to the Zoning Board, correct.

COMMISSIONER TREMITIEDI: I have one question just to clarify what was said at the last meeting.

I believe this building has been elevated to keep it out of the flooding condition that is prevalent in that area?

MR. MATULE: That is my understanding, yes.

COMMISSIONER TREMITIEDI: It has been raised?

MR. MATULE: Yes.

COMMISSIONER TREMITIEDI: That is a good element.

Thank you.

CHAIRMAN AIBEL: Mr. Cohen, did you have a question?

COMMISSIONER COHEN: No.

CHAIRMAN AIBEL: Commissioner De Fusco?

COMMISSIONER DE FUSCO: I have a question, so it came up at the last hearing.

What is the distance between the end of this proposed deck and the adjacent property that currently has a window boarded up with brick?

THE WITNESS: Which distance?

COMMISSIONER DE FUSCO: It would be the distance to the west.

THE WITNESS: The distance to the building or to the fire escape?

COMMISSIONER DE FUSCO: To the building.

THE WITNESS: To the building as shown on Z-1, eight feet.

COMMISSIONER DE FUSCO: Do you happen to know why, I am curious, the window is boarded up?

THE WITNESS: I can't tell you.

COMMISSIONER DE FUSCO: In your professional opinion, is a solid wall going to offer -- it's sort of going to offer privacy for the resident, but is it going to allow the light that is offered to the neighbor, is it going to prevent that light from getting into the windows on the third floor, granted one is boarded up, but the other one is certainly still there?

THE WITNESS: I would say so because that is the reason why I am stepping down the screen wall on the sides along with the trellis that is above the deck.

COMMISSIONER DE FUSCO: Thank you.

THE WITNESS: Thank you.

CHAIRMAN AIBEL: Board members?

Professionals?

Okay. Let me open it up to the public.

Does anybody from the public wish to question the architect?

Seeing none, can I have a motion to close?

COMMISSIONER COHEN: Motion to close the public portion.

CHAIRMAN AIBEL: Thank you.

COMMISSIONER DE FUSCO: Second.

CHAIRMAN AIBEL: All in favor?

(All Board members answered in the affirmative.)

MR. MATULE: It is an unusual site condition because of the configuration of the building that fronts on Park Avenue.

As you can see on Z-1, besides coming back, it has that larger extension that comes into the rear yards and a fire escape besides. So consequently, there is, even though the property next door is also 17 feet wide, the property immediately to our west, we have this perpendicular building that does jut back very close to our

building, and we tried to offset or ameliorate any negative impact from that roof deck with those solid walls.

And as I said, the architect has testified there are at least two other buildings right on Eighth Street that have roof decks, albeit they are on the third floor rather than the second floor. I don't know that that really makes a big difference in terms of privacy, as well as the building on Garden Street.

So, you know, all things being equal, I don't think there is any negative impact to speak of in light of the modification of the plans, and basically what we are asking for is the flexible C variance for the benefit of having the outdoor space. This is an undersized lot. It would provide additional outdoor space. The roof space is there. You know, it would outweigh any negative impact on the neighboring properties.

VICE CHAIR GREENE: Mr. Matule, do you happen to know the two roof decks that you refer to, do you know if approvals were given to them or if they were as of right?

MR. MATULE: I don't know that roof decks have ever been as of right in the City of

Hoboken, but I also don't know if they were given approvals.

I know the fire damaged building appears that it was renovated at some point in the recent past, you know, within the last ten years. I don't know how the deck got up there.

I know my client has been trying to have that building situation addressed for many years, but it is just sitting. So the short answer is no, I don't.

CHAIRMAN AIBEL: Let me open it up to the Board for comment.

Does anybody wish to start off?

I will do it.

I still have very serious concerns that we are putting up a large wall six feet or eight feet away from adjoining neighbors' windows.

I think the roof decks on the adjoining building are at the third floor level and won't have that direct impact into a neighbor's light and air, and I do still see it as a substantial detriment without any real advantage or benefit to the community.

It appears there is some outdoor space in the back for the homeowners, so, you know, we are

mindful of the desire to make sure people have outdoor space, and I think it does exist there. I think putting additional outdoor space on that two-story extension risks, you know, a terrible invasion directly into the neighbors' backyards.

Having said that, I would like to sort of hear what my colleagues feel because maybe there is, you know, another idea that I could throw out, but let me first open it up.

Any other comment?

Diane?

COMMISSIONER MURPHY: I kind of agree with you.

I worry more about the buildings that are facing Park Avenue and having a structure so close to their windows. They are not side by side. They are looking out at that. And also not only looking at a deck, but having a somewhat solid wall, it is almost like, you know, it is just another wall that puts up and it blocks light and particularly, you know, eastern morning light, so I am a little concerned about it as well.

CHAIRMAN AIBEL: Any other comments, Board members?

Mr. Cohen?

COMMISSIONER COHEN: Well, I'll say that I do want to commend the applicant for quickly providing us information that was lacking from the last meeting.

Clearly we did not have enough information to assess the impact on the neighbors. You came in with a complete set of pictures. I mean, I feel like I was in the backyard with all of those pictures, and I found that very helpful, so I want to say that.

I mean, that being said, I am having a hard time identifying the benefit for granting this. I recognize that there is a benefit to the homeowner by having the additional space, but I am failing to see the benefit of the community.

I do think that you addressed the concern of the invasion of privacy with that wall, but I recognize my fellow Commissioner's concerns about by creating that solution, you created another issue, which is to impinge on the backyard of those areas, so I just think it is a difficult situation given how close they are to those windows.

COMMISSIONER BRANCIFORTE: Yeah, I have to agree.

I mean, these people have a very nice

backyard off their kitchen I suppose on the first floor. This is a real -- I won't say luxury, but I don't know of any other word to use, to the homeowner, so they could have a deck off their master bedroom, so I just don't see the benefit to anybody but the homeowner.

COMMISSIONER DE FUSCO: This wouldn't have been a problem in my mind if the adjacent building weren't eight feet away, but the building is eight feet away.

We don't know who lives there now or in the future. It is an invasion of privacy. The building is already oversized. It had the ability to build out the house to fit a small lot to their benefit.

I really wanted to see a plan here that may have introduced a green wall or something that would have let some more greenery into it, while still providing privacy, but it wasn't submitted, so I am going to vote no on this.

CHAIRMAN AIBEL: At the risk of confusion, I am just going to throw this out here, but we will come to a vote momentarily.

I don't know whether your client would consider or the Board would think it would be

something advisable to allow a Juliet balcony, which would not be more than two or three feet allowing the homeowners to open the windows, perhaps have a small chair, and have a two foot maybe planting on the western edge of the roof deck, and then perhaps having them commit to maintaining a green roof, a garden in some way, that would benefit the neighbors in exchange --

MR. MATULE: On the balance of the second floor roof?

CHAIRMAN AIBEL: On the balance of it, exactly.

So I am not throwing that out as a reason for us not to take a vote tonight, but maybe there is some other way that you can come up with a creative solution that would address our concerns.

MR. MATULE: I certainly appreciate the magnanimity of that, Mr. Chairman.

My practical difficulty is I don't have a client here. Due to a work travel requirement, he could not be present. I think it is certainly something to consider.

Procedurally on one hand, I don't want to burden the Board with asking the Board to carry this for another month, so I think unless --

(Counsel and architect confer.)

MR. MATULE: The architect is saying he just got an email from the applicant that he just got home. I could certainly try to make a call, if the Board wants to give me five minutes.

CHAIRMAN AIBEL: Well, it would the require new plans.

MR. MATULE: Yes, or I could withdraw the application without prejudice and submit a new application. I mean, I --

CHAIRMAN AIBEL: Or we could --

MR. GALVIN: I would rather the Board, I mean, in all due respect, when we get to this point --

MR. MATULE: Yes. We're at the end of the road. I understand.

MR. GALVIN: -- yes, when that happens.

If you had asked me before the start of the meeting, probably yes, you know --

MR. MATULE: Well, then the Board could vote, and if my client wants to submit -- unless we want to carry it, you know, you would have to determine whether your plan was substantially different.

(Board members confer)

THE REPORTER: Is this on the record?

MR. GALVIN: Yes.

THE REPORTER: Because I can't hear you.

VICE CHAIR GREENE: Yes. I'm sorry.

I am saying that there is no guarantee that it would be a positive vote even on a revised plan. I am almost thinking you are better off taking the vote now, and if the applicant wishes, he can resubmit a new application with complete plans, and we can consider that.

CHAIRMAN AIBEL: Board members?

I am getting a view that we should take a vote --

MR. MATULE: Yes, I appreciate that.

CHAIRMAN AIBEL: -- and then if you need to resubmit --

MR. MATULE: From an administrative point of view, perhaps that is the better course of action.

If my client wishes to come back with a substantially amended plan, then the Board could make a determination as to whether or not it is substantially amended.

CHAIRMAN AIBEL: Could I have a motion?

COMMISSIONER MURPHY: Motion to make a vote on 212 Eighth Street --

COMMISSIONER GRANA: Second.

CHAIRMAN AIBEL: To deny the application.

COMMISSIONER MURPHY: -- to deny the application.

COMMISSIONER FISHER: Who is voting --

MR. GALVIN: The motion has to be --

COMMISSIONER FISHER: -- because this was carried from last time.

MR. GALVIN: -- okay.

COMMISSIONER FISHER: Who is eligible to vote?

MS. CARCONE: Everyone is eligible to vote, but we have --

COMMISSIONER FISHER: But who is -- was there anybody missing last time for it or everyone was here?

MR. GALVIN: Do me a favor. Read out loud who in order, one, two, three, four, five, six, seven.

MS. CARCONE: Commissioner Aibel, Commissioner Greene, Commissioner Cohen, Commissioner DeFusco, Commissioner Grana,

Commissioner Murphy and Commissioner Branciforte.

MR. GALVIN: So we have a motion.

Who made the second?

COMMISSIONER GRANA: I did. Second.

MR. GALVIN: All right.

CHAIRMAN AIBEL: Take a vote, Pat.

MS. CARCONE: Okay. Commissioner Greene?

VICE CHAIR GREENE: A yes vote is a denial, is that correct?

MR. GALVIN: Correct.

VICE CHAIR GREENE: Yes.

MS. CARCONE: Commissioner Cohen?

COMMISSIONER COHEN: Yes.

MS. CARCONE: Commissioner DeFusco?

COMMISSIONER DE FUSCO: Yes.

MS. CARCONE: Commissioner Grana?

COMMISSIONER GRANA: A yes vote is to not approve, correct?

MR. GALVIN: Correct.

COMMISSIONER GRANA: Yes.

MS. CARCONE: Commissioner Murphy?

COMMISSIONER MURPHY: Yes.

MS. CARCONE: Commissioner Branciforte?

COMMISSIONER BRANCIFORTE: Yes.

MS. CARCONE: Commissioner Aibel?

CHAIRMAN AIBEL: Yes.

MR. MATULE: Thank you for your time.

(The matter concluded at 7:40 p.m.)

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

- -

PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: 4/30/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

- X
14 PATERSON AVENUE, Block 15, Lot 1 : Special Meeting
Applicant: 14 Paterson, LLC : April 29, 2014
Minor Site Plan & Variances : Tuesday 7:40 p.m.
(Continued from 3/25/14) :
- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Vice Chair Elliot H. Greene
Commissioner Phil Cohen
Commissioner Michael DeFusco
Commissioner Antonio Grana
Commissioner Diane Fitzmyer Murphy
Commissioner John Branciforte
Commissioner Tiffanie Fisher
Commissioner Owen McAnuff
Commissioner Richard Tremitiedi

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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Attorney for the Applicant.

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KENNETH OCHAB	76
JOSEPH STAIGAR	158

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CHAIRMAN AIBEL: Ready to move to 14 Paterson?

MR. MATULE: Yes. I just have to get my client up here.

COMMISSIONER DE FUSCO: On the record, I wanted to say I filled out the document saying I read the transcript from the last meeting, and I just wanted to confirm that Pat has it. If not --

MS. CARCONE: Is it for doing 14 Paterson, though?

COMMISSIONER DE FUSCO: Yes.

MS. CARCONE: Yes. There were five people absent, and everyone --

MR. GALVIN: Could you read off who signed the certifications?

MS. CARCONE: Commissioners Cohen, DeFusco, Murphy, Branciforte and Fisher.

MR. GALVIN: Good.

Thank you, everybody, for doing that. It is awesome.

(Board members confer off the record)

CHAIRMAN AIBEL: Phyllis, back on the record.

We are going to be hearing 14 Paterson Avenue, which is a continuation from a couple weeks

ago. Five of our members were not available to listen to the testimony personally of Mr. Minervini. I actually asked Mr. Minervini or asked Mr. Matule to have Mr. Minervini available for questions from the Board members who were not here. We can either take those questions now or, Mr. Matule, if you want to put your planner on and then open it up to the Board.

MR. MATULE: Well, for the record, Robert Matule appearing on behalf of the applicant.

I heard the Chairman's statement. Whatever pleases the Board. We have Mr. Minervini here. We have all of the exhibits here. I think it probably would make sense procedurally and just in terms of information flow, if there are any questions for Mr. Minervini from any of the Board members who were not here and who read the transcripts, it probably would be better to have that foundation laid before the planner --

MR. GALVIN: I mean, my experience is that people who just read the transcript, they remember the last meeting better than us, so...

CHAIRMAN AIBEL: Ms. Banyra?

MS. BANYRA: Yes.

Can I just weigh in on that?

I think both the engineer and I have questions still of Mr. Minervini, so it might be better also just as a point of order for him to get up and maybe do a little summary to kind of bring everybody back in. But we had some questions relative to the last hearing that I am not sure were addressed yet and/or would be addressed, so...

MR. MATULE: Sorry, Counsel.

(Board members confer.)

MR. MATULE: Okay. Mr. Minervini, you are still under oath.

F R A N K M I N E R V I N I, having been previously sworn, testified further as follows:

MR. MATULE: Could you just for the benefit of the Board members, who weren't here, briefly go through the site and what we are proposing to put there?

THE WITNESS: 14 Paterson, as it exists, and these are photo board photos that I and my office have taken and I used at the last meeting, which is an existing three-story mixed-use building. We all know it as Vera's Florist. We also may know it as the building as you enter town along Jackson Street on the south side of Hoboken, it is the building that has a big lean to it.

As it exists, it has two residential apartments and a commercial space on the ground floor. We are proposing to knock this building down, construct a new building, which is five stories, the same two residential units and commercial space.

To continue that thought, what is permitted in the R-3 Zone is 40 feet in height above base flood elevation. So what we have done in that same three stories and 40 feet height, in that same 40 feet in height above the base flood elevation, we are proposing a ground floor commercial space and two duplex apartments about 2,560 square feet.

The point of this drawing is to show that in terms of volume, the as-proposed building is exactly the same as the zoning ordinance contemplated. Because of its location within the flood plain, we are required to raise the first floor eight feet five inches above the sidewalk.

So we had to made a decision in terms of design. Do we leave that, as this Board has seen in other projects, a void or storage space, or lift it up, the second floor, an additional 12 inches, propose a commercial space of 850 plus or minus square feet, and above that two duplex apartments.

We adjusted the floor-to-floor heights on those apartments, so you have ten feet at the main level of the lower duplex -- pardon me -- nine feet above and then the same ten and nine. What this allowed was us to use what would have been a void space on the ground floor.

We will have to get DEP approval for this, and it will have to be dry flood proofed, which means that no water can enter it, but this is something that the DEP would approve.

So we thought that this was a much better solution than this, where in essence you have nothing but a void space at that ground floor.

There were two units there before. Now we are proposing two family-sized units, again, over 2500 square feet. With this family concept, as this Board knows better than I, comes certain design elements -- in the best case certain design elements, so we designed the building with an elevator. We designed the building with two outdoor spaces, so the ground floor covers 100 percent of the lot.

As it exists, and I will show you the photographs, for those who aren't that familiar with the site, at the back of the site currently is two

parking spaces, so our thought was a family-sized apartment. Some of the things that generally people who are purchasing or renting, they want an elevator. They want outdoor space, and they want some place to put their cars.

So what we did was we increased the lot coverage of the existing building to accommodate the cars, where they were already, but now it is enclosed. That roof area of about 14 feet would be an outdoor space for the lower duplex. We are proposing a roof deck at the upper roof, which would be outdoor space for the upper duplex.

In terms of that 100 percent impact, the space directly behind us, the adjacent property towards the north, that this garage wall will be fronting is a drive aisle.

The adjacent building here is a residential building, and its parking is behind it, and there is a drive aisle at its side, which we would be facing, so I'll bring it up.

We thought that the impact of this wall is negligible. We thought that this was a better solution to enclose the parking for people who were here at the last meeting, for this one, so you understand and for the folks who have just read the

transcript, the point of our design here was to get two family-sized apartments within the volume that was contemplated by the zoning ordinance already with the void space that would have been because of our new DEP requirements, we thought we would put a commercial space, and a commercial space more than likely will serve in some way the park that the city is proposing directly to our south.

MR. MATULE: Frank, if I could interrupt.

Going back to the garage --

THE WITNESS: Yes.

MR. MATULE: -- at the last meeting, was there an agreement that the -- I guess it would be the north wall of that garage would be a green wall?

THE WITNESS: Yes.

I proposed at the last meeting that the north wall, which is facing a drive aisle with cars again parking for the adjacent multi-family residential building, would be a green wall. A green wall meaning it is something that this Board has seen before, and I have details from another project, but a green wall that would in essence cover this wall with greenery.

MR. MATULE: And it is only one story high?

THE WITNESS: It's only one story high. It's ten feet high.

MR. MATULE: And how about if you would maybe go through the design of the building?

THE WITNESS: The design, of course.

I think at the last meeting I was probably very overly enthusiastic about the design.

Having said that, it is a very prominent location. It is an entry point to Hoboken. Often people enter Hoboken down Jackson Street, if they are traveling north, and our thought was here to put something that would be prominent.

So with that in mind, certainly as this Board knows, my office would design something with a modern sensibility, but we have taken the idea of a -- I don't want to say typical, but a more standard Hoboken brick row house, which this is behind one of the more modern versions, which is the main facade brick and glass behind, and we have essentially wrapped it with an organic ribbon, which would be of a concrete-like substance to really wrap and have this building stand out in terms of a concrete structure, something very modern, and

something a bit more traditional behind with the brick that would match again and be more typically what Hoboken has.

So although it looks very contemporary, it still does pay homage in some way to what Hoboken would have before.

As I said, again, we certainly recognize that this is something new. We think it's something of its day, which is today, not something of 1888 or 1920. And given this location, we think it is an exactly appropriate building, and if I could say something, it's a beautiful design, and we are very proud of it, and hopefully everybody else can at least stomach it for lack of a better term.

(Laughter)

But forgetting the architecture, the merits of this building really are what we are proposing in the volume that the zoning ordinance allows.

Again, this diagram shows what is permitted. This diagram shows what we are proposing and within the existing volume, and within a volume that is permitted, two large-sized apartments.

The location will be a great location. It is a good location, and it will be a great

location once this park as shown in this diagram is constructed, as well as a commercial space at the ground level, which could have very easily been simply void space, and we wouldn't even be considering it, although technically in terms of height, we are asking for a four-story building. So very -- something that is very useful. Commercial space, two residential apartments of a family size within the same volume as permitted.

I am going to assume --

MS. BANYRA: Mr. Minervini, I just wanted to clarify something that you said. I think you said volumetrically that is permitted, and I just wanted to clarify that that is actually not accurate in terms of height-wise. Yes, stories maybe, but coverage volumetrically is not quite accurate.

THE WITNESS: I am sorry. I was particularly talking about height.

We are asking for a lot coverage variance at the ground floor, as I explained, 100 percent lot coverage. It is a very -- it's an atypical lot of 1811 square feet.

Madison Avenue comes in on an angle, so this is the property that we are left over with.

The existing building comes about up to here.

The adjacent building to our east is a one-story structured commercial building as shown here. But I am not suggesting that within the volume, including lot coverage, speaking more specifically of height --

COMMISSIONER FISHER: May I ask a question?

The building to the north, are there windows on the ground that --

THE WITNESS: Yes, they are, and they are set back about 12 feet or so from the property line. I think you are referring to here.

COMMISSIONER FISHER: Yes.

THE WITNESS: So our building comes back to about this point, and we have got a one-story section. These windows are off the property line about 11 or 12 feet, maybe even more actually, because there is a fire escape as well as a drive aisle.

There is a curb cut existing for our parking, and there's a curb cut to access the back of that building where the parking is.

COMMISSIONER BRANCIFORTE: Frank, on that A-1, in the center you have the park.

Where is the property?

THE WITNESS: Our property, I'm sorry, I should have pointed that out. Right here. So we are northeast. Paterson Avenue, Jackson Street.

COMMISSIONER BRANCIFORTE: The balconies overlook the park I guess?

THE WITNESS: Yes -- well, yes, the balconies do -- the balcony is -- it is more of an architectural feature than an actual balcony. It's very small. Enough room perhaps to stand and perhaps put one chair. It was meant more to have -- to not to provide that pointed corner of a building and as a way to soften that edge.

COMMISSIONER FISHER: Can you describe, because I don't remember the details in the transcript, what is going to be on the west side of the balcony that is on top of the cars -- no -- sorry -- the roof deck --

THE WITNESS: Here?

COMMISSIONER FISHER: -- yeah. On the west side of that wall, is that --

THE WITNESS: The west side is here.

This is our garage entry at ground level.

COMMISSIONER FISHER: No, but above

it -- what is going to be the fence or whatever around that --

THE WITNESS: It is not even a fence. It's a planter. We are showing a planter with greenery, so there is no fence per se. It's more of a softer edge. I think our rendering will show that as well, not very clearly.

COMMISSIONER FISHER: So, again, going back to the building on the north, pretty much the windows on the north of that building are now going to be looking directly down onto a roof deck, and the windows on the bottom are suddenly going to have their light blocked.

THE WITNESS: There are no windows here at the bottom. This is --

COMMISSIONER FISHER: There's no windows at the bottom?

THE WTINESS: I don't think there are residential apartments there. I am pretty sure it is storage for that building.

The apartments are here, and right now they are overlooking the two car parking space.

Remember, there is a drive aisle between this and that, so what we are changing in this is we are bringing our building back a little

further, and we are putting a roof on top of the garage. So my opinion is what they will be looking at is better than what they are looking at now. They are looking at cars now, and what we are proposing is looking at the green outdoor space.

COMMISSIONER FISHER: Right. But ultimately it will be people and noise, et cetera --

THE WITNESS: There could be people here the same as if there was a yard, the same condition as if this were a yard.

If this Board chose to push us in the direction or to have a building here that doesn't have any parking there and is a yard, it is the same condition, in my opinion, meaning that it would be used as an outdoor space for people.

Talking about parties, remember what these apartments are focused on. John loves when I say this, the family-friendly aspect.

(Laughter)

COMMISSIONER FISHER: No, of course. I'm just saying that another alternative is you don't put the roof deck on top of the garage. You don't put the garage. You have the same existing use, and you are preserving kind of the existing conditions on the north, their light as well as

their lack of potential noise and nuisance of the neighbor --

THE WITNESS: With the cars there you are suggesting?

COMMISSIONER FISHER: Uh-huh.

THE WTINESS: I don't agree. That is, of course, for you to decide.

My opinion is that people who would be buying these apartments are not going to be people who are having large parties, but people want to enjoy an outdoor space.

In our environment, I don't understand this idea pushing towards not thinking that people can make a bit of noise in an outdoor space. It is part of our environment. It's part of who we are. There is a noise ordinances to stop these things.

Do I recognize that people go past that?

Absolutely.

I don't think we should design for people who don't do it the correct way, but design for people who do it the proper way. And with this building, we are providing with what I think is minimal impact on the building to the north, a very nice outdoor space for this duplex.

CHAIRMAN AIBEL: Mr. Minervini, are you the architect for the project that is going to be developed to the east?

THE WITNESS: Yes, yes.

CHAIRMAN AIBEL: Are you at liberty to share any of the design concepts?

THE WITNESS: If it is appropriate.

MR. MATULE: Sure. It is pending before the Board. As a matter of fact, I think it is going to be here on May 13th.

THE WITNESS: It is a five-story residential building, I think of eight units. That's what's permitted on that site. It's a much larger site than this.

MR. MATULE: I believe it is 12 units --

THE WITNESS: 12 units, there you go.

MR. MATULE: -- with residential on the ground floor --

THE WITNESS: It is one commercial space on the ground floor --

MR. MATULE: -- I'm sorry. Commercial --

THE WTINESS: -- which is the owner who owns the property now wants to relocate his business

and put apartments above.

COMMISSIONER BRANCIFORTE: You said two duplexes?

THE WITNESS: Correct.

COMMISSIONER BRANCIFORTE: But on the floor plan, the first floor is --

THE WITNESS: The first floor entry -- here is the ground floor --

COMMISSIONER BRANCIFORTE: Right.

THE WITNESS: -- that is the commercial space.

Common hallway, common hallway, to an elevator or a stair, this stair.

COMMISSIONER BRANCIFORTE: So the second floor is --

THE REPORTER: John, I can't hear you really good over here.

COMMISSIONER BRANCIFORTE: I'm sorry.

THE REPORTER: What did you say?

COMMISSIONER BRANCIFORTE: So the second floor is --

THE WITNESS: Yes. This stays the parking. This stays the common stair, which takes you up to the third and fourth floors or fourth and fifth floors, and this is the internal stair right

next to the two apartments.

COMMISSIONER BRANCIFORTE: So the fifth floor is just not shown on that plan?

THE WITNESS: Yes. It is on the next sheet. Essentially it is the same as the third floor.

MR. GALVIN: Jeff has a question.

CHAIRMAN AIBEL: Go ahead, Jeff.

MR. MARSDEN: This is kind of a little off track a little bit. But at our last meeting, correct me if I misunderstood, but I had brought up the point that the site features were wrong. They didn't show crosswalks. They didn't show handicapped ramps. They showed the light pole, signal pole in the wrong location and --

THE WITNESS: You pointed out -- I'm sorry.

MR. MARSDEN: -- you said you were going to go out, walk it, and have the survey updated and update the plans.

THE WITNESS: And we still are, but I was waiting for this next meeting to see if there were any other changes to be made. Certainly I will do that.

MR. MARSDEN: Okay. Because it was in

the transcript, so I was kind of surprised when I didn't get additional plans.

THE WITNESS: No. We didn't change any of the plans, so I didn't have any feedback yet on that point from the Board. Certainly with feedback, if there are revisions to be made, I will make those. Otherwise, I will leave them alone.

COMMISSIONER MURPHY: I have a question.

CHAIRMAN AIBEL: Go ahead.

COMMISSIONER MURPHY: What is the permitted lot coverage?

Like we talked about permitted height and permitted stories, but you are asking for a hundred percent for the bottom floor, and I'm sorry, I don't remember the percentage for the top two -- I mean four --

CHAIRMAN AIBEL: 80 percent

THE WITNESS: For the top for the first -- just one second -- we are at 80 percent.

COMMISSIONER MURPHY: Okay.

And is there a -- I know it is an odd lot, but is there a percentage of coverage?

Is it still 60 percent?

THE WITNESS: It's still 60 percent.

COMMISSIONER MURPHY: Okay.

THE WITNESS: Now, generally speaking on a smaller lot, if I may, this Board has allowed a bit more lot coverage than usual because of its irregular shape, but of course, each project has to stand on itself. That is where our thinking was, and it is a corner.

On a corner generally you don't want to have as much void as you would somewhere else on the street. So if you wrap the corner a bit, which we have, we wrapped -- along Paterson Avenue, we have the full width, and by bringing the building back a bit further on the upper floor, which is 80 percent, and 100 percent here, there is no -- there is less of a -- there is more continuity to the street scape. That is the thinking behind it.

VICE CHAIR GREENE: Jim, can I ask a question of Dennis?

CHAIRMAN AIBEL: Go ahead.

VICE CHAIR GREENE: Dennis, at the last meeting, Eileen broached the subject of two development lots next to one another, each of which was nonconforming, so I would like to pursue that a little, and I am not quite sure who to pursue it with.

MR. GALVIN: I need you to tell me more about why you think -- is that a problem, is it a concern?

VICE CHAIR GREENE: Well, the concern is that here we have an application for quite a few variances on an interestingly shaped and positioned lot.

There is adjacent property that is about to be redeveloped, and my view is that one of the things we should pursue is why wasn't there pursuit of adjoining those two lots?

MR. GALVIN: Well, let me wait for Mr. Matule.

(Counsel confers.)

THE WITNESS: I know the answer, but I think Mr. Matule is probably --

MR. GALVIN: The question that is being asked is: We are pursuing this variance from a -- for a C1 or from a C2 perspective.

From a C2 perspective, it is about special reasons, the attractiveness of the lot, the fact that we are renovating the site. We are going to bring it up. That building that is going to be there is going to be up to flood code. We didn't get to the planner yet, but that is the basic

general drift.

If you are going to come under a C1 variance, that is an undersized lot. Then the question always becomes: Can you acquire additional land.

Now, if you were somewhere out in the suburbs, that would be the first question we would ask: Did you try to acquire any of the property from the next lot.

So because there is an active development going on, was there any attempt made to acquire the adjacent lot.

And if not, it starts to beg the question of: Can we put this in the category of a hardship, if you haven't really tried to acquire additional land.

MR. MATULE: If I may, I just have -- I think we are probably going to have a melt of C2 and C1 to a certain extent just because of the irregular shape of the lot. But I could proffer to the Board or I can bring the applicant up to testify that he engaged the next door neighbor in conversation concerning this subject, and the next door neighbor had neither interest in selling any of his property nor purchasing this property, so I can put that on

the record.

MR. GALVIN: The other thing -- let me just say this, and you will be happy to hear me say this, is that we take each case on its own merits. This is the first one through the door, so if you were to give relief here, the next one that comes, and you wanted to somehow sync up, you would be able to kind of take that into consideration, the second one. But the fact that the second one is not here, it is really not in play. That evidence is not before you. You really can't consider that other building.

The fact that you know it is coming leads you to ask the question.

Could we have put these together and come up with a better planning alternative, and the answer is they couldn't, because the next party wouldn't cooperate with that.

VICE CHAIR GREENE: Okay.

MR. GALVIN: So I say you have to take the building based on what is being presented to you, and that's it.

VICE CHAIR GREENE: Thank you.

COMMISSIONER FISHER: Dennis, just to take that to the next one, when the next one comes

next month, this one, assuming it is approved or whatever, if this one gets approved, we can take the next application -- we can take this into consideration --

MR. GALVIN: Then you will have this --

COMMISSIONER FISHER: -- for the next one --

MR. GALVIN: -- that will be evidence that this has been recently approved. But the same thing, just because they get an approval on one of these cases, I hate to say it, but not every time that we approve a case does it turn into a reality. Sometimes it does; sometimes it doesn't.

So, again, you have to consider what is out there currently. Just like we have to take zoning that currently exists, we can't project what zoning we think we will be in the future, or you know, we have to take it the way it lies.

COMMISSIONER FISHER: So when Frank comes in next time and he has like green spikes on the next presentation versus this one with ribbons, we will be able to say, how could you put these two developments instead of --

THE WITNESS: I promise I won't do that.

(Laughter)

THE WITNESS: But yes, I understand.

MS. BANYRA: Or just to the same effect, though, should there be a variance that they are asking that would have been different had this been taken in, I mean, I think you are taking that into consideration then also.

MR. GALVIN: But what I'm saying is I think the way Elliot phrased the question is the right one.

Why couldn't we have gotten these two properties together and come up with a better planning alternative.

Sometimes we can, and sometimes we can't. It is not available. So, okay, we have to put that issue aside and just focus on this particular building.

Do you agree?

MS. BANYRA: I agree.

MR. GALVIN: Okay.

MS. BANYRA: But I think also the finish of that sentence is hypothetically if the application gets denied, there is an application coming next door, maybe that is a different opportunity as well.

MR. GALVIN: Then we can ask that question to the next person, why didn't you contact this developer --

MS. BANYRA: Right, right.

MR. GALVIN: -- and I think if you were doing it strictly on the fact that the lot has less mass than it is supposed to have, there is an obligation to try to get these properties combined up and try to make it conforming, if you want to go under C1.

If you go strictly under C2, then it's no problem. You don't have to try to --

MS. BANYRA: But you are not making -- you're not testifying for the planner right now. You are not giving him bullet points, are you, Dennis?

(Laughter)

MR. GALVIN: Which planner? Our planner?

(Laughter)

MS. BANYRA: Ken Ochab. I'm just teasing.

MR. GALVIN: I'm just making sure we have a level playing field.

MS. BANYRA: I'm just teasing you.

CHAIRMAN AIBEL: All right.

COMMISSIONER MURPHY: I have one more question.

CHAIRMAN AIBEL: Diane, go ahead, please.

COMMISSIONER MURPHY: Also just for clarification, so are -- 40 feet now is after the flood, like you have to build up X amount of feet for being in the flood zone, and then you are allowed 40 feet on top of that?

MS. BANYRA: You are allowed 40 feet above the base flood elevation. That is what our ordinance says.

COMMISSIONER MURPHY: Okay. So I guess I ought to -- what is base flood --

MS. BANYRA: So if the base flood elevation is 12, then you're allowed 40 feet above that.

MR. GALVIN: So 52 feet.

MS. BANYRA: 52 feet then.

COMMISSIONER MURPHY: Okay.

VICE CHAIR GREENE: Isn't it plus one?

MR. GALVIN: It is plus one.

THE WITNESS: Plus one.

MR. MARSDEN: It is not 52 feet total

height. It is 52 feet in total from -- or it's 40 feet from grade. Only the building may be six feet -- the flood may be six feet above the existing grade. He can then go 40 feet above that.

COMMISSIONER MURPHY: Above that six?

MR. MARSDEN: Right.

MS. BANYRA: Yes, yes.

THE WITNESS: In this particular case, it is eight feet five inches we have to raise it for the first residential floor.

COMMISSIONER MURPHY: Okay. Gotcha.

In this case it is 40 above eight and a half feet?

THE WITNESS: Correct.

COMMISSIONER MURPHY: Okay.

CHAIRMAN AIBEL: Any more questions?

Mr. Cohen?

COMMISSIONER COHEN: When Hudson came in after Hurricane Sandy in this area, do you know to what height the flood damage came?

I mean, was it eight and a half feet?

Was it higher than eight and a half feet?

THE WITNESS: It wasn't eight and a half feet. It was not.

COMMISSIONER COHEN: Do you know what it was?

THE WITNESS: Anecdotally, only because I have a friend who lives in the adjacent property -- two adjacent properties, probably the same complex, it didn't reach the first floor of this building to our north.

Does that help you a bit I guess?

COMMISSIONER COHEN: So about five feet?

THE WITNESS: Five feet or so.

COMMISSIOENR COHEN: Yes.

COMMISSIONER BRANCIFORTE: But you were talking about it being water resistant?

THE WTINESS: A dry flood proof, which means that we have to prove to DEP as part of this approval that prior to a flood, manually we can put flood barriers up, and that any windows that are installed can handle the hydrostatic pressures of a flood.

COMMISSIONER BRANCIFORTE: So whoever is on the first floor --

THE REPORTER: John, I can't hear you.

COMMISSIONER BRANCIFORTE: -- so whoever is on the first floor commercial space will

have some protection, but there are no guarantees that it would be a hundred percent?

MR. GALVIN: Wait a minute. Don't talk yet. I want to talk to the entire Board.

We have to speak up, so the court reporter can hear us. I am not singling anybody out.

Everybody got me in the back?

Can you hear me?

Good.

(Laughter)

Thank you.

Now, you may proceed.

CHAIRMAN AIBEL: I think we need --

THE WTINESS: In this town any new multi-family building and commercial building we need NJ DEP approval. We need special permission, and Jeff and I have talked about this many times, for garage spaces or lobby spaces or commercial spaces that are at grade level. The way you get that approved is with a flood barrier system.

It is a completely a manually installed system, and DEP recognizes that, so whoever is in that space, it is their responsibility. But in other buildings it's the building management's

responsibility, but certainly it is not perfectly failsafe. There is a human factor involved.

MR. MARSDEN: If I may, my understanding is that if you don't install the flood walls because your maintenance guy was on vacation, you don't get coverage --

THE WTINESS: That is right.

MR. MARSDEN: -- so it is a very big incentive to make sure that if you have a big storm, that you install these walls.

CHAIRMAN AIBEL: Do we have any other questions for the architect?

MS. BANYRA: Can I ask just a practical question?

Once you install the panels, and you want to get out, is there an opening, a door that you can open?

THE WTINESS: Some have doors built in with seals. Some panels are small, and you can pull them up. Some are a bit larger. Others of a certain height, like this, you would probably have to have a door version. DEP would require that.

MS. BANYRA: So once you install it, if a storm is coming, you are not going to wait to the last minute, and people are still going in and out

of the building, then you could go through one that has this hinge, and somehow it's sealed, Frank?

THE WITNESS: That's right. It is sealed just as a ship's door. That is a good comparison.

MR. MARSDEN: Once the water rises, though --

THE WITNESS: You don't want to leave any more --

CHAIRMAN AIBEL: Let's get going here.

Any more questions, Board members?

Let me open it up to the public.

Any questions for the architect?

UNIDENTIFIED VOICE FROM THE AUDIENCE: I just wanted to come up and say --

CHAIRMAN AIBEL: Please come up.

This is questions, not comments.

UNIDENTIFIED VOICE FROM THE AUDIENCE: Oh.

MR. GALVIN: Thank you.

CHAIRMAN AIBEL: Thank you.

(Laughter)

CHAIRMAN AIBEL: Can I have a motion to close?

VICE CHAIR GREENE: Seeing no one, move

to close public.

COMMISSIONER COHEN: Second.

CHAIRMAN AIBEL: Thank you.

All in favor?

(All Board members answered in the affirmative)

MR. MATULE: Thank you, Mr. Minervini.

Mr. Ochab?

MR. GALVIN: Raise your right hand.

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

MR. OCHAB: I do.

State your full name for the record and spell your last name.

K E N N E T H O C H A B, having been duly sworn, testified as follows:

THE WITNESS: It's Ken Ochab, O-c-h-a-b, 1216 Fairlawn Avenue, Fair Lawn.

MR. MATULE: Mr. Chairman, I would ask that you accept Mr. Ochab's credentials as an expert witness in planning.

CHAIRMAN AIBEL: We do.

MR. MATULE: Thank you.

Mr. Ochab, you are familiar with the

zoning ordinance and the master plan of the city of Hoboken?

THE WITNESS: Yes, I am.

MR. MATULE: And you are familiar with this project as revised?

THE WTINESS: Yes, indeed.

MR. MATULE: As a matter of fact, your original report was August 12th, 2013, and you updated that with a new report, dated April 10th?

THE WITNESS: Yes, I have.

MR. MATULE: Would you go through your report for the Board and give us the benefit of your professional opinion regarding the requested variance?

THE WITNESS: I keep saying C2. C2 is in the back of my head.

(Laughter)

I don't want to be redundant with the architect, Frank, because he covered a lot of ground, but just let me say for the purposes of zoning, we are in the R-3 Zone, and both uses are permitted. We have residential uses permitted in the R-3 and retail use is also permitted because it meets the criteria under Section 196-33 for retail uses in residential zones, so both uses are

permitted, and there is no use related variance.

The one major variance, which is major in my terms, because it's a D variance, is for building height for the number of floors.

We don't need a building height variance for the physical height of the building because we are at 40 feet above the adjusted base flood elevation, which is the requirement under the R-3 zoning designation.

So we are good there. It is just that the number of floors in this case is five as opposed to -- it depends how you look at it, three with no parking, or four if you have parking underneath, so in any case, we need a D variance for the number of floors.

We also need several C variances. Lot coverage, which again has been discussed by Frank, for 100 percent coverage on the first floor, 80 percent on the upper floors.

The front and rear yard variances as well, and basically zero in the front yard and zero rear yard, and we have a roof coverage variance, where ten percent is permitted, and we are at the -- almost 35 percent, and I will go through the reasons why we are there.

As far as the D variance is concerned, we have the proofs that we need to discuss with the Board under Coventry and also under the Grasso case, and we have done this, of course, before, so the questions basically are twofold.

Is the five-story building within the character of the neighborhood, established character of the neighborhood that we are discussing, and secondly: What is the impact of the fifth floor, the additional floor in this case, with respect to the neighborhood.

So, of course, I have taken my own set of photographs. These are planning photographs as opposed to architectural photographs, so architects have one way of looking at it, and planners have just a slightly different way.

MR. MATULE: If I might just interrupt for one minute.

We need to mark this exhibit. I don't know where we are at.

MS. CARCONE: A-5.

MR. GALVIN: A-5.

MR. MATULE: A-5.

MS. CARCONE: I'm sorry.

MR. MATULE: Thank you.

MR. GALVIN: I mean everybody.

(Laughter)

MR. MATULE: Mr. Ochab, we are going to mark this Exhibit A-5.

(Exhibit A-5 marked.)

MR. MATULE: I see you have two more, so we are going to mark them A-6 and A-7, and then you can, as you testify, identify them for the record. And if you took the pictures, say you took the pictures and when you took them.

(Exhibits A-6 and A-7 marked.)

THE WITNESS: Okay. On A-5 is four photographs, two of the site and two of the buildings in the surrounding area. I took these photographs. These were actually taken last year. But I was at the site a week ago, and the conditions are almost exactly the same with respect to that, except there are still no leaves on the trees, so that is the only difference.

And what I am going to hope to show you is that the preponderance of buildings within the framework of where we are, the proximity of where we are, it is essentially five-story buildings. There are one or two four stories, but particularly the buildings to the north, but you will see that

four-story building because of its early character is still pretty tall physically with respect to what we are doing.

So the upper left photograph is a photograph of the property in question here. We are on the corner of Jackson and Newark Street. It is an existing three-story. Retail is on the ground floor.

Then to the right of the photograph of the building, we have basically the retail lot for the building that is set back that is the next application in the door, so to speak.

Then beyond that, we have our residential building facing Newark Street, which is five stories in height, so we have that to consider.

Within that same block space, we have at least one other building, and the only other building, which is five stories in height.

The upper right photograph is a photograph taken from across the street in the plaza area, which is actually the lower left photograph where there is a little single-story restaurant. I have taken that photograph looking in a northerly direction.

So what we have is the building, of

course, that is going to be removed, and then beyond that we have the building, the immediate building to the north, which as Frank said, has a driveway directly adjacent to our property, so there is 12 feet of driveway space, and our second through fifth floors is another 15 feet beyond that, so we have about 25 or 27 feet or so.

But as you can see, the building next to that, which is a five-story building, these two northern buildings are part of the St. Joe's Church/School. Some of you know this better than I do. But the building to the north of that is five stories with a little penthouse on top.

So if you are looking from Newark Street or just beyond Newark Street back up, you will see this basically six-story building, which is pretty prominent and sort of in the street scape of the area.

The lower left photograph, again, is the photograph directly across Newark Street from the site standing on the corner here.

On the upper left photograph, just by the corner of the building, looking back across, and we have a one-story, a plaza restaurant building there,

Then beyond that, we have buildings that are to the right, one, two, three, four, five, and a penthouse, and just behind that restaurant we have one, two, three, four, five, and then a penthouse on top of that, so we basically have a six-story building, looking out on Observer Highway, so that building beyond there.

Then the lower right photograph is the photograph of this building in the upper left on Newark Street. This is from the front of the building, again, just to show you what it is. It is one, two, three, four, five stories.

So that is the context that we are basically in with respect to that.

A-6, again, shows several buildings. The upper photograph on A-6 is a photograph from Jackson Street looking west towards the cliffs.

We have an older one, two, three, four-story building, and then beyond that we have newer construction, one, two, three, four, five stories.

And then, of course, way beyond that, we have the building that's at the Second Street light rail station. I can never remember the names of these projects, but that's basically a 13-story

building beyond there.

The middle photograph is a photograph of Jackson Street. This is the property immediately next door. As I said, it's basically one, two, three, four stories, but the floors are apparently taller, bigger, and it has the appearance of a five-story building.

On the architectural plans, there is a street profile. If you look at that profile, our building is basically half a story higher and equal to the building to the north of that, so it is one, two, three, four stories, but the building again is very tall with respect to the development.

Then the lower photograph is a photograph again looking back across the plaza area on Observer Highway, just to get a different view of the one, two, three, four, five-story buildings there.

Sort of a broadening out from there, taking a step back from the immediate area, what I tried to do was get a more larger perspective of how the building fits into the Newark Avenue street scape.

So in the upper photograph, I'm standing west of the site looking back to the east.

This is our building to the left side, and then beyond that we have basically a 15-story building, which is at the turn of Paterson and Newark Avenue, and this building is sort of prominent with respect to how you view that street scape.

Then to the right, we have the buildings I showed you on the previous photo, that is on A-6. This is the lower photograph of the buildings here.

And then, of course, beyond that we move back. This is probably now back on to beyond Observer Highway, again, we go back to the 13 and 14-story buildings.

And then just a different perspective here of the Newark Street area. This is our building to the -- I'm sorry -- we are at the center here, and these are the two buildings to the north of us, and then the St. Joe's building, St. Joe's building again. Again, you can see that they are very tall buildings, and we should be just about in terms of height equal physically with those buildings.

Then behind us on the back street, we have another six-story building, and again, the five-story buildings fronting on Newark.

The lower photograph is a photograph from Jackson looking south and, again, we are just showing the plaza area with the restaurant.

Also, the area immediately diagonally across from the site, which is the location of the new park, southwest park, which would be diagonally across from us.

So if I am trying to prove a point here, the point is that the height of the buildings within this area, particularly the new construction, is definitely five stories in nature, and there are areas where it certainly exceeds that from a broader perspective where you have very tall buildings.

It sort of sets up a street scape where you are looking at a five-story development scenario, either south, or in this case to the north, it matches directly on A-6 the property directly to the east.

And then going to the west, we have new development, a five-story, and then ten stories after, so we actually have two, I want to say, ten to 13-story buildings at either end of this immediate corridor.

So what Frank was trying to point out was coming down into Hoboken from Paterson Plank

Road or up from Jersey Avenue, this building has a prominence because it is at that acute intersection of Jackson and Newark Street, so it doesn't actually stick out, but it does have a prominence, so it is very important, I think, from a planning perspective to have a building, which is not substantial, that is not the right word, but a building that is not understated or not weak. You need a strong presence at this intersection even for that small site because of the way the intersection is so acute.

So on that basis, I think we do meet the Coventry and the Grasso criteria by indicating that the neighborhood character in this case is definitely five stories and greater.

With respect to lot coverage, we have a hundred percent lot coverage on the ground floor. I don't know how many corner lot applications I have had, but every one I have had was pretty much a hundred percent coverage. It is the nature of the way Hoboken has developed and is developing when you have a corner lot situation. You don't really have yard areas on the corner lots.

You don't really have open space. Any open space or passive recreation area doesn't contribute towards this open space concept in the

middle of the block because the corner lots are hemmed in by the two lots adjacent to them on either side, and that is completely different from center block development, where you have a lot in the center of the block, and you have a rear yard, and it opens out into that open space area in the center, which is the concept that Hoboken was trying to achieve. The corner lots don't do that. The corner lots are hemmed in with respect to those lots.

So in that case, I have had a lot of hundred percent coverage applications there. I think it is appropriate with respect to how it is developed, whether it's a hundred percent or 80 percent for the upper floors. And actually the zoning ordinance at least appears to encourage that type of development. It is Section -- I did have it here -- I got it -- 196-15(33).

It talks about the corner lot should be developed to the maximum extent possible because of the way that they sit within the development scenario within Hoboken, which is they are the anchors. They are the pillars of the block, so the corner lots are very important in that respect, and 196-15(3) speaks directly to that.

So with respect to coverage, I think it would be appropriate, i.e., C2 in order to look at it in that regard.

The front yard, rear yard setback requirements are pretty much the same scenario.

The front yard typically is zero particularly on the development, and that matches the development along Jackson as well as along Newark Street at least with respect to the buildings that are there.

As far as roof coverage is concerned, mechanical equipment covers 17 percent of the roof area. The rest up to 35 percent is covered by the two decks, so we have a second story deck on the roof of the parking garage and an upper story deck.

The second story deck is about 350 square feet, and the upper story is about 280, 290 square feet.

The upper story deck is set back ten feet from the edges of the roof area, so my view is you won't be able to see anything from the street looking at the upper story deck, and of course, the second story deck area, again, will have some exposure to the building next door, but it is a deck, which has landscaping and trees and should be

pleasing to the eye from the adjacent properties.

Also, from a master plan perspective, this is a situation where we are actually doing two units, two residential units, no variances for density. Large family units, four bedrooms, 2500 square feet each, which really is for family occupancy, and that meets one of the objectives of the master plan.

And we are also establishing a retail use on the bottom floor, the lower floor, which in my view helps to add viability to the park, which is being built across the street.

As a matter of fact, in the park analysis, there were questions of residents as to what they wanted to see around the park, and one of the primary objectives or answers was that they want more retail. They want to see restaurants or stores or places you can buy goods and services and what-have-you, so I think this is sort of the cart before the horse a little bit, but the retail space would be a benefit from that perspective because it is actually answering some of the needs of the potential park users.

With respect to the Municipal Land Use Law, I will just say we are providing sufficient

space in an appropriate location. This is one of those unique lot situations that we don't often get, and I think we need to maximize our design view and design potential for this particular area.

And certainly we will enhance the visual environment. We have a building which is actually leaning. I don't know if you looked at it closely, but it is actually leaning over. That is why the photographs to me didn't look right at first, because I thought I was doing something wrong, but it's actually the building.

We are removing that building and putting up a new building that has some character to it, and it has maybe some debate to it. You know, one of my old planning professors said that the mark of a great city is when you discuss and debate its architecture.

So whether you like the architecture or you don't like the architecture, one of the primary things from a planning perspective is to have architecture which, of course, many cities do not. And the mark of a great city is when you can have a debate about that architecture, so that is why I really applaud Frank's efforts here with regard to this tiny lot and with a focus not only on the

street scape, but again, on the park that will be created across the street.

So on that basis, I do think that we have met the criteria for the height variance for the additional floor. As I said, we don't need a physical height variance. There is no density variance, and the bulk variances I believe are a function of the design of corner lots within the city and how those corner lots are presented in pretty much all cases, and they do meet the C2 criteria with respect to a benefit of having this unique design at this location.

With respect to the negative criteria, again, the closest impact area is the neighbor to the north. That neighbor to the north does have windows, and those windows, I don't know the interior layout of that building to the north, but there is some view back on the lower deck area, which in my view, would not be substantial.

It would either be looking at the lower deck area or looking at what had been there before, which was a parking space or two and a garden next to the parking spaces, so certainly looking at a landscaped deck would be more pleasing to the eye than looking at two cars parked in the rear yard.

That will be it, Mr. Chairman.

Thank you.

MR. MATULE: Thank you, Mr. Ochab.

CHAIRMAN AIBEL: Thank you, Mr. Ochab.

Board members, questions for the planner?

Mr. Cohen?

COMMISSIONER COHEN: Mr. Ochab, you had testimony about the fact that since this was a corner lot, that there doesn't -- that the code suggests that you can build to the maximum lot coverage. Is that -- if I understand your testimony correctly, is that 196-15(3)?

THE WTINESS: Yes. I want to be careful about 15(3) because the language is interesting, but you have to sort of read into it a little bit more, which I take it that that is what you were looking at.

COMMISSIONER COHEN: That is what I was looking at, because I read that section to say that the corner lot could be built to the maximum height permitted for the district.

I am reading: The principal building or portion of a principal building constructed in the corner lot area may be built to the maximum

height permitted for the district, which is different -- I took your testimony to mean that you could have maximum lot coverage on a corner lot, which I think is a different issue and the one that I am sort of more interested in.

I mean, I believe that there are many corner lots in Hoboken, where there are gates where people are not building to the gate, and that is part of the charm of some of the corner lots in our neighborhood that make it workable to have a barrier and a green space.

I am wondering, you know, if I misunderstood your testimony or I misunderstood your testimony with respect to the code.

THE WITNESS: No, I don't think you did.

I mean, I really wanted to focus on the height of the building because we are achieving maximum height, which I think speaks directly to this. But I am also sort of taking the license to go beyond that, and based on my experience here as well as elsewhere, by looking at corner lots and how they fit into the block concept.

COMMISSIONER COHEN: Well, let's just talk about the corner lot here. I mean, it is going

to be setting the standard for the lot, and I heard a lot of applicants come and say, well, this property is at a hundred percent lot coverage. We are building next to it. And as we you go down the street, they should all match. It wouldn't make sense to have one set back.

And here we are talking about a lot on the street where we are going to be seeing additional applications, and we are going to be setting the standard for the street, and I am wondering as a planner, if you have any concerns about buildings with a hundred percent lot coverage where we are sort of sticking out a new street scape, which I would say --

THE WITNESS: I don't have a problem in this case with it because, as I said, when you have lots that are on the inner portion of a block, they do back out on to the open space, the center block open space area, so there is an issue there with how they relate to that open space area.

You know, we had lots of those, where decks have gone out, or we have parking garages going out to the rear of the lot line, and we had a debate about that. But this lot cannot achieve any of those objectives of the master plan, which is

basically saying we want to have center block open space, because it can't get to the center of the open space. It is hemmed in by the two lots adjoining it on either side. So then the only purpose of providing for open land area is just for the enjoyment of the owners.

COMMISSIONER COHEN: Can you tell me with respect to the lots on either side that are so called hemming them in to what -- are they a hundred percent lot coverage on those properties or are there setbacks on those properties?

Are you aware?

THE WITNESS: I think the building to the north is set back.

COMMISSIONER COHEN: How far is that set back?

THE WTINESS: I was afraid you would ask me that. I can't tell you in all honesty, but it is set back.

COMMISSIONER COHEN: Would you say more than five percent of the lot?

THE WITNESS: Hum, well, based on the aerial photographs, I would say maybe ten or 15 feet, about that.

COMMISSIONER COHEN: Okay.

THE WITNESS: And the lot to the east, which is the next application on deck here, I think it is an open book at this point --

COMMISSIONER COHEN: Right.

THE WITNESS: -- it has a very small building on it, which does back up to the rear lot line, but that is going to be removed, so...

COMMISSIONER COHEN: Understood.

Thank you.

CHAIRMAN AIBEL: Any Commissioners?

Mr. Greene?

VICE CHAIR GREENE: Mr. Ochab, what architecture style would you, in your opinion, what would you call this building?

How would you describe the building architecturally?

THE WITNESS: I didn't try to categorize it. Certainly modern. It would be -- if I had to categorize it, that would be it. Unique would certainly be --

VICE CHAIR GREENE: Now, in the various view sheds and looking at this building and this property, you did a very good job of describing the heights of all of the buildings surrounding it.

Are there any other buildings that you

would consider of similar architectural style?

THE WTINESS: I would say not, no, and I think that is okay. I think that's okay from a planning perspective. Every building doesn't need to be the Italian renaissance, you know, flat roof on top with an overhang or early, you know, 1900s architecture.

I think it is very interesting when we go up some of the streets in Hoboken now to see some of the more modern designs being built. I mean some I like, some I don't like, but that is just my personal opinion.

VICE CHAIR GREENE: So you think from a planning perspective that diversity of building style is a positive?

THE WITNESS: I do.

VICE CHAIR GREENE: Even if that diversity is extreme?

THE WITNESS: I do, I do, particularly with respect to the major street corridors because they are not set. This building is not set into a close-knit neighborhood like you would have, if you went up Jackson or Willow or any of those. It is out on the main street.

It has a commercial use across from it.

It is going to have a park on the other side, so I think it is a unique opportunity here to do something more dramatic, and I may like it, or I may not like it. But from a planning perspective, it certainly can enrich the street scape and the entrance corridor into the downtown Hoboken.

VICE CHAIR GREENE: Thank you.

Then two questions about the outdoor spaces, two roof decks. I'd probably describe the traffic pattern around this building as quite busy. It is quite a substantial intersection.

In your opinion, would that outdoor space actually get much use from considering how noisy or how much air pollution there might be in the vicinity on an almost ongoing basis?

THE WITNESS: I never thought for a moment that it wouldn't be used because of either noise or any other environmental issue, just because the spaces that are being designed are for families. A family, particularly a four-bedroom family, which would be, you know, three children, maybe four children, would use that space, weather conditions permitting, regardless of noise or any other factor.

VICE CHAIR GREENE: Okay. Thank you.

CHAIRMAN AIBEL: Ms. Fisher?

COMMISSIONER FISHER: I have a follow-up question that I wanted to ask.

Back on the architectural plan, one of the things in the master plan, and I don't have it in front of me, is that the architecture is supposed to have a Hoboken feel to it,

So to the -- sort of carrying forward what Commissioner Greene said, do you -- like when you look at this, do you really see the Hoboken feel?

And I understand that Frank has highlighted that there is some nice brick in it and that is going to pick it up, but overall, my own personal view is having modern architecture is fine as long as it somehow has, you know, connective points in the community, and I think the master plan wants that.

So in your professional opinion, do you think that it has that continuity or that kind of activity?

THE WITNESS: I feel stronger about that when we are off the main drag into the little street neighborhoods, but on the main drag we have such a mix of different uses, commercial, and some industrial still lingering just at the south end of

Observer Highway, and then you have the huge 15-story buildings at either end, so you have a mix of character and a mix of building design. It would just fit into that.

I know Frank -- again, I'm not an architect, so I can't speak to that, but I know that Frank tries to pick up elements of the Hoboken look in what he does.

COMMISSIONER FISHER: Yeah. He presents -- I'm sorry -- he presents a number of things, and he has been I think very successful about picking up his field. This one seems a little bit on the edge, the further edge of what he has typically put up.

MR. GALVIN: You might want to reserve your opinion --

COMMISSIONER FISHER: I'm sorry.

MR. GALVIN: -- to the end when you go to deliberations.

COMMISSIONER FISHER: Sorry.

CHAIRMAN AIBEL: Mr. Branciforte?

COMMISSIONER BRANCIFORTE: You know, let me go back to what you are saying about the other buildings that surround it. Particularly here in A-2, I think, at the bottom -- yeah, the bottom

over there -- you know, I don't know when or if that had come in front of the Board for a variance. Does anybody know if that would have come before the Board or not?

THE WITNESS: I suspect it would have since it is five stories.

COMMISSIONER BRANCIFORTE: Yes, so it did.

You know, my question putting it out there for discussion is: You know, when that thing was approved, there were probably special reasons back then, the neighborhood probably needed development and whatnot, and over the years things have changed. I mean, Hoboken has evolved and whatnot, so, you know, the special reasons that may have been given back then for approval may not still apply today, and that's the question, and why should we consider that as relevant to what you are proposing tonight?

THE WITNESS: I never spoke about special reasons, because the special reasons test is basically reserved for use variances --

COMMISSIONER BRANCIFORTE: I think I misspoke --

MR. GALVIN: No. Wait a minute. Time

out. You didn't misspeak.

There are a bunch of C variances here that would have to meet the special reasons requirements. I'm just saying, so nobody has misspoken --

THE WITNESS: No. He was characterizing my testimony as to special reasons, and I never spoke about special reasons with respect to the --

COMMISSIONER BRANCIFORTE: Well, then let me just rephrase that completely.

MR. GALVIN: Sure, go ahead.

COMMISSIONER BRANCIFORTE: Back then when these buildings were coming up in front of the Board, I guess back into the early '90s, if not late '80s, you know, this neighborhood was in need of a jump start, and they got it with these new buildings and whatnot.

You know, does the neighborhood still need that jump start?

Is it fair to compare this application tonight to what was needed back then and why those buildings were approved?

THE WITNESS: That has to be up for you to decide. My view is to look at the existing and

the emerging character of the area that we are in, and my conclusion after looking at that is that basically these are five-stories plus. That is the neighborhood that we are in, and that is where the building heights are evolving, too, if not there already.

MR. GALVIN: I want to agree with Mr. Ochab. I think at some point you are going to have to make a decision whether you think the proofs are there, whether you like the case, whether you like this look in this location.

I think that all of the witnesses so far have laid out -- he made his testimony. Unless you have something as to something of a factual nature, I don't see that Mr. Ochab is going to alter his opinion.

COMMISSIONER BRANCIFORTE: Yes. I just wanted to put it out for discussion.

CHAIRMAN AIBEL: Okay.

Any other Board members?

Ms. Banyra?

MS. BANYRA: Yes.

Mr. Ochab, when you were speaking about the street scape and a hundred percent coverage, I think you characterized the open space from the

master plan just as relating to the donut hole.

I think, I guess I would, you know, respectfully disagree with that.

I think as Commissioner Cohen raised the idea that there are little courtyards in backyards that open up into interesting spaces, so I think I disagree with you a little bit on that.

The question I have for you is relative to the curb cut. I don't think you addressed the driveway and curb cut and the merits of that in and of itself. I don't find it an advantage to this property, particularly on the location or to the street scape, so maybe you can talk about that a little bit.

THE WITNESS: Okay.

There is a two-car driveway proposed at the northern end of the property. There is one there now, so the proposal was to keep that driveway, and it's open air parking there right now, so the proposal was to store those two vehicles underneath the -- in the first floor of the building.

The R-3 Zone does allow curb cuts, does allow off-street parking. It is only the R-1 and 2 that are really more restrictive with respect to

parking, and just thinking about that I went to the site, took a walk up Jackson Street, and found out that in this particular block there is seven -- not including our driveway proposal or existing cut, there are seven other driveways along Jackson Street, so I don't think that having -- keeping the driveway with the two cars in it is abhorrent to the character of the existing neighborhood. It has been there for a long time.

And the other thing that we are doing here is establishing, really establishing large family units, and those units, in my view, if anybody has the need for a car, it would be a large family unit because daily life requires those things. Not everybody can walk everywhere, and so this would be -- and I probably wouldn't argue this anywhere else -- but this would be one of the more unusual cases where I think it would be valuable to have those two spaces and keep those two spaces for the two residential units.

MS. BANYRA: My next question: Did you do a calculation of if you reduced coverage from 80 percent, I think it is 80 percent on floors two through five, I believe you could still have family-friendly units and still get open space in

the back, should the Board decide that that is more attractive.

Did you do the calculation, and do you know what that coverage would end up being?

Because hypothetically, assuming the Board went with the concept or the idea that the height based on your testimony in the Grasso case, that the height can be met, and that we could have potentially five stories, so it's two duplexes, I think you still have the substantial apartments. Maybe you can talk to that and how that would match up.

THE WTINESS: I didn't do that particular calculation, so I can't tell you what those numbers would be.

The only thing that I would say is that I find it very unusual to be looking at a residential unit with four bedrooms. Typically the large family unit is three bedrooms max. This is very unusual that we have the fourth bedroom with respect to that, so --

MS. BANYRA: Do you also find it maybe unusual that it is a very small lot to have two four-bedrooms and that maybe one four-bedroom, one three-bedroom based on all of the variances you've

testified about, and you still can achieve special reasons, and you know, you testified that there is adequate light, air, and open space with 100 percent lot coverage and then 80 percent on the second floor. I think you proffered that with the unique design.

Don't you think you could still have a unique design and have a reduced lot coverage?

THE WITNESS: I think it is certainly debatable. I won't debate the point.

CHAIRMAN AIBEL: Okay.

Seeing no questions from the Board, I will open it up to the public.

Anybody have questions for the planner from the public?

Seeing none, may I have a motion to close?

COMMISSIONER BRANCIFORTE: Motion to close.

COMMISSIONER COHEN: Second.

CHAIRMAN AIBEL: All in favor?

(All Board members voted in the affirmative.)

CHAIRMAN AIBEL: Thank you.

Mr. Matule?

MR. MATULE: I have no further witnesses.

CHAIRMAN AIBEL: We will open it up to the public for comment.

Does anybody in the audience wish to come up and comment?

MR. GALVIN: Raise your right hand.

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

MR. CHARTIER: I do.

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

MR. CHARTIER: Tom Chartier, C-h-a-r-t-i-e-r.

MR. GALVIN: Tom, give us your street address.

MR. CHARTIER: 70 Monroe Street.

MR. GALVIN: All right. You may proceed.

MR. CHARTIER: I just want to point out three things that I like about the project.

I don't know if you have been by the property or if you know the neighborhood. I have lived there for about 15 years, and three of the

problems that we have is very little retail, and we had a retail spot at this location that went away, so I am glad it is coming back. It is a very transient neighborhood, so I am very happy to see that we are getting big family-friendly apartments.

I happen to walk my dog past this property at least once a day. I am very happy to see that there is exciting, sort of interesting architecture going on. We have a lot of bland cookie cutter development that's gone on over the past at least ten years and as recently, as you said, about two years, so I am glad to see this going on. If this gets approved, I will be thrilled to see it.

Thank you.

COMMISSIONER COHEN: Thank you.

CHAIRMAN AIBEL: Anybody else from the public wish to comment?

Seeing none, can I have a motion?

COMMISSIONER BRANCIFORTE: Motion to close the public portion.

COMMISSIONER GRANA: Second.

CHAIRMAN AIBEL: All in favor?

(All Board members voted in the affirmative.)

CHAIRMAN AIBEL: Board members, open it up for deliberations.

MR. GALVIN: Did you want to say anything?

MR. MATULE: Yes.

I was just going to say, Mr. Chairman, with your indulgence, I have been listening to Ms. Banyra's comments concerning lot coverage, and I would like again your indulgence a couple of minutes to address that issue with my client, to see if I can give some response to that before the Board gets into their whole discussion of the application.

VICE CHAIR GREENE: Want to take a five-minute break?

COMMISSIONER COHEN: How long of a break?

MR. MATULE: Five minutes.

CHAIRMAN AIBEL: I would really like to push forward here.

I don't want anybody to leave the room. You guys go out and do what you need to do.

Three minutes --

MR. GALVIN: We are going to take a break out at the end of this case, so --

MR. MATULE: I will try to make it two

minutes.

(Short recess taken.)

CHAIRMAN AIBEL: Back on the record.

MR. MATULE: Thank you, Mr. Chairman, for the opportunity to confer with my client.

I have spoken to my client and with the architect, and the consensus is that we could reduce the lot coverage by an additional ten percent, which would reduce the size of the units by approximately ten percent, which would bring the lot coverage down to 72 percent on those upper four floors rather than 80 percent, and still make the units work as family-friendly units.

So, you know, based on that, we would like to amend the application to reduce that 80 percent lot coverage on the upper four floors to 72 percent.

(Board members confer)

MR. GALVIN: You can discuss it or you can move into, you know, I am saying -- you are asking us to permit them to amend it.

If you want to permit them to amend it, then the next question is: Do you need to see it, or are you okay with just --

MS. BANYRA: Or you are just going to

talk about what was just proffered.

MR. GALVIN: This amendment.

COMMISSIONER BRANCIFORTE: What ten percent is --

CHAIRMAN AIBEL: Hum, you know, we will deliberate, and in light of the amendment that is offered, I have difficulty with it, because (a), I think it is -- I can't understand what the impacts are of the small reduction on the upper floors. I have other concerns that I will express during deliberations. But procedurally, I am just not entirely sure whether we are now debating something that we have not seen in plans and designs.

MR. MATULE: I mean, just so we are clear, there is only one way they can reduce the size of the building, and that is making it less deep. In other words, move the rear wall further to the south.

CHAIRMAN AIBEL: What advantage is that going to yield?

MR. MATULE: Excuse me?

CHAIRMAN AIBEL: What advantage or benefit is that going to provide other than --

MR. MATULE: It is going to create a further separation from the building immediately to

the north and theoretically create at least more open space.

CHAIRMAN AIBEL: So the north side of the building would be reduced by ten percent on the upper two floors? Is that what the proffer is?

MR. MATULE: Upper four floors.

The entire upper four floors, the entire residential portion of the building would slide back ten percent.

MR. MINERVINI: Which is six feet.

MR. MATULE: Which is six feet?

MR. MINERVINI: Yes.

So the upper floor dimension right now is 58, as I recall, if you remove six feet off the building approximately here, if that were a straight line.

COMMISSIONER DE FUSCO: Would that move the parking curb cut six feet closer to the intersection?

MR. MINERVINI: No. The parking doesn't move because the back wall is on the Jory building is on top of here anyway, so more than likely it will now line up with the rest of the buildings.

COMMISSIONER BRANCIFORTE: So you are

talking about the six feet, but removing six feet starting on the second floor?

MR. MINERVINI: The second, third, and fourth and fifth.

MR. MATULE: Frank, to maybe make it clearer, on Sheet Z-5, for example, the proposed second floor, you are showing approximately 14 feet two inches from the rear wall of the building --

MR. MINERVINI: That would become 20 feet --

MR. MATULE: -- so that would become 20 feet two inches?

MR. MINERVINI: Yes. The back wall would be 20 feet from the lot line. This dimension would be 20 feet.

MR. GALVIN: You guys have anything else, or that's it?

MR. MATULE: That is it.

MR. GALVIN: Thank you.

Appreciate it.

MR. MATULE: Thank you for the opportunity.

CHAIRMAN AIBEL: Board, I would like to open it up for deliberations.

Does anybody want to start off?

Mr. Grana?

COMMISSIONER GRANA: I will go first.

I struggled with this project because I actually think there are many elements to it that I think are quite good. I think that the fact that we are maintaining the mix of uses is a positive for that community, that we are introducing family-friendly architecture into that community is also a positive.

I also think that the lot is, you know, there is hardship associated with that lot, and I think some of the proofs around the variance in that space makes sense.

I will just be candid and say that a lot of testimony has been given from an architecture and planning perspective that introducing both architecture into the site is an enhancement.

I think it is a lot for a signature structure. I am not convinced this is the right architecture, to be candid and say that.

There was testimony last time and also tonight, particularly last time, about a number of the view sheds that could have been taken into context with any particular architecture, and I don't think those have been satisfied, so I do

struggle with the application, so I would vote no.

CHAIRMAN AIBEL: I will jump in here and add, you know, my thoughts.

I sort of got two problems, and I will start first with the issue involving family-sized units. You know, we all respect and want to promote that valuable benefit to the community, but oftentimes I sense that it is the tail wagging the dog.

In this case I agree with Ms. Banyra. I think we are trying to impose on a very tiny lot these very large units that are not supported by the lot. It is small.

I think the testimony from Mr. Ochab was that it is tiny, and let me segua over to the, you know, other point that Mr. Grana is discussing.

Location, location, it is an issue that cuts both ways. There has been testimony that we ought to have a unique design or an artistic twist, something a bit different in a prominent spot like this. I have, you know, very serious concerns that, you know, we are not enhancing the environment. We are creating, you know, a visual detrimental impairment.

I don't see how the architecture is at

all, you know, consonant with old Hoboken, and I will refer now to one of Mr. Minervini's favorite projects, 300 Washington, in which we got a very, very modernistic design, and in the context of another Board, another evening, decided that it didn't work, and Mr. Minervini came back with an absolutely gorgeous, in my view, design for 300 Washington. I sort of feel the same way about this site.

It is right across from the park. It is going to be basically either an eye catcher or an eyesore, but it is going to be a building that in my view is really, you know, a building that is sort of built on steroids in a very small, small space at the corner of a lot, and I have some other problems with the bulkhead and some of the other issues.

I think the lot can support the height, so I am not at all offended by the five stories, but on balance I am having a great deal of difficulty supporting the project, notwithstanding some of the very nice things that have been proposed.

Anybody else want to jump in?

COMMISSIONER COHEN: Yes.

CHAIRMAN AIBEL: Mr. Cohen?

COMMISSIONER COHEN: Yes.

I want to offer dissent on the architecture. I think it is an exciting design. I think it is a bold design, and I think it is a benefit to the community. I think it is terrific. That is just, you know, I don't know that we should be the taste board necessarily, the Zoning Board, and different strokes for different folks.

I happen to agree with Mr. Ochab, where he said that if you are debating design in your community that that is a positive thing for your community. I think this is a neighborhood that could use some interesting design, and I think Mr. Minervini has provided that. So I strongly disagree with my comments of my fellow Commissioners with all due respect, because I think it is a case of personal taste frankly, and not a question of zoning. Again, in my view, I do think that they are positive.

My concerns have to do with the lot coverage issue. I appreciate the fact that they have scaled back ten percent on the top floors, but we are still looking at a hundred percent lot coverage on the lot, on a corner lot, where I think that we could introduce some buffer on the sidewalk, but we are going to be creating a new neighborhood,

where I would like to have a softer street scape for people. I have seen other parts of the city that were approved by this Board, where it deals with -- you would have high buildings coming up to the property line, and I think it is not a warm feel. I think with a warm design like this, and I think this is a beautiful design, I think that it could be married with a softer street scape that would allow for a beautiful neighborhood, and I think there is an opportunity to do that.

So on balance, I like this project, but I do have some concerns about the scale of it.

COMMISSIONER DE FUSCO: You know, actually I am happy Phil was the first one to say this, because I thought I was going to be the only one expressing my sincere pleasure with the design of the building.

You know, it reminds me of Gaudi in Barcelona. And when Gaudi first started, you know, building in Barcelona, he was met with a lot of skepticism, and it was not because, you know, he was proposing something bad. It's just because people were not used to seeing it. Sometimes we are not going to move forward unless we have good architecture to force us forward, if you will. And

not everybody is going to like it, but what is going to happen from it is it is going to inspire others.

You know, when Frank eventually hangs up his hat, there is going to be another architect that looks at it and says, yeah, Minervini back in 2014 --

(Laughter)

-- so wait -- here is thing, not to give him too much credit, you know --

VICE CHAIR GREENE: I told you I agree with that concept.

COMMISSIONER DE FUSCO: -- this is an opportunity in a very distinct area to do something that is distinct, and this is what it is doing.

Architecture aside, sometimes I question family-friendly units in terms of positive criteria, but recently I noticed a number of colleagues, friends coming from urban areas to Hoboken, looking for places, and they can't find them. As such, we are losing families to other neighborhoods. Jersey City, Weehawken are two that come to mind. So family-friendly is an increasingly important criteria, and I think this one does embody that.

My only issue is the parking, but I am

two-sided on the parking, because if I am going to come, you know, as a family into this building especially at the exit of town, I want to be able to take my family, you know, out of town quickly.

So I am eager to hear what everybody else has to say obviously about the architecture, about the parking.

Height-wise, I think it definitely sustains the height, and I am happy that they agreed to size back the building. I think that is going to be a benefit to the building to the north.

I also think that the green wall along the driveway will be helpful. You know how I feel about green walls. And the plantings above the garage definitely soften the blow. I am 50/50 on the garage, but I think I could be persuaded on that.

CHAIRMAN AIBEL: Anybody else?

COMMISSIONER TREMITIEDI: Yes.

I think the positives of this building outweigh the negatives.

And being probably the one with the longest longevity in the city due to my age, I was kind of shocked with the architectural design. But I looked at it again, and I said beauty is in the

eyes of the beholder, and I sort of agree. You have to try it. You might like it.

That is all I would like to say.

COMMISSIONER MC ANUFF: I support the project as well. I think the design is something that Hoboken needs. It is innovative. It's something that's not seen elsewhere. It will be a beacon to the area.

As far as the parking goes, I think what they have here is an improvement of what is existing, which is open parking. They did make an effort to enclose it and put a roof deck above it. And as far as the zero lot line, that is what is existing. It doesn't bother me that the front and sides are still at zero lot line.

COMMISSIONER FISHER: Hum, I --

CHAIRMAN AIBEL: Ms. Fisher?

COMMISSIONER FISHER: -- Yes.

My view -- I am taking a little piece from everyone -- I agree with Phil and that it would be great to have a --

VICE CHAIR GREENE: Speak up.

COMMISSIONER FISHER: -- it would be great to have a softer front line in the building. If they are thinking about scaling back and

addressing lot coverage, maybe there is an opportunity to do actually something on the front, and not the back, even though I highlight that the back is a concern.

I don't have any issue with the height at all given the area -- I actually used to live at 72 Jackson a long time ago, so I am familiar with the area, and I think height-wise it probably fits.

I am going to disagree about the architecture because I actually do think this isn't up to our own view. There is a master plan that says it is looking for bold architecture that takes into consideration old Hoboken, so it really is up to us to take that into consideration when they are building a building from ground up, and I just don't think they did that here.

To Chairman Aibel's point, I wasn't here when whatever you are referencing at 300 Washington, but taking an opportunity to go back and peel some of the sharp edges off of this and make it a little bit softer and flow a little bit more with the Hoboken community, I would say, you know, would be a great exercise, and ultimately would end up making it more of a net positive, where there would be many more positives that outweigh the negatives,

so I am not voting, but if I were voting I would not support it.

VICE CHAIR GREENE: I guess I have not spoken.

It is interesting that even though Commissioner Cohen and Commissioner Fisher said different things, they sort of said the same thing talking about softening the impact.

On alternate days I love and hate the architecture or the design of the building, and I think that is evocative and I think speaks to what Mr. Ochab was talking about, because it becomes a conversation piece. But I think there is too much impact. It is in your face. It is stark, and given the scale of the project, I think on measure that I can't support it. I would like to. I think the interior design is very interesting. I think it does to me represent something that is family-friendly. I agree that the parking is an essential part of the whole project,

I wish I could find a way to take that six feet from around the building as opposed to just from the rear. Taking it from the back doesn't soften the impact from the street view at all, in my view, and I don't think I can support the project.

CHAIRMAN AIBEL: Did everybody get a chance to offer an opinion?

Diane?

COMMISSIONER MURPHY: I am in agreement with you in that I feel like I wish we could take a little bit of that space and soften it around the sides. The back end of it, the depth the way you are proposing doesn't bother me at all. The height, the stories, there is part of me that wishes I could live in one of these apartments.

(Laughter)

The garage doesn't bother me, but I feel like when I was first reading the transcript, I thought to myself, oh, my God, we are going to make a decision about a lot that people are coming into Hoboken. And when I saw the pictures tonight, I was like "woo," so I feel like it is a little too strong, but the rest of the components I am for, so there you go.

CHAIRMAN AIBEL: Thanks.

VICE CHAIR GREENE: Can I add one other thing?

CHAIRMAN AIBEL: Yes.

VICE CHAIR GREENE: I might add just one other thing.

I note, and I am not holding against this project the fact that it is not part of the larger project, but I can't help but think the combined lots could create something that is both visually appealing and from a planning perspective less impactful, and I just think it is unfortunate that there could not have been a meeting of the minds, so that Mr. Minervini could have worked on one large pallet as opposed to two smaller pallets.

CHAIRMAN AIBEL: Mr. Branciforte?

COMMISSIONER BRANCIFORTE: Well, I was thinking the exact same thing. This reminds me of Barcelona and Gaudi's architecture.

You know, this is going to a building that when you pull into town, you are going to see it every day. If you don't like it, and you have to see it every day, it is not going to be very, you know, it's not going to be, you know, welcome to town if you are driving by a building and just shaking your head every day.

So sometimes you have to have blind faith in the architect and say, okay, I will give him the benefit of the doubt and see what happens, but this is a lot for this corner to welcome you into town.

Some day I would like to just take a bike tour of all Frank Minervini's buildings in town and see how they turned out, and see, you know, it is always interesting when you approve a building and then you see it up five years later, and you think, is that what we approved?

It is not as bad as I thought it was going to be, or even worse than I thought, but it is blind fate.

(Laughter)

You have to take a leap of faith on architecture.

Anyway, I do want to say just one thing about the idea of family-friendly and whatnot. I get it. We need to retain families and stuff, but the idea that these units are going to be so expensive that no kids could ever live there. A bunch of kids straight out of college could never live there, I think is a little misleading because I think I have seen in the past lots of five or six or eight kids, and I did it when I went to Jersey City. We had eight people in a three-bedroom apartment, and nobody ever got a moment to sleep in that house, and neither did our neighbors, so this could even turn into a five-bedroom unit, and you could easily

stick seven, eight, nine people into this apartment at, you know, $1200 a month each, so it could go from a family-friendly unit to a fraternity-friendly unit.

(Laughter)

But I am still up in the air that I don't know how I am going to vote.

That is all I have to say, Mr. Chair. Thanks.

CHAIRMAN AIBEL: Thank you, John.

Well, I think we are at that critical point.

Does somebody want to make a motion to approve or --

VICE CHAIR GREENE: Don't we have to discuss the conditions, if it were to be approved?

MR. GALVIN: There are only two that I have in this case.

One is that the commercial space is to have manual flood walls.

Two: I would imagine based on your proffered amendment, the Board has to decide if they want the plan to be revised to reduce the lot coverage on the upper four floors to 72 percent as described by the applicant at the time of the

hearing.

MS. BANYRA: There is a third one.

We need a revised survey because we are not sure that the elevations are correct based on the survey that was provided, and that's what I think Jeff addressed earlier.

MR. MATULE: I thought we had resolved that issue.

MS. BANYRA: No.

MR. MATULE: Because of the difference in the scale. I had Caulfield go out and look at it twice --

MS. BANYRA: Yeah. We didn't get a different survey, and I think the crosswalks we talked about at the last meeting and the light posts and everything, so I think there's --

MR. MATULE: The green wall also.

MR. MARSDEN: There is a lot of existing features that are not shown on the maps that have to be, because they may be conflicting with something you proposed.

MR. MATULE: Mr. Galvin, since you are putting conditions in there, we had amended the plan also to put a green wall on the north wall of the garage.

(Board members confer)

COMMISSIONER BRANCIFORTE: Do we need to make the water retention or the water -- the flood proofing or whatever you want to call it part of the conditions, or is that just part of the architectural design?

MR. GALVIN: That is why I put in the manual flood walls.

COMMISSIONER BRANCIFORTE: Oh.

MR. MARSDEN: Can I just ask for one clarification on that?

Frank, the building is going to be dry flood proofed?

THE WITNESS: Correct.

MR. MARSDEN: Okay. So the only walls you're going to be putting up is in front of the doors --

THE WITNESS: Where the openings are, correct.

MR. MARSDEN: Okay. The windows are going to be --

THE WITNESS: Going to be able to withstand hydrostatic pressure.

MR. MARSDEN: -- okay. That's what I was concerned with

MR. GALVIN: You know, in this case I just didn't pick up anything. We weren't talking about, you know, because there is no garage, so there is no charging station. There's no bicycle parking --

MS. BANYRA: There is a garage.

MR. GALVIN: -- no, but I mean like a major parking garage --

COMMISSIONER BRANCIFORTE: You know, it is a small garage. It's only two units, so if somebody wants to put in a car charger, they could easily do it.

COMMISSIONER COHEN: It is in the design.

COMMISSIONER BRANCIFORTE: Oh, is it?

MR. GALVIN: And that may be why I didn't write it down either, because it was testified to. It is possible.

MS. BANYRA: It is possible.

CHAIRMAN AIBEL: Everybody sorted out here?

MR. GALVIN: Yes. I have nothing else to give you guys.

CHAIRMAN AIBEL: If somebody will make a motion to approve or deny.

COMMISSIONER DE FUSCO: I will give it a fighting college try.

I am going to make a motion to approve this building with the conditions just outlined.

COMMISSIONER COHEN: Second.

MR. GALVIN: It needs five affirmative votes to be successful.

MS. CARCONE: Okay.

Commissioner Greene?

VICE CHAIR GREENE: No.

MS. CARCONE: Commissioner Cohen?

COMMISSIONER COHEN: Yes.

MS. CARCONE: Commissioner DeFusco?

COMMISSIONER DE FUSCO: Yes.

MS. CARCONE: Commissioner Grana?

COMMISSIONER GRANA: No.

MS. CARCONE: Commissioner Murphy?

COMMISSIONER MURPHY: No.

MS. CARCONE: Commissioner Branciforte?

COMMISSIONER BRANCIFORTE: No.

MS. CARCONE: Commissioner Aibel?

CHAIRMAN AIBEL: No.

MR. GALVIN: Can I ask for another motion in the negative?

CHAIRMAN AIBEL: Okay. Can I have a

motion to deny the application?

VICE CHAIR GREENE: I will move it.

MR. AIBEL: Could I have a second?

COMMISSIONER BRANCIFORTE: Second.

CHAIRMAN AIBEL: Thank you.

MS. CARCONE: Who was the second?

MR. GALVIN: Mr. Branciforte to deny.

MS. CARCONE: Commissioner Branciforte to deny.

Commissioner Greene?

VICE CHAIR GREENE: Yes.

MS. CARCONE: Commissioner Cohen?

COMMISSIONER COHEN: No.

MS. CARCONE: Commissioner DeFusco?

COMMISSIONER DE FUSCO: No.

MS. CARCONE: Commissioner Grana?

COMMISIONER GRANA: Yes,

MS. CARCONE: Commissioner Murphy?

COMMISSIONER MURPHY: Yes,

MS. CARCONE: Commissioner Branciforte?

COMMISSIONER BRANCIFORTE: Yes.

MS. CARCONE: Commissioner Aibel?

CHAIRMAN AIBEL: Yes.

MR. MATULE: Thank you.

CHAIRMAN AIBEL: Okay. We will take an

eight-minute break.

(The matter was concluded.)

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.
Dated May 1, 2014
This transcript was prepared in accordance with NJ ADC 13:43-5.9.

CITY OF HOBOKEN

- X
1312-1318 ADAMS STREET :
BLOCK 113, LOT 23 : Special Meeting
Applicant: 1323 Adams, LLC : April 29, 2014
(Continued from 3/18/14) : Tuesday 9:40 p.m.
Preliminary Site Plan, C&D Variances :
- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel (Recused)
Vice Chair Elliot H. Greene
Commissioner Phil Cohen
Commissioner Michael DeFusco
Commissioner Antonio Grana
Commissioner Diane Fitzmyer Murphy
Commissioner John Branciforte
Commissioner Tiffanie Fisher
Commissioner Owen McAnuff
Commissioner Richard Tremitiedi

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

Eileen Banyra, Planning Consultant

Jeffrey Marsden, PE, PP
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E X H I B I T S

EXHIBIT NO.	IDENT.
A-6	146

VICE CHAIR GREENE: Okay. We're back from the break. It turned out to be 20 minutes, not eight minutes. But nevertheless, it is a continuation of a hearing for 1312 Adams Street.

Mr. Matule?

MR. MATULE: Good evening, Mr. Vice Chairman.

VICE CHAIR GREENE: Also, Mr. Matule, I just wanted to inform you that we intend to break at eleven.

MR. MATULE: Well, I certainly hope we are done before then.

VICE CHAIR GREENE: Okay. That's good.

MR. MATULE: But we will try to move along with alacrity.

Robert Matule, appearing on behalf of the applicant.

This is a continuation of a hearing that we started on March 18th. At that time we heard some testimony from the applicant about the history of the site and the environmental remediation. We also had the testimony of our architect and our planner.

When we adjourned on the 18th, we were about to have the applicant come back to talk to --

there was some discussion about specific questions, Mr. Greene, among others, about the relevance of the size of the building and the number of units to the affordability aspect I would say and how the design of the building evolved.

I discussed this with the Board's counsel earlier off the record. I know generally speaking, we do not put in economic testimony in zoning hearings.

I think this is a little different situation because under the terms of the affordable housing set aside ordinance, one of the mandates of that ordinance is that the applicant show, if you will, the rational link between the amount of density they are asking for and the affordable units they are providing. Even though it is a simple formula of ten percent, you have to be able to formulize how you are paying for that.

So without getting into a big economic discussion, but addressing it broadly in terms of the size of the building and the density of the building, I would like to bring Mr. White back up and have him address that issue.

MR. GALVIN: Let me just say a couple of things.

One: I just wanted to give the Board my view. I generally don't think it is an appropriate or it's normally not an appropriate issue to consider the developer's economics of how a project is affordable or not affordable.

I do agree with Mr. Matule that our affordable housing ordinance is structured and does talk about the economics of it, because we want to encourage, if we are going to approve this project, we will get ten percent affordable housing, and the object is that the law kind of requires that the developer benefits from the fact that they're supplying, you know, get a benefit from their providing the affordable housing.

But what I want to caution against is then getting into other components of the economics of the case. In other words, you can ask questions of the witness regarding what he is testifying to, but just -- I don't know where it sometimes leads to.

Like I have had testimony in the past, where somebody was going to be brewing, like a beer facility, and the guy was a brewer, and they spent an hour talking about his credentials and what a good guy he is, and I had a new Board member and he

wanted to ask if he had any criminal convictions. The reason why you do that is because based on the testimony you hear, it prompts questions.

What I am saying is try to limit your questioning of the economic testimony, but I think it is appropriate for the applicant to put it in. Okay?

MR. MATULE: Thank you.

MR. GALVIN: Let me add just one other thing.

What Board members reviewed the transcripts and are here?

MS. CARCONE: Commissioners Cohen, Murphy and Branciforte.

MR. GALVIN: Okay. Good?

MR. MATULE: Fine.

MR. GALVIN: All right.

MR. MATULE: I also have the architect here on the off chance they have any architectural questions.

Mr. White, if you could come up.

You have previously been sworn.

J E F F R E Y W H I T E, having been previously sworn, testified further as follows:

MR. MATULE: In the context that I was

just addressing the Board with, if you will, one of the things that we are required to demonstrate or you are required to demonstrate as an applicant is, to quote the ordinance, a rational nexus between the proposed density bonus or compensatory benefit and the number of affordable housing units provided.

In this particular case, it is not a density bonus per se because we are not in a residential zone, so it is not that we are allowed X units, and we're asking for Y, but it is an overall component of the plan.

So if you could just kind of address the Board on how you came up with the density to satisfy your affordable housing component, and we will see where it goes.

THE WITNESS: Thank you.

There were several questions last time regarding how the configuration of the building came about, the height, the density.

We talked about context within the neighborhood across the street being the redevelopment zone, the park next door, and many other factors and many other attributes, how I got to this. But one of the largest facts driving this, and specifically there was an extra floor question.

I think there was some idea that a six-story building would be more contextual with the redevelopment zone across the street.

In my opinion, the way this building stands alone next to the one-story building, there is also a one-story retail strip center here, and the future proposed park next door, and to the south and across the street and to the west as well, I think contextually it works out quite nicely and quite beautifully.

Also, the fact that it is in the I-1, which allows for 80-foot buildings at this time. But more importantly and more impactful is the fact that this is the first building to my understanding under the new affordable housing ordinance.

The reality of the cost factors of supplying housing and particularly affordable housing are significant. And for 20 plus years I have given testimony before Boards, I have never been allowed to talk about financials, and I will not go too in-depth, but just to give an understanding of the cost of affordable housing and units in general, and the numbers that I will be presenting are all in my application already.

I actually have copies. I don't know

if Mr. Galvin will allow me to hand out copies to Board members of what I will be referring to and testifying to.

MR. GALVIN: We will mark it.

What is your next exhibit?

MS. CARCONE: A-6.

MR. GALVIN: Awesome job.

MR. MATULE: A -- excuse me?

MS. CARCONE: A-6.

MR. GALVIN: Somebody has to know what the number is. Pat knows.

MR. MATULE: So I am just going to mark one A-6 and give it to the Board Secretary for the record.

(Exhibit A-6 marked.)

But if you could, Mr. White, just tell us what it is.

THE WITNESS: What this is, there are two parts to this. It is very simple. This is what was submitted as per the requirement under the affordable housing ordinance as to the cost and benefit of affordable housing.

If you go to the second page, this is very simple. All of the numbers used here are taken from August, which are industry standard numbers and

actual projected costs. The second page is quite simple.

If you look at the cost of this entire building to be built, it includes the acquisition of the land, the significant remediation that has gone on, and the hard cost of construction. The total cost to build this building right now is projected to be at $27.8 million.

The cost of the affordable housing component with its associated common area numbers with it, just for the seven affordable units, the cost is $2,961,000.

So when these units are completed, these seven units along with the rest, if the Board sees that it is fit to do that, the value of those units based on the rent that will be collected, which you won't see, if you could refer back to the page one, the value will be approximately $701,000. They will literally instantly lose $2.2 million.

The way you come to that number is because they will only generate about $35,000 a year in net rental income.

The industry standard is what is called a five cap or five percent rate of return. If you take the $35,000 and divide it by the five percent

rate of term, it is $700,000 capitalization rate. Now, that is an industry standard. If I were to sell this building completed, whoever was buying it would look at that and say, you would generate $35,000. It's worth $700,000. That's just the way my business works, so they literally instantly lose $2 million, $2.2 million.

The other significant component of the cost of these units is they are ongoing operations.

If you look on page one in the center column, you will see these are all standard costs of the operations of the building once it is done, and they are all allocated per building -- per unit. It is all here.

The actual cost to operate these units, once they are done with that, is a negative $107,000 a year. So they lose $2.2 million dollars or they cost 2.2 million. It costs 2.2 million to build them from this development, and they continue to lose $107,000 a year from year one. That will change slightly as the numbers tick up over time, but in essence, the significant cost is the real reason for showing you what these numbers are. And because of the significant cost, to work this building with all of the other amenities that I plan

to put in, all of the environmental friendly and modern amenities that these type of buildings demand, it is a significant cost benefit analysis, and to pay for that, six extra units. One of those is an additional affordable.

So really if I were to compare this to the redevelopment zone, this would be a 60-unit building. 60 units would comply 100 percent with the density of the redevelopment zone.

So, in essence, I am asking for six extra units. One of those extra units will be an affordable unit, so that is the reason for the top floor for the additional height.

MR. MATULE: So the 66 units, seven of which will be affordable, if you only have a-six story building, and you lost those 11 units, it would not make --

THE WITNESS: Well, I wouldn't propose losing 11 units -- I would then go to five above one and say 60 units, which is what is allowed under the redevelopment zone.

However, of course, everything would be diminished by 1/7th of the building. It would diminish everything by about 12 percent. All units would shrink in size by about 12 percent. There may

be other -- because I would only lose one affordable unit, but I would lose five profit-generating units to help support those units, so it is significant.

The numbers that you see before you are real world numbers. So contextually, I don't think -- I mean, it is my opinion, the additional floor has that great of an impact particularly from where it stands.

The Palisades behind, the one-story building to the north, the proposed park, which is going to have, of course, the green wall, the green roof. We have got other significant environmental friendly mechanicals going into the building. Of course, it is a complete modern building, and we talked about the site being what it was, an old industrial site, fallow as it sits now, with not much use.

There is a large day care center here now in this building, so high traffic. An industrial or commercial use in here, I don't think makes any sense.

I also talked about last time how I am -- by proposing mezzanine space here now and I want to come back if this building is approved, and when this park is installed, because I believe the

northwest area has to have this park, and anything and everything should be done to have a park here. Of course, it is in the master plan and everywhere else. But I hope to come back and have this approved by this Board or whatever Board I have to, to build retail to service this park.

We do have some drawings, and I know I submitted them, and we talked about it last time, but I think it would be a very great benefit for this park, a bike shop here, and maybe an ice cream or soda shop next to that as well. So that is all in the future, and that is all supposition, but that is the plan that I have for this site.

MR. MATULE: All right.

COMMISSIONER FISHER: Can I ask a question?

THE WITNESS: That was specifically, Commissioner, you had asked how I came to that number in height, and I wanted to answer you. I wasn't sure I could talk about the economics of it last time either.

VICE CHAIR GREENE: Well, I am glad that counsel agreed that you could.

Thank you.

Commissioner?

COMMISSIONER FISHER: Can I ask a question just on your numbers?

THE WITNESS: Sure.

COMMISSIONER FISHER: In simple terms, if you look at the bottom right-hand corner --

THE WITNESS: Page one?

COMMISSIONER FISHER: -- you are effectively -- page one -- you're effectively, if you were not putting the additional six on, you would take five off of the 59 and one off of the seven --

THE WITNESS: Correct.

COMMISSIONER FISHER: -- and you take six --

THE WITNESS: Yes.

COMMISSIONER FISHER: -- so it is effectively taking about ten percent off that bottom right hand-corner number --

THE WITNESS: You're talking about this net number here?

COMMISSIONER FISHER: The 227, yeah, the 227.

So you would take maybe 22 off of it, and you would still be at a positive 205?

THE WITNESS: I could rework that

number, but it would be more significant than that because the marginal impact of the four property units is much higher. You can't just take off -- I will give you an example.

A for-profit unit will rent for -- a two-bedroom, say 3200. Where as if I took off a two-bedroom low affordable, it loses $761. Let me just give you those numbers, too.

So the rent collected for a one-bedroom is $445 a month. This will change slightly. It changes every quarter depending on COA and other factors, but this is the numbers as when I submitted the application, which was done with Shirley Bishop, the city's affordable housing consultant.

A two-bedroom grant is $761, a three-bedroom is $872.

Now, the commercial rents are significantly higher than those, and the cost to build them will never be recouped. They will literally lose $2.2 million, not that the whole project will lose, but the cost will never be recovered on the affordable housing.

You are going to come up against this. Hopefully, I think this building should be a template for future buildings and large developments

in Hoboken. I think without receiving a dime of any county, state or federal money or pilot money, this is the future if the town really wants affordable housing because of the extreme cost of it.

COMMISSIONER TREMITIEDI: No pilot?

VICE CHAIR GREENE: Any other questions?

COMMISSIONER TREMITIEDI: No pilot, right, sir?

THE WITNESS: No pilot, no county money, no state money, no federal money. It is 100 percent commercial driven.

These units will also in perpetuity, there will be a deed notice on these. They can never be changed. They will always be affordable units, no matter generations to come --

MR. GALVIN: We are not a hundred percent sure about that.

THE WITNESS: Well, according to the ordinance, I have to put a deed notice.

MR. GALVIN: I don't know what the time limit is. Sometimes they have a time limit.

MR. MATULE: I know some of them have 30 years, but I don't think there is anything in our ordinance.

THE WITNESS: I have never seen anything in our ordinance that says that --

MR. GALVIN: I haven't looked that deep at it, but in other communities I know there's a -- most of the affordable housing restrictions have that, but I understand --

THE WITNESS: It is significant.

MR. GALVIN: -- for my purpose, I won't be here, so --

(Laughter)

MR. GALVIN: -- hopefully I will be here, but not in Hoboken.

(Laughter)

COMMISSIONER COHEN: What is wrong with Hoboken?

MR. GALVIN: Nothing.

Can I come stay at your house?

(Laughter)

I will be applying for the affordable housing.

(Laughter)

COMMISSIONER MURPHY: I just had a question, and I don't know if I am even allowed to ask questions, but has the land cost here and the same family here owns the land, right, for three

generations?

THE WITNESS: No. I own the land.

COMMISSIONER MURPHY: Oh, you bought it from them? They don't own it any more --

THE WITNESS: I purchased it from the Cristello family, and that is the price I paid for it.

COMMISSIONER MURPHY: Pardon?

THE WITNESS: That's the price I paid for it.

COMMISSIONER MURPHY: Okay. I'm just -- I thought the family still owned it. I thought I read that in the testimony, so...

MR. MATULE: If I might, Mr. Chairman, for the record, I am looking in the ordinance. Basically it says: The controlled periods shall be in accordance with NJAC 5:80-26.11, but shall be for a minimum of 40 years, so we know what the minimum time period is.

MR. GALVIN: Okay.

(Board members confer)

VICE CHAIR GREENE: Any other questions?

COMMISSIONER BRANCIFORTE: Again, you know, I don't know if I am going out of bounds here,

but --

VICE CHAIR GREENE: Counsel will tell you.

COMMISSIONER BRANCIFORTE: You mentioned the remediation.

I don't know how to ask it, so I will just ask. I mean, who paid for the remediation?

THE WITNESS: It was split between me and the previous owners. It is still ongoing as a matter of fact.

MR. GALVIN: But the figure you are including is what you paid?

THE WITNESS: Yes, just my cost. The numbers presented here are my costs.

MR. GALVIN: So that is a fair question.

COMMISSIONER BRANCIFORTE: Then who is MRC Properties?

MRC Properties, I am not looking there. I'm sorry, Mr. White. I am looking at your application.

THE WITNESS: MRC I think was the previous owner.

Is that possible?

I think they were the previous owner.

MR. MATULE: Let me look at the application, and I will see if I could get you a specific answer.

COMMISSIONER BRANCIFORTE: On the application, Page 13.

MR. MATULE: At the time the application was filed, Mr. White was not the owner of the property. That is why we needed to get the owner's consent to file the application.

COMMISSIONER BRANCIFORTE: All right. I was confused about that. I was wondering about why that was.

So now he owns it outright?

THE WITNESS: Well, me and the bank.

(Laughter)

COMMISSIONER BRANCIFORTE: Okay.

VICE CHAIR GREENE: Anyone else?

Commissioner Cohen?

COMMISSIONER COHEN: No.

VICE CHAIR GREENE: Thank you.

THE WITNESS: Thank you.

(Witness excused)

MR. MATULE: Okay. On that note we will have our traffic expert come up and talk about the traffic.

MR. GALVIN: Mr. Staigar, raise your right hand.

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

MR. STAIGAR: Yes, I do.

J O S E P H S T A I G A R, having been duly sworn, testified as follows:

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

THE WITNESS: It's Joseph Staigar, S-t-a-i-g-a-r.

MR. GALVIN: All right. Mr. Staigar is well-respected as a traffic expert and has appeared here previously.

Do we accept his credentials?

VICE CHAIR GREENE: I think we can.

MR. GALVIN: Yes.

MR. MATULE: Thank you, Mr. Chairman.

Mr. Staigar, you are familiar with the proposed project, correct?

THE WITNESS: Yes, I am.

MR. MATULE: And you prepared a traffic report originally dated July 1, 2013?

THE WITNESS: Yes.

MR. MATULE: And it was subsequently -- I'm sorry, I will go in reverse order.

It was originally dated April 9th, 2013, and then it was revised July 1, 2013?

THE WITNESS: Correct.

MR. MATULE: Has it further been revised since then?

THE WITNESS: No.

MR. MATULE: But there has been no change in the makeup of the project, correct?

THE WITNESS: Correct.

MR. MATULE: It was amended to reflect the change from 60 units to --

THE WITNESS: 55 units to 66 --

MR. MATULE: -- 55 units to 66 --

THE WITNESS: Yes.

MR. MATULE: And you updated the report to reflect that change?

THE WITNESS: Yes, we did.

MR. MATULE: Could you go through the report for the Board and discuss the traffic impact of this proposed project?

THE WITNESS: Yes.

We are familiar with the area, and luckily in the preparation of this report --

MR. GALVIN: Wait a minute. Time out for a second. We are looking for the revised traffic report, and we are without it.

COMMISSIONER BRANCIFORTE: Revised July 1st, 2013?

COMMISSIONER DE FUSCO: March 25th, 2013.

MS. CARCONE: March 25th. No, but it was received March 25th.

VICE CHAIRMAN GREENE: No. Received March 25th. It's revised July 1st.

MS. CARCONE: July 1st, that was the latest one, yes.

MR. MATULE: Are we clear?

(Board members confer)

MS. CARCONE: What do you need?

MS. BANYRA: Just can you pass down --

MS. MARSDEN: We need an extra copy.

MS. CARCONE: On the traffic?

MR. MARSDEN: Yes.

MS. BANYRA: Yes.

MR. GALVIN: We want everybody paying attention, and I didn't think we had that, so...

MR. MATULE: Okay.

THE WITNESS: And I will go through the

report page by page just to briefly paraphrase it.

The introduction just gives a general introduction of the project, which consists of 66 residential units, 1400 square feet of commercial office area.

Page 3 talks about the description of the roadway system in the area and what the existing use is. On the bottom of Page 3, a discussion about the existing volumes.

We took most recent counts on March 26, 2013 and March 27th, 2013 between seven a.m. and nine a.m., four to six p.m., typical peak hours, rush hour peak hours.

Now, at the time the Viaduct was already under construction. Jefferson Street was closed. Traffic conditions were not what they were or will be in the future.

So luckily we did have traffic counts from 2009 and 2011 along 13th Street, Jefferson Street and at 15th Street, so we used those to determine what today's conditions would be in terms of traffic.

We applied an annual growth rate of 2.25 percent, which is the DOT historical data for Hoboken for these types of roadways to bring them

from 2011 to 2013 when we prepared the report. Later on you will see that we adjusted it further to account for future growth.

We analyzed the intersections -- I'm on Page 4 -- in the area, and the analysis resulted in Level Service B, for "better," so it was in the realm of A and B.

As in grade school, levels of service, operational conditions for intersections when we model them and input the volumes and the number of lanes and turning movements and so forth range from A through F, and we are in that upper range of A and B. The reason being is that traffic volumes in this area have been and are relatively light to allow for those good levels of service.

The second aspect is the trip generation on Page 5.

66 residential apartment units and 1400 square feet of office would generate 36 trips in the morning peak hour and 43 trips in the p.m. peak hour.

We have adjusted that further, because those are suburban rates. Those are rates that you might see out in Morris County and Hunterdon County and in suburbia in New Jersey, and we know that

Hoboken is particular in the sense that it is an urbanized area, that many of our residents rely upon mass transit to do their commutation. We used the U.S. census data to account for that reflection of Hoboken.

We have tested the Hoboken rates. We sat at driveways in some of your apartment buildings here in the city and sat there and counted cars in and counted cars out, how many units are in those buildings, and they are very much lower than this Table 1 on a rate basis, number of trips per rate.

And if you turn the page to Table 2 on Page 6, it accounts for that adjustment, and that adjustment is what we expect from this development about 17 -- well, 17 trips in the morning peak hour and 20 trips in the evening peak hour.

Now, these are hourly rates. This isn't -- 17 trips are not the only number of trips. Those are the peak hour, 7:30 to 8:30 in the morning. Certainly before that time and after that time, you would have additional trip generation, but these are the peak hourly rates which we analyzed.

On Page 6, we talk about the trip distribution, what we think that -- what we

projected the traffic would be oriented to and from the site, the number of arterials and the tractors in the area that would allow for the distribution of that -- of those 17 and 20 trips.

And on Page 8, we accounted for, again, an additional 2.2 percent increase in the background growth rate of traffic volume.

We know that as years go on, traffic will increase existing volumes, and then we superimpose the site traffic onto existing traffic and come up with basically the same levels of service. We don't have any degradation. We will continue to operate at those levels of Service A and B at those intersections.

One thing we did not account for, and rightfully so, because it is not in use, but that former use of that property, the existing development of that property is an industrial use, and that potential for that trip generation is being taken away and being replaced by the 20 trips that will be generated by the site. Relatively no truck traffic being generated by the proposed use or certainly what the industrial use did generate.

That was the essentials of the study that we did of the roadway network.

On Page 9, we talk about the site access and circulation. One thing we do is we go through projects like this. We will work with the site with their engineer or architect in making sure there is adequate, safe ingress and egress, internal circulation on the site and sufficient parking, make suggestions and recommendations and work hand in hand with the design team.

And Page 9 has that breakdown of what we looked at. Certainly the layout is more than sufficient and safe, ingress and egress, the internal circulation. We have a relatively minor parking variance in that there are 61 spaces proposed and 70 required per your ordinance.

Of the 70 that are required, four are required for the office, and so at least those four parking spaces will have a shared parking arrangement.

The residents really don't need that additional parking during the day when the office needs it, and the office use doesn't need it at night when the residents do need it, so you have that sharing of parking for those four spaces.

We also reviewed the census track. The U.S. census track gives data on the number of

vehicles available per unit for apartment units. That rate for this census track that the site was located in is .8 vehicles per unit times the 66 units that are proposed, 53 parking spaces are what is projected.

The one other mitigating factor here is that we are adding an addition of three parking spaces on the street by the removal of existing driveways, so all of those factors claim to account -- I certainly believe that the 61 spaces that are being provided will be more than adequate for the 66 units and the 1400 square feet of office that is proposed.

If you flip back to the figures, it will help you understand some of the input that went into it. There is a Figure 1, which is just an area map, and Figure 2 provides the existing traffic volumes that we collected in the field. This is where we sit at each intersection and we send our traffic counters out, and they count cars, how many lefts, throughs, and rights, and we report on the peak volumes in the a.m. and p.m. peak hour.

Figure 2 is the levels of service that we calculate at those intersections, A and B,

Figure 4 has the site generated

traffic. Again, how much traffic would be generated, and again, what we did where, as I note, we used the higher volumes. We did not -- when we did our analysis, our level of service analysis, we used the higher numbers. Remember that Table 1, which was those suburban numbers, which were in the order of 36 and 40 odd -- 36 and 43 a.m. and p.m. peak hour trips.

We included those volumes in our analysis to do an absolute worst case scenario, and then in the following figure come up with basically the same levels of service A and B at the intersections, again, just to be conservative. We know we are not going to be generating that volume of hourly traffic.

So in essence, the conclusions are that the site would not have a detrimental impact on the traffic conditions in the area, and the site plan is adequately designed in terms of ingress and egress, internal circulation and adequate parking.

MR. MATULE: Thank you, Mr. Staigar.

VICE CHAIR GREENE: Any questions of the traffic engineer?

COMMISSIONER FISHER: I have.

VICE CHAIR GREENE: Okay.

COMMISSIONER FISHER: I am not sure where it fits in, whether it is with you or maybe the architect.

But can you talk a little bit about when you have a building this size and this many residents you have services. You have move-ins and move-outs. You have deliveries. You have, you know, Fresh Direct, et cetera.

How does that factor into -- I don't -- I don't see a loading zone, so I don't know where you are contemplating. But I know that is an increasing issue when you have family-sized apartments and kids, there is just lots, and lots, and lots of deliveries.

So how does that fit into the flow of traffic or where -- what it would -- how it would impact traffic in the area?

THE WITNESS: Well, the types of deliveries that would be expected are going to be in the Fed Ex trucks. It's not going to be tractor trailers, even the move-ins and move-outs for these size apartment units, and then when they do them -- and that's the only time you are going to have a truck that is going to sit there for any length of time.

COMMISSIONER FISHER: Right.

THE WITNESS: Normally, a couple of days, you know what is going to happen, what day it's going to be two, three, or four days in advance. You contact the police department, and they put the temporary "no parking" signs, and the truck pulls in there, and for the few hours that it's there it loads in and out.

We don't have a loading zone. You have the same situation on each and every one of your streets. I don't think there is any residential unit that has a loading zone throughout the city. It just seems to work out.

The deliveries happen during midday, which are your off peak hours primarily. They may need to double park, run in, drop the package off and run back out.

It would be a waste of pavement, of land use to have a loading zone that's used only a few times out of the day for a matter of five or ten minutes, so we don't anticipate -- we didn't see a need for it, because it just happens to work that way in an urban environment.

COMMISSIONER FISHER: Okay. Thanks.

VICE CHAIR GREENE: I actually have a

couple of questions.

On Page 6, Table 2 is captioned "55 Residential Apartment Units"?

THE WTINESS: Yeah. That was a typo. It is supposed to be 66.

VICE CHAIR GREENE: That's meant to be 66?

THE WITNESS: Yes.

VICE CHAIR GREENE: And you cited a statistic. I think it was .8 vehicles per unit.

What is the distribution considering that this is a one, two or three-bedroom unit?

THE WITNESS: Oh, the census data didn't break it down that finely. It just broke it down into the number of units that were either rental or owner occupied and how many units.

VICE CHAIR GREENE: Well, is it possible because there are a large number of two and three-bedroom units, that that is not really meaningful in this case?

I mean, if you have a two-bedroom or a three-bedroom with two adults, isn't it likely that they would have two vehicles as it is that they would have none?

THE WITNESS: Well, I can't make that

comparison because I don't know what the data base consisted of, of the data, the census data.

Certainly if it was all one-bedrooms, and they came up with .8, it might be higher, if there were two-bedrooms comparatively speaking, but I am sure you have a similar breakdown of ones and twos, but I can't really --

VICE CHAIR GREENE: So it is possible that the data in Table 2 is not really accurate?

THE WITNESS: It is possible that it is not accurate, absolutely. It is possible that it is accurate also. It's the best data that we have.

(Laughter)

VICE CHAIR GREENE: Then to follow-up on one other thing.

The distribution of turns is very localized.

THE WITNESS: Distribution of turns?

VICE CHAIR GREENE: The turns, yeah, Figure 2, I guess --

THE REPORTER: Are you saying "terms" or "turns"?

VICE CHAIR GREENE: Turns, t-u-r-n-s.

THE WITNESS: Oh, turns. Okay.

VICE CHAIR GREENE: Right-hand turns,

left-hand turns, ultimately they have to go somewhere. They are either going to go north or south. Do you have any data on --

THE WITNESS: Oh, yeah --

VICE CHAIR GREENE: -- so, in other words, are these folks going out to Route 78, or are they going up to 495, or are they going through the Lincoln or the Holland Tunnel?

THE WITNESS: It is going to be a split. It's going to be like if I dump a bucket of water in this room, how much water goes that way and how much water goes that way. I think it is just going to be a split on that. To the north is the Lincoln Tunnel, and to the south is the Holland Tunnel.

People take the path of least resistance. They may take Route 3. They may take 290 or 1&9, so I think it is going to be the path of least resistance, and more or less just a random of where people will be headed.

VICE CHAIR GREENE: Have you surveyed how long it takes a Hoboken resident to reach any of these points, let's say 495 at 8:15 in the morning?

THE WITNESS: It is a tough way to get out of the city during rush hour and get into the

city.

VICE CHAIR GREENE: Well, this isn't your testimony. I don't want to put words in your mouth.

Are these additional vehicles going to have any measurable impact on whatever unreasonable time it currently takes to --

THE WITNESS: Yes, to get in and out of the city --

VICE CHAIR GREENE: -- to get anywhere?

THE WITNESS: I think you have more or less, there is five ways to get out of the city. You have 14th Street via the Viaduct. You have Park or Willow, and to the south you have Newark Street, and I suppose -- is there a fifth one?

COMMISSIONER MURPHY: Observer Highway.

COMMISSIONER DE FUSCO: Paterson Plank Road.

THE WITNESS: -- Paterson Plank Road, correct, yeah.

If you take those five routes, and if you have, like I said, we are generating 20 trips in the morning or evening peak hour, that is one every three minutes.

If you divide that further into the

five access points in and out of the city, you are breaking that down to even something that is a much smaller number. One-fifth of every three -- whatever -- any one, if my math is correct, any one route would see one vehicle every 15 minutes, four per hour.

You have five ways to get out. You have 20 trips being generated --

VICE CHAIR GREENE: Assuming an equal distribution.

THE WITNESS: Equal distribution.

And I would think to say that probably your north and south, Willow and Park and Newark Street, Observer Highway to get out to the south, it's probably going to take the majority, and I think 14th Street and Paterson Plank Road would probably take the minority of it. But you are still talking in the order of one vehicle every ten minutes.

Is that going to have a discernible impact?

I don't think at all.

VICE CHAIR GREENE: Thank you.

Anybody else?

Mr. Marsden?

MR. MARSDEN: Mr. Staigar, looking at the circulation of the parking garage itself, did you review that?

THE WITNESS: Yes.

MR. MARSDEN: Can you tell me the logic between two access points to Jefferson, which is one direction, rather than having -- if you are going to have two accesses, one to Adams and one to Jefferson?

THE WITNESS: Well, Jefferson is a two-way roadway, so you can either go to the north or to the south. Adams is a one-way.

MS. BANYRA: No.

COMMISSIONER MURPHY: I think they are both one-way.

MS. MARSDEN: You have it marked on the plans as one-way on each one.

MR. GALVIN: He was only going one way.

(Laughter)

MR. MATULE: If I might, Frank could answer that question.

THE WITNESS: It might be more of a -- no. I have Jefferson going two ways. It is a two-way roadway. I drove up that and I drove down.

VICE CHAIR GREENE: It is a short

two-way.

THE WITNESS: Well, the section that the site is on is two-way. It dead ends at 13th Street. It dead ends there. And to the north --

COMMISSIONER MURPHY: And then you can only go left.

THE WITNESS: -- and we took traffic counts, and there were certainly people driving north and south. It was two-way.

MR. MATULE: Mr. Marsden, if I might, I think the architect could better answer that question since he designed it.

MR. MARSDEN: Okay.

MR. MINERVINI: By having two vehicle entries and exits, it allows for more use of the space that is there in terms of the number of parking spaces.

We could have had just one, if there was a turn-around space towards the rear here. Our thinking was the lot is 200 feet in width -- I'm sorry -- 100 feet in width. The Hoboken zoning ordinance in terms of residential structures allows one garage door per 50 feet.

So with that in mind, we proposed two, as if these garages were separate, and one garage

door will serve half of the parking. The other will serve the second half of parking. It allows more parking spaces, and we don't need a connection.

MR. MARSDEN: I guess my concern is potential conflicts at both of them having the driveway so close and reversing the flows.

MR. MINERVINI: But the ordinance already contemplates that by allowing in a 50-foot wide swath in a residential zone one garage entry.

If this were 50 foot wide --

MR. MARSDEN: I know what the ordinance allows, but what I wanted to do was to have Mr. Staigar say that he looked at the traffic volumes --

MR. MIENRVINI: Understood.

MR. MARSDEN: -- you know, it works the way it is laid out.

MR. MINERVINI: My answer was to how the design concept came, and Joe Staigar described it, so --

MR. MARSDEN: Your plans showed one way on Jefferson. That's why I --

MR. MINERVINI: Ah, yes. That little section is a two-way. It is now a dead end.

MR. MARSDEN: Okay.

THE WTINESS: If the concern is the

closeness of the two driveways, they are separated by 11.1 feet there, low volume, low speed, 21 feet on a state highway, the State DOT on a 55 mile an hour highway allows 24 feet, so I think 21 feet is more than an adequate separation, that if somebody was turning left and somebody was -- and vice versa -- turning right and turning left, they would see each other in that relatively short distance.

MR. MARSDEN: And the direction of the driveways, the vehicle directions?

THE WITNESS: The directions, well, they are two-way --

MR. MARSDEN: Which way is going which way?

THE WITNESS: You could make --

MR. MARSDEN: Which side is going -- you know, you have, you know, on the right side you have people coming in, and the left side are people going out.

COMMISSIONER MURPHY: No, that's not right --

THE WTINESS: No. There are two-way driveways.

MR. MARSDEN: No, no. I am saying the direction of traffic typically in the roadway --

THE WITNESS: Oh, no, no, no, no, no. That was another mistake, Frank, that we didn't catch.

MR. MINERVINI: Which is?

MS. MARSDEN: Frank, that's number two.

THE WITNESS: You have English traffic, English style. The arrow has got to be flipped.

(Laughter)

MR. MINERVINI: I would say that is a computer error.

MR. MARSDEN: I don't think so.

(Laughter)

THE WITNESS: We will correct that.

MR. MATULE: Using English software.

VICE CHAIR GREENE: In light of that conversation, is that tree in a good position considering it's between the two driveways?

THE WITNESS: It is going to be limbed at least seven feet, so you will just have the stem itself.

MS. MARSDEN: Did you do any key lights on it or no because all of the traffic --

THE WITNESS: Level Service A and B, they are in there. They are less than one car on average.

MR. MARSDEN: That is my questions.

COMMISSIONER MURPHY: What is across the street?

THE WITNESS: What is across the street?

COMMISSIONER MURPHY: On the other side.

VICE CHAIR GREENE: On Jefferson.

THE WITNESS: On Jefferson is the parking garage on the other side.

MS. BANYRA: It is the proposed redevelopment area, and we have an application coming on that one across the street.

COMMISSIONER MURPHY: Right. But presently, they don't have any driveways there.

MS. BANYRA: There is a parking garage, but Frank has a picture, so he can tell you where the driveways are.

THE WITNESS: The driveway is closer to the intersection.

MR. MINERVINI: Let me find the proper photograph.

This is 13th Street, so our ingress and egress for the parking garage that exists across the street is in this location.

A VOICE: Trees --

MR. MINERVINI: Are we asking trees or are you good?

MS. BANYRA: No.

MR. GALVIN: You weren't supposed to be listening to us.

MR. MINERVINI: I am trying not to.

VICE CHAIR GREENE: It shows.

(Laughter)

MR. MINERVINI: They are approximately in the center of that lot.

COMMISSIONER BRANCIFORTE: May I?

VICE CHAIR GREENE: Yes, please.

COMMISSIONER BRANCIFORTE: When we had this discussion before, I don't know if we had it with you, but concerning the safety on the sidewalk of cars pulling in and out, I am getting more and more concerned as we get more curb cuts especially since you are next to a park of the safety of people pulling out.

Now, I understand you have basic code stuff and flashing lights, but you know, what else can you do to make it safer, to make the driveway safer as people pull across the sidewalk?

THE WITNESS: We have a trench drain,

which will provide some surface. We can -- it probably is depressed, so that you just can't, as the door goes up, just speed right out.

We can put signage up there to stop, beware of pedestrians as you exit as well.

It is a rather wide sidewalk. I don't know what else we could to. We are working in the right of way. If we put some sort of planters along the building to guide people toward the center and not along -- I think we have the pedestrian warning.

COMMISSIONER BRANCIFORTE: Okay.

THE WITNESS: That would be the only other aspect of it.

But I think the warnings, the lights will certainly warn pedestrians, now we just need to deter the motorists not to just speed right out. I think proper warning signs the way that the depressed trench drain will give some relief that you are not going to go flying over that and get bumped around.

COMMISSIONER BRANCIFORTE: We had this discussion, and I am still waiting for somebody to come up with a better idea to warn pedestrians as they are walking by with their headphones in or staring down at their cell phones.

I said it before, and I've seen it a million times in my building. Little kids don't understand what a flashing yellow light means. In fact, I think they are more attracted to it, because they want to go check it out and see what it is.

So we are adding more and more of these things, and I'm getting more and more worried. I wish someone would come up -- I thought maybe you would have a better idea on how to warn pedestrians as they approach that.

THE WITNESS: Well, you know, you warn pedestrians, and there is a limitation as to what you can do. It is the motorist that needs to know, I'm sure they do know, and once they know they are getting into an area that has pedestrian activity, and if they don't have the sight distance, motorists will slow down and inch and crawl.

COMMISSIONER BRANCIFORTE: I got it. I will leave it at that.

There's one thing that is not on the plans. Maybe you or Mr. Minervini can help me.

You usually give the recycling table, which tells us how many people are going to be living in the building.

Yeah. I think that is all of the

questions I have.

VICE CHAIR GREENE: Anything else from the traffic engineer?

COMMISSIONER GRANA: Question.

So we are introducing 66 new spaces that will have a turnover in usage --

VICE CHAIR GREENE: 61.

THE WITNESS: There's 61 parking spaces.

COMMISSIONER GRANA: -- of 61 -- so because what we have done is we have done a peak analysis, right, that is essentially what we have, a peak hour analysis?

THE WTINESS: Yes. We analyzed it during the peak hour because that is the worst, the most critical time period.

COMMISSIONER GRANA: So if we are going to introduce that number of spaces, and we're going to have people in units that are potentially larger units, and how much traffic -- have you given any thought as to how much traffic is potentially going to be generated off peak by people in that building using automobiles now in the neighborhood to consume services?

THE WTINESS: How much traffic would be

generated off peak? It would be minimal.

I mean, if you look at some of the residential buildings in town and watch what goes on in the middle of the day, they are sleepy, very sleepy compared to the seven to nine and four to six peak hour time period when the vast majority of people are going to work and coming home from work.

The US census data also has data on when people leave their homes to go to work and when they arrive also. The vast majority are in that framework of six o'clock to nine o'clock and then a three-hour window in the p.m. And unless you have a typical job -- a typical job doesn't start beyond those time frames.

A lot of people work home now that they don't even travel to work, so yes, it is going to be a low volume that will be in terms of traffic.

COMMISSIONER GRANA: Thank you.

VICE CHAIR GREENE: Anybody else?

Yes?

MS. BANYRA: Mr. Staigar, would it be safer if you had one in and one out on that, rather than two-way traffic, would it be advantageous in terms of pedestrians on the sidewalk to hypothetically lose a parking space, but be able to

circle internally?

I heard what Mr. Minervini said because he was trying to maximize the parking spaces. But rather than have an in and out in close proximity to each other and with the potential to park, wouldn't it be better to have, so that when the pedestrians are coming, and somebody is coming out, and somebody could be potentially turning in at the same time, would it be better to potentially or safer to lose a parking space inside, so that you can actually move through the parking garage?

THE WITNESS: Is one better than two?

MS. BANYRA: Yes --

THE WITNESS: I think --

MS. BANYRA: -- from a pedestrian perspective.

THE WITNESS: -- I think it is the number of vehicles that are crossing. Whether you have 20 crossing at one location, the door going up and down and somebody leaving or coming in, 20 per hour, or whether you have ten and ten, I don't think is any difference between a safety aspect.

MS. BANYRA: If a pedestrian is walking down the street, they are only walking in one direction.

A car is going to be pulling in and hypothetically, just say it's a worst case scenario, somebody is pulling into that one door, the first door, either one of those doors, and somebody is pulling out, so now the pedestrian is negotiating in and out instead of just looking, just kind of typically looking either one way when somebody is pulling in or pulling out.

So from that perspective, I guess I am looking at it that if there is a car coming out, you know, the car is coming out, and you don't have to worry about if somebody -- as you are watching this car, somebody is pulling in here.

THE WITNESS: Well, I think, first of all, the vehicle coming in should be yielding to the pedestrian, and the same holds true for the vehicle leaving as well. The vehicle should be yielding to the pedestrian, so as the pedestrian crosses that driveway, and if somebody is pulling in, they shouldn't be pulling in right in front of them or hitting them. They should be sitting out on Jefferson waiting for them to pass that driveway, and the same holds true for the vehicle that is leaving.

If the vehicle is leaving, inching out

in order to see, the pedestrian is going to hopefully stop, but the vehicle is not going to leave until they have a clear view as they come out and then move forward.

If they see the pedestrian as by law, and as most motorists would do, they will waive that pedestrian on the sidewalk before you pull out.

MS. BANYRA: So your testimony is that it wouldn't be safer to have it --

THE WTINESS: I don't think so --

MS. BANYRA: -- one circle -- if you could turn in, so that you are only looking at the pedestrian, just one direction, there's a car coming out, you don't have to worry about coming in, and as you pass, there could be somebody coming in. If you could get rid of a parking space or two internally, do you think that two two-way movements there is as safe as --

THE WITNESS: As two one-way, yes, because it's how many are crossing that is more important than probably going in or are they going out. I think the pedestrian is going to be using the same aspect of seeing those vehicles, and the vehicles react the same way as well.

So whether you have 20 leaving in one

driveway or ten and ten, I think it is the same from the safety aspect. I think the volume is more important than the way the motorist acts as opposed to how -- are they coming in or coming out.

MS. BANYRA: I am just having a hard time reconciling that.

COMMISSIONER BRANCIFORTE: What about setting up mirrors on the outside near the sidewalk --

THE WITNESS: That would work, yes. That's a good point. I have seen them utilized.

I think what we employed is probably the best methodology, but as a secondary aspect putting mirrors would certainly help, because now it will aid a pedestrian from looking at the mirror, but it will aid the motorist more than anything, because now that motorist has a view of what is coming up and down the sidewalk in both directions before they even pull out.

It's like a periscope aspect that they will be able to see coming out of the driveway, so that would be a good secondary thing to provide.

COMMISSIONER BRANCIFORTE: Do you think the applicant would object to having the mirrors on the sidewalk or --

MR. MATULE: No.

THE WITNESS: They will be mounted to the building probably right on the corner and kind of just overhang the wood floors.

COMMIISSIONER BRANCIFORTE: Would you have an objection to putting up extra warning lights near the exits for safety sake, instead of just one on every door?

MR. MINERVINI: We could put two on each door, on either side of the opening.

COMMISSIONER BRANCIFORTE: I think there is one there already.

MR. MINERVINI: There's one there, but we could put two there.

THE WITNESS: I like the idea of the mirrors because, again, you are right. The pedestrian may have the headphones in, maybe looking and reading their text messages as they are walking that main entry, whereas the motorist is more likely to pay attention and having those convex mirrors will certainly provide a good secondary means of visibility as he leaves the driveway.

VICE CHAIR GREENE: Anyone else?

COMIMSSIONER DE FUSCO: You really don't think that during peak hours if they are

pulling in and out of the garage, going left and right, in addition to all of this other traffic, in addition to the foot traffic that is going to be coming from the future park, do you honestly really don't think that that is going to cause any sort of congestion, having cars basically turning, you know, there could be a car coming in and a car leaving and another car coming from the other direction.

You know, I hate to use the phrase, but it seems like a Chinese fire drill.

MR. MARSDEN: If I may add to that, I tend to agree with that feeling. I look at it as potential conflicts in a time period.

If you have four vehicles, one entering, one exiting, one entering, one exiting, and you have pedestrians walking, they have to be concerned about the vehicle that's exiting and turning right while you are exiting and turning left.

They have to be concerned about the potential vehicle that is coming down the road wants to turn in, and then you have children walking back and forth, so, you know, so I tend to, you know, I tend to feel that it would be safer if you had one way in and one way out.

THE WITNESS: You have that same situation on any one of your corners multiplied many times over because the volumes that you are dealing with are ten times -- tens of times heavier.

The vehicle that is making -- coming in, if one vehicle -- if the exiting vehicle is making a left or a right, and the entering vehicle is making a right turn, they just pass one another.

MR. MARSDEN: At the same time, the same thing is going on the second access is the concern I have.

MR. MATULE: Can I interject?

MR. GALVIN: Time out.

MR. MATULE: Can we call a time out?

VICE CHAIR GREENE: Mr. Matule?

MR. MATULE: I am hearing this concern being raised while it is being raised, and the architect and applicant have run some quick numbers, and I guess the bottom line is, we can change the number of access points to one, just have one door, which would be a two-way, and we will lose two parking spaces.

MR. MINERVINI: Actually, Bob, you would lose three parking spaces.

MR. MATULE: Three parking spaces, so

we would --

MR. MARSDEN: You gain one on the street, right?

MR. MATULE: -- we would have 58 --

THE WITNESS: We gain one on the street --

MR. MATULE: -- is that correct?

MR. MINERVINI: Yes.

THE WITNESS: -- you gain three on the street.

MR. MATULE: But then we would completely eliminate one entrance --

MR. MINERVINI: That's right.

MR. MATULE: -- so the cars would enter and exit in the same doorway.

MR. MINERVINI: Yes.

COMMISSIONER BRANCIFORTE: Now, you are saying you would need three spaces on the street?

THE WITNESS: Yes, because we are eliminating three existing driveways.

VICE CHAIR GREENE: We're talking about incrementally. You've already offered those to us --

THE WITNESS: Right, relative to this change --

VICE CHAIR GREENE: -- we're talking relative to this change --

THE WITNESS: No. We are not gaining -- well, we would gain one parking space on the street by eliminating the --

MR. MINERVINI: Yes.

MR. MATULE: One door.

THE WTINESS: -- so it would be a total of four we are gaining on the street.

MR. MATULE: So the point is we could have 58 spaces, where I believe we are currently required to have 70 --

THE WITNESS: 70.

MR. MATULE: -- versus 61 spaces.

THE WITNESS: We still, you know, again based on the parking analysis, our analysis showed we only need 53 spaces if we used the US census data. I think even if that is off a little bit, you know, with the number of more bedrooms, we are still in the right ballpark.

COMMISSIONER BRANCIFORTE: I am going to ask another question.

VICE CHAIR GREENE: Sure.

COMMISSIONER BRANCIFORTE: We know that compared to industrial use, it will be less trucks,

less deliveries and whatnot.

I am just going to throw something out.

What about something like a nursing home or an extended care facility, that sort of thing, what kind of traffic does that generate?

THE WITNESS: Well, those are -- well, in a nursing home, the residents are not driving. You have a staff. It's depending upon a lot on the nursing staff, so you have that staff coming in in the morning and leaving in the evening.

You are probably talking -- I mean, I don't know how big of a nursing home you would have, but it would probably be as much traffic, if not more than a nursing home.

VICE CHAIR GREENE: I don't know why that is particularly relevant.

By the way, I differ with your discussion that truck traffic would be reduced because you were eliminating industrial use because I do believe that between UPS, Fed Ex and all of the other services, there would be far more truck traffic during the day than there would be for the few deliveries that an industrial use would take. I don't know whether it is relevant or not, but I disagree with your assertion.

THE WITNESS: Well, talking about heavy trucks, we're certainly not generating tractor trailers, where as an industrial use could be at times dealing with tractor trailers.

A UPS truck that might be 22 feet or 25 feet long is almost like a large SUV. It is much more maneuverable and has less impact than heavy trucks that could be tractor trailers, if it was an industrial use.

VICE CHAIR GREENE: But from a volume standpoint, there would be more UPS and Fed Ex -- it would be more deliveries during the course of the day in a 66-unit apartment than there would be for a foundry or whatever was there.

COMMISSIONER FISHER: I think, if I can get some color -- I live in the Hudson Tea building, so we have 525 units, and we just looked at our deliveries, you know, a much bigger building, but we had 20 percent of the building changed hands. We had a hundred moves -- a hundred moves, and we had large, big giant trucks on two sides.

So in one year, we had 200 giant -- not -- tractor type trailer moving trucks. We had 3500 Fresh Direct deliveries between both buildings. We had 500 large truck deliveries, so not just

moving, but when somebody orders a couch, when they order a washer, dryer or something like that, and that doesn't include the Fed Ex that is there every day. UPS, that is there every today, and then any other smaller deliveries for contractors.

And one of the things on a different application, I think both the Planning Board -- we were in front of the Planning Board having this discussion with the Zoning Board, as we start thinking about variances in this corner, I think people really underestimated the requirements for a vertical development.

I asked about the loading zone, and it's a real issue, because we now have a safety issue on 15th Street because so many trucks park on 15th, and we had so many incidents that we now have to look at our own special review.

So I think it is something that we are trying to understand better really what the impact of a vertical development is on an area and what those techniques are that, you know, it is an unintended consequence that weren't really thought through a while ago, but we are starting to see it now.

THE WITNESS: Well, 15th Street is a

much different animal --

COMMISSIONER FISHER: Oh, yeah.

THE WITNESS: -- compared to Jefferson and 13th because it is two-way.

Again, I'm looking at my volumes here, and on the p.m. peak hours is well over -- maybe 600 vehicles per hour on 15th Street.

Comparatively, 13th Street had less than a hundred, and Jefferson had -- well, again, this was before from the Viaduct was closed, 21 -- they had 30 vehicles per hour.

So the disruption of through traffic, as a truck pulls off to the side and double parks to do that quick delivery, when you are dealing with 600 vehicles per hour as opposed to -- it's on Jefferson Street most likely it would be 30 vehicles per hour, one every two minutes, that a car would need to pass by.

So I think it's -- you're going to have that type of situation, and having it here is a lot better and safer than you would have it elsewhere --

COMMISSIONER DE FUSCO: But to Tiffanie's point, 15th Street has been developed far longer than 13th is, and now there are applications coming in front of the Board that is offering to

develop 13th Street, so you could argue that in ten years time, we will have the same kind of traffic problems here.

THE WITNESS: Well, 13th, we don't have any access on 13th Street. I have the data from 13th compared to 15th Street, and our access will be on Jefferson, which has 30 vehicles per hour. Even if it quadruples, it is going to be half or ten times half of what you have on 15th Street --

COMMISSIONER FISHER: I think --

VICE CHAIR GREENE: One at a time.

THE WITNESS: -- the beauty is that we know that traffic volumes on these roads is going to be much less between nine and three p.m. than they are during those peak hours, and the bulk of that -- I don't know when the deliveries actually happen, but I know from my experience, deliveries happen in the middle of the day, between nine and three, when traffic volumes on the roadways are much lower, so can they coexist with one another without having that parking space that maybe is used two or three times at the most a day?

I think yes, it can.

VICE CHAIR GREENE: Antonio?

COMMISSIONER GRANA: You know, I think

we should just consider what Commissioner Fisher was saying, because I, too, also live in a 52 unit building, and one of the challenges, and maybe it is not totally relevant to the testimony here, but in those locations, this is what I observed. This is not data.

What I observed in those locations whether there is closer access to services or pedestrian access to services, people use those. There is less at this location.

What you see in those locations, you see the number of deliveries going up. You see the number of services that are delivered on street, and I both observed those going -- those numbers going up, living in that type of building, and I think it happens at all times including at the peak hours because you do have working individuals that are coming home and taking deliveries at that time.

I just think we need to consider that there is a little bit more to this than just the data that's being presented.

Thanks.

THE WITNESS: I think the mitigating factor would be as traffic volumes increase, there is a reason for them to increase because services

are increasing in the area.

As the area gets developed, you will have a nearby a grocery store, and you will have more walkability. Right now maybe you don't have it, and I would probably agree with you.

If I lived out here in this building next year, let's say, I would probably be looking for deliveries to happen because there is nothing around me.

But as you get further development, you will have those services, and economically it's cheaper for me to walk out the door and down the street to pick anything up instead of having it delivered. So as the traffic and development goes up, I think the deliveries will go down.

VICE CHAIR GREENE: Anyone else?

COMMISSIONER MURPHY: I just want to say the deliveries may go down, but you know, I question the idea that all of these buildings have parking for everyone, and everyone just drives all over town instead of walking because they always have a spot to come home to.

So it is kind of like the traffic volume just by the 66 units will increase in the area, which you can't look at now.

THE WITNESS: You have a place to go, but if you leave your place to go and go downtown --

COMMISSIONER MURPHY: Yeah, and people do it all of the time --

THE WITNESS: -- there's no place to park.

COMMISSIONER MURPHY: -- people do it all of the time because they spend the time and energy to find that parking spot to go to Office Depot or go to a restaurant because they know when they come back, they can park, and it has increased our parking -- you know, our driving congestion problem in Hoboken tremendously.

THE WITNESS: So the answer to that is don't provide any parking spaces in the building?

COMMISSIONER MURPHY: No. I'm just saying you have to put that in that people will be driving more in the area than what I think that you have.

THE WITNESS: Well --

VICE CHAIR GREENE: Well, I do think --

THE WITNESS: -- I can only go by --

COMMISSOINER MURPHY: Right.

THE WITNESS: -- what we are -- we are sitting and we're watching other apartment buildings

in Hoboken at their driveways counting cars. So the data that I have in the report is empirical data here in Hoboken --

COMMISSIONER MURPHY: Right.

THE WITNESS: -- so I applied it.

And the volumes that I had of 20 vehicles per hour is based on Hoboken empirical data. The analysis includes a suburban analysis. I used the 43 trips per hour when I did my analysis to do a worst case scenario, so I think I counted for possibly that plus some.

COMMISSIONER MURPHY: Okay.

VICE CHAIR GREENE: If I can just interject for a second.

I think we are getting bogged down --

COMMISSIONER MURPHY: Yeah.

VICE CHAIR GREENE: -- in something that -- and this is only a 66-unit --

COMMISSIONER MURPHY: I know.

VICE CHAIR GREENE: -- proposal, and the worst case scenario, it is not likely to have a major impact. It is not a huge development, so if there are no other questions, we appreciate your testimony in responding to our questions.

THE WITNESS: Thank you.

VICE CHAIR GREENE: Anybody from the public have any questions of the traffic engineer?

Motion to close?

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

COMMISSIONER GRANA: Second.

VICE CHAIR GREENE: All in favor?

(All Board members voted in the affirmative.)

MR. MATULE: I have no further witnesses.

Do you want to open it up to the public before my closing remarks?

VICE CHAIR GREENE: We open up the meeting to the public for anyone who has any questions or comments.

(Board members confer.)

MR. GALVIN: Mr. Matule?

Go ahead, ask your question.

COMMISSIONER BRANCIFORTE: I'm sorry.

Before I ask about -- usually I look at the recycling table, and that tells you the number of occupants, but the set of plans that we have doesn't give a recycling table.

Do you know how many occupants are in

the building?

MR. MINERVINI: It's two per bedroom is maximum that the construction code has us account for, and I could do that quick math.

COMMISSIONER BRANCIFORTE: Thanks.

MR. GALVIN: We will take a witness in the meantime. Just have it for us at the conclusion of the public comment, all right?

MR. VILLAMAR: Yes. I promise I won't take much time.

MR. GALVIN: Well, there might be others.

Raise your right hand.

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

MR. VILLAMAR: I do.

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

MR. VILLAMAR: Mark V, as in Victor, i-l-l-a-m-a-r.

MR. GALVIN: Street address in Hoboken?

MR. VILLAMAR: 917 Castle Point.

MR. GALVIN: Thank you.

MR. VILLAMAR: A couple things I want

to mention.

I happen to be a manager of properties and a developer of properties, and I have a considerable amount of work in the area that this project is located in. I have a lot of familiarity with it.

In fact, that parking garage on Jefferson Street is one of the properties I am referring to.

The area generally, as you probably all know, it's very underdeveloped. It is in the industrial zone. There are many former properties that were actively engaged in commercial activities that are no longer in town. This area needs some development that will attract people.

There will be a time when there will be recreational facilities and other activities that will keep people from using their cars, because there will be things to do in Hoboken.

I will use the example of the Beer Garden, which is the last project I had before this Board. It generates something like three to 5,000 people on a weekend who use it as a recreational facility more than just a restaurant or a bar, and those people come by bicycle, by taxi, by foot, and

sometimes by car.

There has been no discernible increase in double parking in the area or any lack of parking. The parking garage on Jefferson is not fully occupied. It is still -- it's only opened for six months, but it's not even 75 percent full.

The last point I would like to mention regarding deliveries of UPS, Fed Ex, and all of those kinds of services, that also indicates that people aren't getting into their cars and driving to a mall or driving to some place to shop. They are using their internet or their telephone to order merchandise, so there is some offset to these trucks and other vehicles that we should consider.

Thank you.

MR. GALVIN: Thank you.

VICE CHAIR GREENE: Anyone else?

MR. GALVIN: Raise your right hand.

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

MR. EVERS: I do.

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

MR. EVERS: Michael Evers, E-v-e-r-s,

252 Second Street, Hoboken, New Jersey.

MR. GALVIN: Thank you very much.

MR. EVERS: Well, this is a great project. It is really wonderful to see this finally happening. It is wonderful for a very simple reason, and you know, I am not going to pretend otherwise.

This is a tremendous model for how we can maintain affordable housing or some affordable housing in the City of Hoboken. And as far as I can see, it has no significant detriments to offset that benefit. It seems a reasonable-sized project for that part of the city. Something is going to be built there.

I would be very surprised if you are going to get a more thoughtful approach to developing a residential building there. Okay?

Just for the record, I think it is important to point out that this project is extremely consistent with the intents and purposes of the master plan, particularly as it relates to affordable housing and diversity.

Point number one, this is point number one from the master plan that was adopted in 2004. It provides diversity in types of housing. It helps

meet that need. It provides units for both families of rather low income that could not possibly live in Hoboken without this kind of support.

It protects and provides an incentive to develop the city's affordable housing stock. That's point number two.

The request for the additional height to assist in the economics of the project is relevant. Normally you are not supposed to consider that, and I understand that, in terms of whether a variance will financially benefit the applicant, but in this case it provides a means and a model whereby this kind of housing can be build in an economically viable way that does not require public funds, and that is an essential opportunity that I think we would be smart to grasp.

Just to make it short, because it is late at night, it meets items 4, 8, and 11 of the master plan, too, in this area. Okay?

It even meets several of the recommendations in the updated 2010 view of this thing, that was in part prepared by Ms. Banyra. All right?

We have an opportunity to create a really wonderful way of providing diversity in

Hoboken, and I think that if you view that as a value, not simply because it is a good thing to let people who need housing find housing they can afford, but because it makes for a better community for everybody who lives here.

I moved to Hoboken because I didn't want to live in an economically segregated community. There are not that many places like Hoboken left where you can do this, and this project provides not only a means for doing that for six or seven families, okay?

It also provides a model that other developers are probably going to look at as they try to develop this project, and the brilliance of it is that it doesn't create wildly out of scale buildings really, but it does meet that affordable housing need without really costing the taxpayer too much money, because if we don't give them the additional variance, so they can economically afford to do this, you know, there's no real loss.

If they build a building that's one floor lower, or they don't bother to build it at all, or we get something less desirable, it doesn't seem to be a net gain or loss.

So aside from the fact that it's a nice

building, the fact that this is an opportunity to do this is important.

Last, but not least, and then I promise to go away, this will be the first one. This will be the first time in 20, 25 years that we actually observed the affordable housing ordinance, and there is something to be said for having the City of Hoboken follow its laws.

Thank you.

VICE CHAIR GREENE: Anyone else?

MR. GALVIN: Raise your right hand.

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

MR. DELLA FAVE: I do.

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

MR. DELLA FAVE: Joseph Della Fave, capital D-e-l-l-a, capital F-a-v-e.

1025 Maxwell Lane.

MR. GALVIN: Thank you.

You may proceed.

MR. DELLA FAVE: Yes, thank you.

First, thank you for the opportunity to address the matter.

Just as a side matter, I just want to commend all of you in really truly representing the interests of the community and really addressing these topics in a very careful, thoughtful and diligent way in a very comprehensive way, public safety, esthetics, greening, all sorts of aspects, and it is much appropriated.

Thank you.

It is unusual for me I think to be here supporting a development project. I typically have no interest in doing that quite frankly.

In '85 I was supporting a moratorium on all development in this town until we can decide on the infrastructure capacity to build a secondary sewerage plant and do all sorts of things that make some sense.

I am here because of the affordable housing component of it simply and strictly. I certainly have a special interest in this, having been as a city council member in the eighties, the sponsor of and a contributing writer of the original formal housing ordinance. That was contested legally. It was not initially implemented. Upon the death of Mayor Tom Bussetti, it sat on the books and its succeeding mayors unfortunately never

enforced this.

Those mayors were born and bred here in town, and didn't see fit to enforce an ordinance which would have been completely beneficial to those who grew up in this town, providing economic opportunity, increasing and maintaining economic diversity, which as Mike said, I think adds to the richness of the town itself

Two years ago this was resurrected by citizens, I believe at a Zoning Baord meeting. It was contested again in court.

Mayor Zimmer directed her law department to defend it in court, and subsequently advocates on the city council were together. It was unanimously passed at the city council. I want to stress unanimously because not many things happen unanimously in this town. But it is a statement of the political will and desire to have projects that have a density and similar types of variances to have an affordable component to it.

We missed the boat over 20 years of not having the enforcement, having hundreds of units developed. We now have the opportunity to start all over again.

I don't see any compelling reason, I

guess, I don't think -- I have not seen anything to really not be -- to deny this application. My compelling reason certainly has to do with affordability, no question about it.

You know, a lot of questions were asked and talked about, and I certainly have been driving out of this town for the last 20 years since I left the city council and started working in Newark, and it's taking longer and longer year after year, no question about it. I know that was raised.

I certainly would have been a lot happier to wait in line if I knew part of all of that traffic was because we were expanding opportunities for people and hundreds of affordable units were being developed in the process.

And if I had to wait another minute over the next couple of years, because some more affordable units were being developed, to me, that would not be such a bad sacrifice.

I think that this is really important. It's a historic vote. I think Mr. White referred to this as a template. Mike talked about how this is being done economically.

I do develop affordable housing in Newark. Affordable housing is rarely developed

without a public subsidy of one sort or another, and I think a model that shows that private development can produce affordable housing, and there is a give-back, and it's one which we all have to deal with, which is a little more density. But if we are going to build housing at all, and we have built a lot of it over these years, without a lot giving back to the people that were there on the ground -- before that house went up, now is the time to start doing that. I think that is well worth it quite frankly.

So I thank you. This is a historic vote for all of you, and I think the affordability component of this needs to be considered very deeply in your considerations.

Thanks very, very much.

MR. GALVIN: Thank you.

(Cell phone ringing.)

MR. GALVIN: Does someone want to put that on stud?

(Laughter)

MR. GALVIN: Raise your right hand.

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

MS. HARRIS: I do.

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

MS. HARRIS: April Harris, capital H-a-r-r-i-s, 819 Park Avenue.

But I am here because I am an original Hobokenite representing the hopes of diversity for our city.

I would like to state to this Board that I admire a developer who actually grappled with the requirements we are trying to put in place as developments go forward, and I would hope that in the consideration of your vote and all of the things you have to consider to approve project, you would not make the density increase a factor when it is the reason that it economically balances.

And that if we can't approve projects and make it economically viable in some way and encourage that, we're not going to be able to enforce or see that ordinance go forward or have enough proposals in the development, so that we really will maintain and create more economic diversity. So I hope that you would consider that factor as a major thing.

Thank you.

MR. GALVIN: Thank you.

VICE CHAIR GREENE: Thank you.

Is there anyone else?

Can I have a motion to close?

COMMISSIONER COHEN: Motion to close the public portion.

COMMISSIONER DE FUSCO: Second.

VICE CHAIR GREENE: All in favor?

(All Board members answered in the affirmative.)

MR. GALVIN: Before we do something else, I just wanted to say that there was a neighbor that sent a letter in to the Board questioning the survey, and Mr. Marsden has looked at this.

This is a new building. It is being constructed properly or would be constructed properly in accordance with the survey, and it wouldn't encroach on anybody's property.

Do you agree with that?

MR. MARSDEN: Yes, I do.

I have one more quick question of Frank. We talked about the gradient differential, the potential gradient differential. Did you resolve that issue?

MR. MINERVINI: With the adjoining

property?

MR. MARSDEN: Yeah. With the adjoining property and differential in gradient. Eight inches I think it was.

MR. MINERVINI: Yes. We are going to deal with that on the next project. Agree?

No, no. But I think, Juff, if I recall from the last meeting that the new project going up across the street --

MR. MARSDEN: But their survey and your survey don't agree by eight inches or so.

MR. MINERVINI: Oh, I'm sorry. We talked about that --

MR. MARSDEN: And you were going to get the surveyors together to figure it out.

MR. MINERVINI: Yes. There were two separate -- I don't think that was this project. That was for Block 112. Am I correct?

MR. MARSDEN: Okay. Maybe I am losing it.

(Laughter)

MR. MINERVINI: Yes. It was Block 112.

MR. MARSDEN: I'm sorry.

MR. MATULE: Just so we are all clear, I think that was the meeting we had at Frank's

office.

MR. MARSDEN: Yes.

MR. MATULE: Yes. That was Block 112, which is across the street from this project.

MR. MARSDEN: Maybe I should go through the minutes first.

Okay. Thank you.

VICE CHAIR GREENE: Did you get an answer yet?

MR. MINERVINI: Yes.

240 occupants as the maximum. The construction code requires that you count two persons per bedroom, but obviously we know that is now always the case, but that is how we have to count occupancy, so the worst case scenario, 240.

VICE CHAIR GREENE: Mr. Matule?

MR. MATULE: If I could just in reference to that letter, I received a copy of the letter also from the owner of the strip mall.

Apparently it spoke about a concrete pad encroaching onto their property over our property line, an existing concrete pad.

That is all going to be ripped out assuming this project is approved, and everything will be built within the lot lines.

MR. GALVIN: And we have advised them administratively that if he wanted to comment on it, he should be here tonight, and there is no one here commenting on it.

MR. MATULE: All right. I know it is late. Just a couple of quick comments.

VICE CHAIR GREENE: I just want to note, it is past eleven, but it seems that we got some momentum, so we should continue.

MR. MATULE: And I appreciate that, Mr. Chairman.

Just very quickly, I just have a couple of points. I think you heard enough about the affordable housing.

Obviously the site is no longer viable for any heavy industrial use, and frankly, I don't think you would want an industrial use, assuming that the rest of that block is going to be developed as a park.

The applicant is not using any public funds at all. He testified about that no pilots, no federal, state or county taxes. The site is being totally remediated and capped.

The building is going to be a LEED certified building, and it's been designed to

interface with the park. I think it is a much better zoning alternative than putting some industrial use there.

This is only preliminary site plan approval, assuming the Board sees its way fit to grant these approvals, then the heavy lifting will have to start with the architects and the engineers. We will be able to refine the plans and give you a lot more of specific details in terms of the exact components of the LEED materials and what kind energy saving, whether it's going to be cogeneration or geothermal or whatever. It's just too early in the process to talk about that.

But, you know, I think it is clear it is a good project for that site. Mr. Kolling testified that the one additional floor did not have a substantial negative impact on the surrounding neighborhood, and I think Mr. Staigar's testimony regarding traffic spoke for itself.

I can certainly appreciate the comments from the people who live on 15th Street and Washington, where Washington intersects, but I will have to point out that I think by design, Sinatra Drive and Hudson Street and 15th Street have been designed as periphery arterial roads, you know, to

take traffic around the outskirts of the city rather than through the center of the city, and obviously that's had perhaps more negative impact than people anticipated. But I think this would generate much less traffic, and I appreciate it, and I think it would be in the best interests of the city if the Board approved the project with the conditions and the amendments we talked about, one of which was changing the parking garage to a one-way and increasing the parking variance to -- let me just check my notes, but I believe we could provide --

VICE CHAIR GREENE: 12 --

MR. MATULE: -- 58 spaces rather than the 61 --

VICE CHAIR GREENE: -- I think it was --

MR. MATULE: -- we were going to provide, so it would be an additional three spaces we would have to lose, but that would be the trade-off for getting rid of one garage entrance and creating one more parking space on the street.

VICE CHAIR GREENE: Thank you.

MR. MATULE: Thank you.

VICE CHAIR GREENE: I think I would prefer to hear from our planner to discuss the

issues as she sees it.

MS. BANYRA: Okay. That's a surprise.

Well, I think the circulation solution that was identified was a better solution in terms of it's having -- I am not an expert in traffic, but I certainly bike and hike and walk a lot and worked on a lot of big projects, and I was having a hard time justifying that two two-way traffic, so I think that that was a good solution.

I think going to the planning testimony, which is my area of expertise, I guess I raised at the last meeting whether or not the applicant actually had satisfied the negative criteria, whether there was enough information provided for special reasons, and whether or not he had provided enough information to satisfy special reasons, as well as the negative criteria.

VICE CHAIR GREENE: Is that particularly enhanced by the fact that this -- the proposing of a residential use in the industrial zone?

MS. BANYRA: I think there were a couple of questions that I asked regarding -- it is an industrial zone, and I think there was testimony as to the viability of the building and some

testimony by the planner as to whether or not -- why he felt that this property wasn't part of a redevelopment zone before. And I think that is speculative, because none of us really know, and I think it is a good attempt to try to assume you know what is going on and why was it or was not put into a redevelopment zone. But I don't think there was much -- there wasn't any information, and I went through the transcript again regarding any other uses that could have been there.

I mean, industrial use, I understand why they don't want to do industrial, but I didn't hear any other testimony regarding other uses, and they certainly are entitled to come in with whatever they propose to come in with.

Regarding the -- I guess I had I looked at the FAR, and I believe Mr. Kolling touched on this. You know, in the Northwest Redevelopment, we allow an FAR 3. I think this FAR, and it would have been 66 units, I think is what is proposed here.

Under the Northwest Redevelopment Zone, Mr. Kolling correctly testified that 60 would have been permitted, if they followed the Northwest Redevelopment Zone, which is proximal to this, and actually it's adjacent, but it's a different area in

the Northwest Redevelopment, so they are proposing 66 units. The rationale for the 66 units I think was established in terms of the affordable housing, and why they believed that they need 66 units.

It is a use variance, so I think that that has, you know, to be taken into consideration.

The lot coverage, again, I am going to use -- it is in an industrial zone, so the lot coverage and what is permitted, but when we compare it to some of the other residential zones, lot coverage in the Northwest Redevelopment Zone is at 90 percent, and this is showing up at 96 percent. I am not sure. I don't recall how Mr. Kolling testified to that.

I heard just now, which I don't recall hearing before, that this is a LEED certified building. Maybe Mr. Minervini had testified to that, so I was happy to hear that.

I don't think -- I think it was raised at the last meeting, the impacts of this from surrounding properties, and again, this goes back to the negative criteria, coming -- looking from the north, from the Viaduct, looking from different areas, and I don't believe -- I'm not sure how that was addressed. I don't believe that that was

covered. If the Board is comfortable with the height, then that I suppose would be addressed in that fashion.

I believe they identified that they will be doing a green screen on the building.

In my report, and I guess -- I know some of the Board members maybe didn't have my revised report, which was dated February 12th, 2014. I indicated a number of items that would need to be addressed regarding revisions to the plans.

VICE CHAIR GREENE: Have those been addressed?

MS. BANYRA: No. There are certainly details on the plans that would -- this is a preliminary plan, so this would -- some of these details could be worked out as a condition, should the Board see fit to approve that.

Some of them dealt with lighting, landscaping, as Mr. Branciforte pointed out, something about the recycling.

Landscaping, waste disposal, dimensional issues, bike racks, charging stations, architectural elevations, existing and proposed infrastructure, some of that detail still would be required, but again, that could be required as a

condition of any approval, and some of that may still need to be worked out.

I think that's about it.

VICE CHAIR GREENE: Jeff, do you have anything to add or to comment on?

MR. MARSDEN: No.

VICE CHAIR GREENE: Okay.

Discussion, deliberation.

COMMISSIONER FISHER: I would be happy to --

VICE CHAIR GREENE: Would you like to start?

COMMISSIONER FISHER: I would be happy to.

VICE CHAIR GREENE: Speak up.

COMMISSIONER FISHER: First -- I guess I will speak sideways.

First, I do want to commend the developer on everything relating to the housing and the diversity of housing, et cetera, which we all understand the importance of that. But for me, I think that is probably one of the strongest points. I think there is a lot of challenges about this property, and some of which, you know, Eileen actually in her report indicated that the preference

within the town is to develop by ordinance not by variance, right?

So that is the starting point for me, and the benefit of going through a process, you know, in having a master plan, and planning and doing all of the work behind it is so we can look into things, like what is the longer term impact of traffic, not just specifically for this building, but what should the whole use of the area be. And I think we're just now -- that wasn't done in the prior master plan. It wasn't done -- they basically rescinded the original discussion on this area and went back to industrial because nobody had been developing it at the time, and when you think about the demographics in Hoboken, they are just catching up, right?

They changed pretty dramatically, so putting a bunch of vertical developments in this northwest corner may or may not be feasible, and I just don't think we know enough yet. We don't have enough information in front of us to be able to make that decision.

But that aside, there is also I think, you know, it is a unique property, and notwithstanding it looks like it has been orphaned,

you know, it has a very low building next to it on one side and a park on the other, and so I think to use your phrase earlier or someone's phrase, it's either going to be eye catching or it's going to be an eyesore.

This is a tall building with a flat side. Everybody coming in down the Viaduct is going to look to the right and just see this flat side with no windows, nothing you can do on it. Everyone in the park is going to look up and see at some point potentially a green wall, but, you know, that has to grow. It has to be maintained. You hope it doesn't die. It feeds itself. It gets a lot of heat. I mean, that's going to be hard to maintain, so it's -- I think there is a just lot of challenges in building this vertical building in this location without the benefit of having an overall plan, so that is my thought.

But I do think if we don't approve this, it is not a comment on the housing issue. It just may not be this property right now. We just have to think about how to best incorporate the diversity of housing in the area.

So I won't support it, and I do get to vote on this.

VICE CHAIR GREENE: Thank you.

Mike? I think we should go around.

COMMISSIONER DE FUSCO: To echo a number of the members of the community, this is a really special project for the affordable housing that's being offered. I don't think we should overlook that.

In my three years on the Board, it has never happened. I'm pretty sure it has never happened before, so big deal.

So aside from that, in terms of the physical structure, I think it is good looking. I don't think it going to be an eyesore. From the testimony that I have heard from both our planner and other planners, green walls are good architectural features to soften up larger buildings, smaller buildings. They're green features that are there for the betterment of the community.

It is certainly a very special location in the fact that the park may be there, and then we would have that one-story strip mall. I think it's suited for the location. It has been designed to appreciate what's going to be there and not overshadow anything, and not cut itself too short.

The extra story to me is definitely balanced out by the deposit criteria in the affordable housing, and certainly the LEED certification that I wasn't aware was offered either, but apparently it is, and I look forward to hopefully seeing this approved and seeing a platinum -- a platinum level LEED building.

VICE CHAIR GREENE: He didn't say "Platinum."

COMMISSIONER COHEN: He said "LEED certified."

COMMISSIONER DE FUSCO: All right. I smiled. Let the record show that I looked over at Frank and smiled at him.

(Laughter)

So I will be supporting this building, and I absolutely respect what Tiffani said, I mean, 100 percent. But there is also a part of me that believes that we need to take a step forward, a logical, thoughtful step forward and set some precedence, and then use those precedents to weigh into the future of what that part of town can be, but I definitely respect what Tiffanie said, and I appreciate that.

VICE CHAIR GREENE: Commissioner

Branciforte?

COMMISSIONER BRANCIFORTE: Why don't you come back to me, because I just want to hear what other people say?

VICE CHAIR GREENE: I'll be happy to come back to you.

Commissioner Cohen?

COMMISSIONER COHEN: Yes.

First, I want to recognize Joe Della Fave. I have admired his work from afar. I saw the delivered vacant movie and know what a hero he was as in our community with the Bussetti team and the work that he has done with respect to affordable housing and the fight that he's fought, and I wanted to thank him for sitting through the hearing and speaking to us at eleven o'clock tonight, your kind words for our service, which is a humble thing, and I want to acknowledge his work.

I have a conflict about this, because given all of the importance that has been staked to the affordable housing element of this, in fact, what is happening is that we have an offer for complying with the law and building what is legally required to be built.

My review of the transcript indicates

that that is not a positive criteria in this case. If the developer doubled the amount of affordable housing for this and went beyond what was legally required, that would be -- if it was built entirely as affordable housing, that would be -- I am not saying it's economically feasible, but I'm saying that would truly be powerfully important positive criteria that we would have to take into account.

I understand the law, that what is going on here is the minimum required affordable housing, and I think it is a historic fact that we have a developer complying with the law, but I think that is the minimum of what we should expect from our developers in our community, and that they should all be presenting at least the minimum required affordable housing in all units -- in all developments for which it is required.

So while I applaud this aspect of it, I do not believe that it is a reason for us to grant this approval unless this developer is going beyond the minimum that's legally required. So I want to recognize the importance of it, but I think we should keep in perspective, while this may be a historic moment, that we're comply with the law that's on the books, we shouldn't be patting

ourselves on the back for doing what is legally required, so I just want to make that statement.

I am concerned about the height of the building. I have seen other applicants come before us and say that it's economically necessary to build an extra story, even if it goes above the Palisades, and when we said no, they built it one story level lower, and it didn't block the Palisades, and it still got built, and everybody got a beautiful building at the end of the day.

I haven't heard any testimony to suggest that -- it sounds to me like it is possible to build this one story lower and still have an economically viable project. And while I am interested to hear what the other Commissioners have to say about this, I think that that would be appropriate, but that is my thought.

VICE CHAIR GREENE: Thank you.

Owen?

COMMISSIONER MC ANUFF: My concern is the height of the building.

VICE CHAIR GREENE: Speak up.

COMMISSIONER MC ANUFF: I personally don't feel that it fits within the site. I don't see any detriment to the developer or anybody else

to build it one story lower.

VICE CHAIR GREENE: Thank you.

Commissioner?

COMMISSIONER GRANA: The only concerns that I would offer is that we talked about the desire and the hope that we would have commercial space in this type of facility to support the park, and we actually have no real tangible offering of what those commercial services would be in this project. So we talked a lot about that, but I haven't seen that actually produced in this plan. That would be my one concern about the project.

VICE CHAIR GREENE: Commissioner?

COMMISSIONER MURPHY: One of my concerns is if a park is not built, then we have this, you know, apartment building with its own donut. I don't know. Obviously that, you know, depends on who wants to live in a building like that. But, you know, the park isn't a done deal yet.

I kind of agree with Tiffanie in that it's this, you know, wall that if the park is built, and I do have problems with the extra floor as well, and I am kind of torn. I like other aspects of the project, so I am not sure where I am at the moment.

VICE CHAIR GREENE: Commissioner, Chief?

COMMISSIONER TREMITIEDI: I think this has a lot of positive aspects, and it is not perfect for affordable housing, but it is a start. If it takes one more story, or if it is a positive start, I don't think the building is too high. It meets the current code. It's fully sprinklered. It is much better than the buildings that were there, so it's better for the public welfare.

I think all in whole, if I was able to vote tonight, I would vote for the project.

VICE CHAIR GREENE: Okay.

Commissioner, do you want to speak and you want to sum up or --

COMMISSIONER BRANCIFORTE: No. I mean I wanted to go last because I wanted to hear what everyone said, because I am kind of torn also between the affordable housing aspect, which I think is really important.

But, you know, I read the transcript and in going through it, I don't agree that this property should be compared to using the redevelopment zone as some sort of baseline for what this building should look like, height, density and

stuff, because frankly, I think the redevelopment zone has done its job and it's time to move on.

Mr. Vandermark --

MR. VILLAMAR: Villamar

COMMISSIONER BRANCIFORTE: -- Villamar, I'm sorry.

Mr. Villamar got up. He has a beautiful restaurant going with a beautiful building there, and last week we approved the new restaurant for Anthony David with a movie theater there. The economic development has happened, so there is no need for that jump start any more.

I just think the building is way too big, and that's basically where I am going with it.

VICE CHAIR GREENE: I will sum up. Let me -- I think, Commissioners, I think you stated --

MR. MATULE: Mr. Chairman --

MR. GALVIN: I don't think it is appropriate for you to comment when we are in deliberations.

MR. MATULE: I understand.

MR. GALVIN: -- but based on our friendship and the way you always treat me with respect, I want to show you respect.

MR. MATULE: Well, my only point is hearing this from the Board, we spent a lot of time and a lot of hours, and we have taken up a lot of the Board's time with this project, and rather than seeing it go down, we would rather downsize the building.

I don't know if the Board is open to that, but when Mr. White testified earlier that if he had to take a floor off of the building, it would be a 60-unit building with six affordable units rather than a 66-unit building with seven affordable units. We are amenable to amending our application accordingly, because this seems to be the real wrestling point for many of the Board members.

I know it is unusual, but again, we put in a lot of time and effort, and there are a lot of positive aspects to this application, and I would rather try to amend the application to something that the Board feels more comfortable with than see the whole thing go down the drain.

VICE CHAIR GREENE: Might I have a moment to confer with my counsel?

(Mr. Galvin and Vice Chair Greene confer off the record.)

VICE CHAIR GREENE: My inclination, Mr.

Matule, is to motor on and to bring this to a conclusion this evening.

MR. MATULE: That is your prerogative.

VICE CHAIR GREENE: Does anybody disagree with that position?

COMMISSIONER GRANA: No.

VICE CHAIR GREENE: No, okay.

MR. MATULE: Thank you for the opportunity.

VICE CHAIR GREENE: Thank you for the offer.

I think the application has more problems than whether it's six or seven stories.

Commissioner Fisher I think articulated very well one of the key issues. This is a proposed residential development in an industrial zone. This municipality has a redevelopment authority, and it is not us.

I fully recognize the importance of the affordable housing, but I don't think this should be the -- that should be the only reason why we should positively consider this application. I think it is important that affordable housing be considered, and it should be considered going forward, but I don't think this should be the landmark case for it in my

opinion.

MR. GALVIN: So we need a motion for or against the project.

COMMISSIONER BRANCIFORTE: Motion to deny.

VICE CHAIR GREENE: Can I have a second?

COMMISSIONER FISHER: Second.

CHAIRMAN AIBEL: All in favor?

MR. GALVIN: You need a roll call.

VICE CHAIR GREENE: Excuse me. We need a roll call.

COMMISSIONER BRANCIFORTE: Just a reminder, a yes vote is to deny.

VICE CHAIR GREENE: That is correct.

MS. CARCONE: Commissioner Cohen?

COMMISSIONER COHEN: No.

CHAIRMAN AIBEL: Commissioner DeFusco?

COMMISSIONER DE FUSCO: No.

MS. CARCONE: Commissioner Grana?

COMMISSIONER GRANA: Just to clarify, a yes --

VICE CHAIR GREENE: Yes is to deny.

COMMISSIONER GRANA: Yes.

MS. CARCONE: Commissioner Murphy?

COMMISSIONER MURPHY: Yes.

MS. CARCONE: Commissioner Branciforte?

COMMISSIONER BRANCIFORTE: Yes,

MS. CARCONE: Commissioner Fisher?

COMMISSIONER FISHER: Yes.

MS. CARCONE: Commissioner Greene?

VICE CHAIR GREENE: Yes.

MS. CARCONE: It's denied.

(The matter concluded at 11:25 p.m.)

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: May 1, 2014
This transcript was prepared in accordance with NJ ADC 13:43-5.9.

VICE CHAIR GREENE: Any other administrative issues to discuss?

MS. BANYRA: Can I just raise one administrative issue?

VICE CHAIR GREENE: Yes.

MS. BANYRA: So next meeting is May 13th, and we are going to -- you will be receiving a copy of the annual report for a couple years, and then we will have a few minutes to discuss that. Obviously, we are not going to go over it tonight because we will be getting something that the council is moving on making some ordinance changes, so...

VICE CHAIR GREENE: That is a Special Meeting on the 13th, and I won't be here.

MS. CARCONE: For the Special Meeting on the 13th, you won't be here?

VICE CHAIR GREENE: I'll be in France.

COMMISSIONER DE FUSCO: Motion to close.

COMMISSIONER BRANCIFORTE: Second.

VICE CHAIR GREENE: All right. Thank you.

(The meeting concluded at 11:30 p.m.)