

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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RE: SPECIAL MEETING OF THE :September 30, 2015
BOARD OF COMMISSIONERS OF THE :Wednesday 7:15 pm
HOBOKEN ZONING BOARD OF :
ADJUSTMENT :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Phil Cohen
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Frank DeGrim

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

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

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1 CHAIRMAN AIBEL: Good evening,
2 everyone.

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

11 Please join me in saluting the flag.

12 (Pledge of Allegiance recited)

13 CHAIRMAN AIBEL: Thanks, everybody.

14 We are at a Zoning Board of Adjustment
15 Special Meeting on September 30th, 2015. We have a
16 couple -- well, first, we will do a roll call, and
17 then we have a couple of administrative matters.

18 MS. CARCONE: Commissioner Aibel?

19 CHAIRMAN AIBEL: Here.

20 MS. CARCONE: Commissioner Greene is
21 absent.

22 Commissioner Cohen?

23 COMMISSIONER COHEN: Here.

24 MS. CARCONE: Commissioner DeFusco is
25 absent.

1 Commissioner Grana?

2 COMMISSIONER GRANA: Here.

3 MS. CARCONE: Commissioner Marsh is
4 absent.

5 Commissioner Murphy?

6 COMMISSIONER MURPHY: Here.

7 MS. CARCONE: Commissioner Branciforte
8 is absent.

9 Commissioner Fisher?

10 COMMISSIONER FISHER: Here.

11 MS. CARCONE: Commissioner McAnuff?

12 COMMISSIONER MC ANUFF: Here.

13 MS. CARCONE: Commissioner DeGrim?

14 COMMISSIONER DE GRIM: Here.

15 CHAIRMAN AIBEL: Great.

16 We have two matters that are being
17 withdrawn.

18 Pat, do you want to do it?

19 MS. CARCONE: Yeah.

20 528 Jefferson Street was a project that
21 was submitted to the Zoning Board. With the zoning
22 ordinance amendment, it has requested to be
23 withdrawn, and it's going to be refiled with the
24 Planning Board.

25 MR. GALVIN: Yes. They can't get

1 enough of these new applications.

2 (Laughter)

3 MS. CARCONE: And then the second
4 project is an appeal that was filed for 1130 Grand
5 Street, and the applicant has requested to formally
6 withdraw the appeal.

7 MR. GALVIN: Can we have a motion and a
8 second to accept both of these withdrawals?

9 COMMISSIONER FISHER: Motion to accept.

10 COMMISSIONER MC ANUFF: Second.

11 MR. GALVIN: All in favor?

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

14 MR. GALVIN: Anyone opposed?

15 No.

16 CHAIRMAN AIBEL: Great.

17 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 RE: Stevens Institute of Technology : SPECIAL MEETING
 Academic Gateway Center :
 APPLICANT: Stevens Institute of :
 Technology :September 30, 2015
 Preliminary & Site Plan Application :Wednesday 7:20 p.m.
 C & D Variances :
 (Continued from 7-28-15) :
 ----- X

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Hoboken, New Jersey

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1 CHAIRMAN AIBEL: All right. We can go
2 right to Stevens Institute of Technology Academic
3 Gateway Center.

4 Mr. Tuvel?

5 MR. TUVEL: Good evening, Mr. Chairman,
6 and Members of the Board.

7 Jason Tuvel from the law firm of
8 Gibbons, PC, attorney for the applicant.

9 I will be brief in my opening remarks,
10 so we can get right to the testimony.

11 All I wanted to go over right now was
12 what has occurred between the last meeting and
13 today, so a few administrative items and one
14 substantive change. So I will go through the
15 substantive change first and then the administrative
16 items.

17 After hearing some comments at the
18 Board meetings and also hearing some comments from
19 the public, as you are aware, Stevens has gone
20 through a public process in connection with this
21 application from start to finish, but as these
22 hearings have evolved, and you hear more and you go
23 through the plans, we decided to remove the
24 conference space from the proposed bridge that is
25 part of this application.

1 We felt that that was something that
2 would be a good compromise based on a lot of things
3 that we have been hearing from the public and also
4 from the Board. So let me explain that in a little
5 bit more detail, and then I will have our architect
6 obviously go through it very, very thoroughly.

7 The bridge is a two-story bridge that
8 was initially proposed with corridor space on the
9 second and third levels of the buildings.

10 On the east side of the bridges, there
11 was conference space. There was conference space
12 for students to come, collaborate, work with
13 professors, and work with each other.

14 What we decided to do was remove those
15 from the eastern side of the buildings on both the
16 second and third levels. What that did was it
17 reduced the width of the overall bridge from 26 feet
18 4 inches to 12 feet, so less than half of what it is
19 today -- of what it was as initially proposed.

20 In terms of square footage, the bridge
21 initially was 2500 square feet. That is with the
22 second -- with both levels combined with the
23 conference. With the new design, it is 1200 square
24 feet. So, again, in square footage it's well less
25 than half of what was initially proposed.

1 We believe that the bridge will be more
2 transparent. We thought it was pretty transparent
3 before. However, you will see while our architect
4 is speaking, that it's even more so now.

5 There will be less activity on the
6 bridge. It will just be a pedestrian path, as
7 previously there was going to be conference space.

8 And what we tried to do in the
9 balancing act here was, and you heard a lot of
10 testimony from several witnesses about the
11 connectivity factor here, the need to connect these
12 two buildings, so they act as a whole, so the
13 different disciplines within the science and
14 technology school that Stevens is can work together,
15 so that the educational experience can be maximized
16 and efficient.

17 So we felt that the connectivity aspect
18 of it was the most important, and by keeping that,
19 we are, you know, maintaining that important goal.

20 In addition to that, we still are not
21 duplicating services. The loading and the
22 deliveries can still be done only on the north
23 property. We don't need to have two areas for
24 deliveries, so we maintained that, which we thought
25 was a very good objective and a function of the

1 bridge.

2 In addition, the utilities will still
3 be able to go through the bridge as well, which we
4 also think is very important.

5 So I will let our architect go into
6 more detail and show you the exhibits, but I just
7 wanted to give the Board and the public a preview of
8 that change.

9 Under administrative items, we
10 submitted the final approvals on the Babbio garage
11 project. That was submitted about three weeks ago
12 to the Zoning Board.

13 In addition, on this project, the
14 Gateway project, we received approval from the
15 County Planning Board, from the Hudson County
16 Planning Board, so that was also received, and I
17 forwarded that to the Board as well.

18 In terms of this evening, what I plan
19 to do is call Ms. McKenzie back, our professional
20 planner. If you recall at the last meeting, her
21 direct examination was concluded, so now it will be
22 open to the Board and the public and the objecting
23 attorney for questions.

24 After Ms. McKenzie is concluded, I will
25 have our architect, Richard King, who has been

1 previously sworn and accepted as an expert, briefly
2 go through the changes to the bridge and show you
3 those items.

4 So with that, Mr. Chairman, unless
5 there are any specific questions for me, I will ask
6 Ms. McKenzie to come back and we can start her
7 cross-examination.

8 CHAIRMAN AIBEL: That is fine.

9 MR. TUVEL: Thank you.

10 CHAIRMAN AIBEL: Good evening.

11 E L I Z A B E T H C. M C K E N Z I E, PP, PA, 9
12 Main Street, Flemington, New Jersey, having been
13 previously sworn, testified further as follows:

14 THE WITNESS: Good evening, Mr.
15 Chairman, and Members of the Board.

16 MR. GALVIN: You are still under oath.

17 CHAIRMAN AIBEL: You are still under
18 oath.

19 Board members, do we have questions for
20 the planner?

21 COMMISSIONER GRANA: I have one
22 question.

23 THE WITNESS: Certainly.

24 COMMISSIONER GRANA: In the planning --
25 well, in a lot of the testimony, in the planning

1 testimony as well, there has been a lot of
2 discussion about the need for the connectivity
3 between the two structures to facilitate
4 collaboration.

5 THE WITNESS: Yes.

6 COMMISSIONER GRANA: Also, I believe in
7 the architect's testimony, there is about 45 or so
8 office spaces for faculty in this application.
9 Don't quote me. That's my number, not yours.
10 That's what I recall.

11 How does office space fit into the
12 collaboration objectives of this application?

13 I understand how classrooms and
14 laboratories fit into the need to connect. How do
15 office spaces fit into that?

16 THE WITNESS: I can give you my best
17 answer based on my understanding as a planner. I
18 don't run the institution, so you may get better
19 answers from other people.

20 But my understanding is that there
21 needs to be an ability, when you are doing these
22 sort of collaborative projects, there needs to be an
23 ability for the faculty members that are connected
24 to what is going on in a particular lab to be able
25 to have office space in close enough proximity to

1 that lab.

2 Students need to be able to go, when
3 they're working on a project, and find the
4 professor, whose office is hopefully closeby, and
5 there needs to be also the interaction between
6 various faculty members, who might be working in
7 several labs at once because that is the nature of
8 collaboration.

9 So that Stevens is a very -- I think
10 the word that Mr. Maffia used in his testimony was
11 that student centric institution, and the faculty is
12 very accessible to the students. So when they are
13 working on, you know, a lab project, or they're
14 working on something, they need to be able to access
15 the faculty, and the faculty needs to be able to
16 access the labs as well. That is my understanding
17 of that.

18 COMMISSIONER GRANA: Thank you.

19 CHAIRMAN AIBEL: Mr. Cohen?

20 COMMISSIONER COHEN: Hi.

21 I did read your testimony. I was not
22 able to be here on the 28th of July, and I thought
23 it was very thorough.

24 THE WITNESS: Thank you.

25 COMMISSIONER COHEN: So I have a

1 question, not based on what your testimony was
2 because I think I understand it, but based on the
3 new information with respect to the application that
4 we are going to hear in more detail from the
5 architect --

6 THE WITNESS: Yes.

7 COMMISSIONER COHEN: -- I assume you
8 had an opportunity to review the redesigned bridge.
9 is that correct?

10 THE WITNESS: I have, yes.

11 COMMISSIONER COHEN: And I am wondering
12 if it affects your testimony in any way. I mean, I
13 know what you testified about what the prior bridge
14 design was and why it was appropriate.

15 Do you have any comments with respect
16 to the redesigned bridge as to its utility and the
17 benefits versus the impact with respect to this
18 aspect of the plan?

19 THE WITNESS: Yes, I do actually.

20 I happened to like the design of the
21 bridge previously. By eliminating the conference
22 space, we do lose some opportunities for small
23 groups to get together, but that was the least
24 important aspect of the bridge.

25 The bridge accomplished, in my opinion,

1 three other things that were critically important to
2 these buildings and how they impact the neighborhood
3 and also Stevens.

4 With respect to the impact on Stevens,
5 it is still the collaboration issue. It is still
6 accommodated because the collaboration issue has to
7 do with the ability to get back and forth between
8 the two buildings and work on projects, as I just
9 described. So it still accomplishes that by the
10 ability of people to get back and forth and do the
11 things that Stevens does.

12 What we lost there are the conference
13 spaces, which finding spaces for small groups to
14 meet is less critical that can be accommodated
15 elsewhere. It would have been nice to have them
16 there. We liked the idea from there, but it is
17 doable without them.

18 What the bridge -- having the bridge
19 still does, which is still critical, is the ability
20 to have a more efficient system for providing
21 utilities to the two buildings, by having shared
22 utilities and being able to run them through the
23 bridge.

24 The other thing is it provides for the
25 ability to take deliveries off Hudson Street, which

1 is a quality of life issue that I testified to for
2 the people who live on Hudson Street. Right now
3 deliveries are made between Lieb and Carnegie, and
4 that opportunity will be closed off.

5 And what the bridge does is it allows
6 us to have the little trucks that are running
7 deliveries to the Academic Gateway and to Carnegie
8 to come in the back of the north building, and then
9 come and use the bridge to get into the south
10 building, and then also Carnegie, and so it provides
11 that opportunity to remove not only the curb cut,
12 but also all opportunities for the trucks --

13 COMMISSIONER COHEN: Excuse me, if I
14 could, just to interrupt, because I think a lot of
15 that you covered in your prior testimony.

16 THE WITNESS: I did.

17 COMMISSIONER COHEN: I guess what I am
18 trying to get you to focus in on is: I understand
19 the benefits to the facilities and to the school --

20 THE WITNESS: Okay.

21 COMMISSIONER COHEN: -- but I guess
22 what I would like you to focus on is the redesign,
23 if I understand your counsel's view, was that it was
24 in response to concerns of the community and then
25 the Board --

1 THE WITNESS: Yes.

2 COMMISSIONER COHEN: -- and I would
3 like to just get your professional opinion as to the
4 new design and its impact of the community.

5 I mean, does it successfully address
6 the concerns?

7 Do you have any opinion with respect to
8 that, in your perspective of design?

9 THE WITNESS: I do, and I am sorry if I
10 misunderstood your question initially.

11 I think what happens as a result, and
12 you will see the plan when it's -- this is not the
13 new bridge. This is the old bridge. You will see
14 the plan for the new bridge, and it is much airier
15 and sort of less visually obtrusive. There is more
16 light coming through because it is simply thinner
17 and more exposed that way. So that as far as its
18 impact, its visual impact, I think it will be
19 considerably less, and I think you will see that.

20 I think people were concerned about
21 that sense of heaviness of having the bridge go
22 across Sixth Street, even though it would be back
23 and pushed back, I think there was a concern that it
24 just sort of made the proposal more imposing, and
25 this takes that away, and you will see that, but it

1 still accomplishes all of the good objectives that
2 were in my testimony before.

3 COMMISSIONER COHEN: Thank you.

4 CHAIRMAN AIBEL: Anybody else have
5 questions for Ms. McKenzie?

6 CHAIRMAN AIBEL: All right. Seeing
7 none --

8 COMMISSIONER COHEN: Motion to close --
9 oh, I'm sorry, I jumped ahead.

10 CHAIRMAN AIBEL: -- we are cutting off
11 all questions.

12 (Laughter)

13 THE WITNESS: So I can go home.

14 CHAIRMAN AIBEL: Everybody can go home
15 now.

16 (Laughter)

17 We are now going to open it up to the
18 public for questions for the planner. This is the
19 time for questions, not for opinions. That will be
20 later.

21 Sir?

22 MR. DWYER: Good evening, Mr. Chairman,
23 and the Board.

24 Pat Dwyer from the law firm of Nusbaum,
25 Stein on behalf of the objectors Alla and Scott

1 Sobel. I do have a few very brief questions for
2 Ms. McKenzie.

3 You testified that you had visited the
4 campus in anticipation of participating here?

5 THE WITNESS: Yes.

6 MR. DWYER: And you had spoken with
7 people from Stevens about the application?

8 THE WITNESS: Yes.

9 MR. DWYER: The question I have is: At
10 any point during those conversations, was there any
11 discussion of placing the academic building
12 elsewhere on the campus?

13 THE WITNESS: No.

14 For the reasons that I already
15 described in my testimony, and I hope you don't want
16 me to reiterate all of that, but this was felt to be
17 the optimum location for these two buildings, both
18 in relationship to one another and in relation to
19 the rest of the academic core on the campus, which
20 we have already testified to and which Mr. Maffia
21 testified to.

22 In addition, we felt that, you know,
23 given the fact that these two properties are owned
24 by Stevens, and one is in the R-1(E) Zone and one is
25 in the R-1 Zone, and the fact that you have a

1 decidedly residential neighborhood across Hudson
2 Street from these properties and also up further on
3 Hudson Street next to us in the Ravenswood
4 buildings, some of which are owned by Stevens, we
5 felt that these buildings, even though they are
6 academic buildings, they're not residential. These
7 are buildings that were able to be quieted at night
8 in a way that residential buildings sometimes are
9 not, and we felt that they were appropriate uses for
10 that reason.

11 MR. DWYER: And you mentioned that
12 there was an open space requirement in the R-1(E)
13 Zone, correct?

14 THE WITNESS: Yes, there is.

15 MR. DWYER: Do you know what that
16 requirement is?

17 THE WITNESS: Yes. We have to have at
18 least campus-wide 50 percent open space.

19 MR. DWYER: And what is the current
20 percent of open space on the campus?

21 THE WITNESS: It's below 25 -- excuse
22 me -- we are -- I got the wrong thing.

23 We have well over the 50 percent
24 requirement on campus. I was looking at the
25 coverage requirement, and the coverage is different.

1 But we are well over the requirement.

2 MR. DWYER: And in your planning
3 report, you mentioned two cases. One was the
4 Monmouth University case and the other was the Seton
5 Hall University case.

6 THE WITNESS: Yes.

7 MR. DWYER: Are you familiar with those
8 cases?

9 THE WITNESS: I am.

10 MR. DWYER: Do you understand that the
11 Seton Hall case application to go off campus and use
12 a building on the edge of campus was denied?

13 THE WITNESS: Yes.

14 MR. DWYER: And that in the Monmouth
15 University case, the application to go off campus
16 and build academic related buildings off campus was
17 granted, but only after they explained that they had
18 looked at every other opportunity, all of the
19 alternatives?

20 THE WITNESS: What those two cases
21 stand for is the fact that academic institutions of
22 higher education are inherently beneficial.

23 There were -- there was some
24 indication -- just let me finish the answer -- with
25 respect to the South Orange case, the South Orange

1 case went down on the negative criteria, on the
2 failure to satisfy the negative criteria. But in
3 the Appellate Division's decision, it specifically
4 said that the issue of whether there was a better
5 way to do it or some other way on campus to
6 accommodate the buildings was not the proper purview
7 of the Board, that the Board should be looking
8 purely and simply at the application and the impact
9 on the negative criteria, you know, the intent and
10 purpose of the zone plan.

11 MR. DWYER: Isn't it true -- isn't it
12 true that the Monmouth University case is
13 specifically referred to the applicant confirming
14 with the Board that they had looked at all possible
15 alternatives and on and off campus where to put
16 these facilities and explained those reasons to the
17 Board, and that is part of the reason why the
18 Supreme Court of New Jersey affirmed, and that
19 variance was granted?

20 THE WITNESS: That was one of the
21 things that was mentioned in that case, yes.

22 MR. DWYER: Thank you.

23 That is all I have, Mr. Chairman.

24 CHAIRMAN AIBEL: Thank you.

25 Anybody else have questions for the

1 planner?

2 Please come forward.

3 Please state your name and address for
4 the record.

5 MS. HEALEY: Leah Healey, 806 Park.

6 All right. In preparation for this
7 testimony, did you review all of the plans,
8 different iterations of the plans coming up with
9 this plan?

10 THE WITNESS: Yes.

11 MS. HEALEY: And did all of those plans
12 contain a skybridge?

13 THE WITNESS: Yes.

14 MS. HEALEY: Have you reviewed the
15 master plans, both the 2004 and the 2010, in order
16 to prepare for this --

17 THE WITNESS: I did.

18 MS. HEALEY: Are you familiar with the
19 design, the free scape design concepts that are in
20 the master plan?

21 THE WITNESS: Yes, I am.

22 MS. HEALEY: And are you familiar with
23 the specific prohibition of the street and the
24 skywalks in the master plan --

25 THE WITNESS: Yes. There is a very

1 specific -- I'm sorry.

2 MS. HEALEY: -- concept -- I'm sorry.
3 Is that prohibition for all zones of Hoboken?

4 THE WITNESS: It is -- first of all,
5 the master plan isn't an ordinance, but it is a
6 recommendation that there be no more skybridges or
7 skywalks, they call them, allowed, and they
8 particularly reference one special purpose, a
9 skywalk, that leads from a parking garage to St.
10 Mary's Hospital. It says in that case, it might be
11 all right. We don't want more of them. We want to
12 maintain the vibrancy of the street, and we want to
13 keep people on the streets.

14 MS. HEALEY: Okay.

15 With respect to open space, you
16 indicated that there was a 50 percent requirement of
17 open space, and that you have well over that.

18 THE WITNESS: On the Stevens campus,
19 yes.

20 MS. HEALEY: How do you know that?

21 THE WITNESS: Because when we did the
22 calculations for the Babbio Garage, because I was
23 involved in that application, we did some
24 calculations of open space and coverage -- and --
25 floor area rather, open space and floor area. And

1 what we concluded was that we were well under the
2 floor area and well over the open space.

3 At that time I added a few percentage
4 points to figure out what would be the impact not
5 only of the gateway buildings, because we know
6 those, but also the, you know, other smaller
7 applications that have gone on for a couple of years
8 after that, and concluded that we were still, you
9 know, well above and below the threshold that we
10 needed to be.

11 MS. HEALEY: What is your definition of
12 open space?

13 THE WITNESS: Open space on the -- in
14 the ordinance is open space, the same way that you
15 define open space any other place.

16 MS. HEALEY: So is a sidewalk open
17 space?

18 THE WITNESS: No. Excuse me. It is
19 open -- it is partly -- it can be part of open
20 space. It is not -- it is -- if you are dealing
21 with coverage, that is different. It is part of
22 impervious coverage. It's not part of building
23 coverage however.

24 MS. HEALEY: So your 50 percent though
25 is --

1 THE WITNESS: Yeah. I have to go back
2 and look at the ordinance, if you want me to do
3 that --

4 MS. HEALEY: No.

5 THE WITNESS: -- because there is
6 actually -- there is a very specific way that the
7 term "open space" is used in the context of the
8 campus.

9 MS. HEALEY: Are you familiar with the
10 roads around Sixth Street?

11 THE WITNESS: Somewhat. I mean, I
12 don't live in Hoboken, but I certainly have driven
13 through them and around them as part of my
14 investigation.

15 MS. HEALEY: As part of your look at
16 the planning requirements for the building, I am
17 assuming that you took a look at the traffic
18 patterns --

19 THE WITNESS: Yes.

20 MS. HEALEY: -- so you are aware then
21 that Sixth Street runs from east to west?

22 THE WITNESS: It runs from east to
23 west, yes.

24 MS. HEALEY: And it is one-way?

25 THE WITNESS: Excuse me. One-way, yes.

1 MS. HEALEY: And then Hudson Street is
2 one-way running south?

3 THE WITNESS: Yes.

4 MS. HEALEY: And that Fifth Street,
5 which is the other side of the buildings, runs east,
6 and that is also one-way?

7 THE WITNESS: West to east, yes.

8 MS. HEALEY: And then behind this
9 building is I think River Road, which it kind of
10 jumps over the park and continues on.

11 THE WITNESS: Right, becomes sort of
12 like a river, sort of terrace --

13 MS. HEALEY: And is that a two-way
14 street?

15 THE WITNESS: I can't remember. I
16 think it is.

17 UNKNOWN VOICE FROM THE AUDIENCE: Yes.

18 THE WITNESS: I know I've probably gone
19 both ways on it, so I hope it is a two-way.

20 (Laughter)

21 UNKNOWN VOICE FROM THE AUDIENCE: Yes,
22 it is.

23 MS. HEALEY: Do you know what happens
24 to that street once it crosses Sixth Street as it is
25 heading north?

1 THE WITNESS: As it is heading north,
2 it dead ends.

3 MS. HEALEY: It dead ends at --

4 UNKNOWN VOICE FROM THE AUDIENCE: You
5 know, I am having a hard time hearing you. Can you
6 speak louder?

7 MS. HEALEY: I'm sorry.

8 THE WITNESS: Can you hear me?

9 UNKNOWN VOICE FROM THE AUDIENCE: I can
10 definitely hear you, but I can't hear Leah.

11 MS. HEALEY: I'm sorry. I think I
12 sound louder than I do.

13 THE REPORTER: I can hardly hear you
14 either.

15 MS. HEALEY: I'm sorry.

16 So my question is: If the amount of
17 traffic that is going to actually come down Sixth
18 Street, would you say that is probably pretty
19 limited by the nature of the way the streets are
20 that are surrounding it?

21 MR. TUVEL: Mr. Galvin, I would object
22 to the question, because the traffic engineer
23 already testified at length regarding trip
24 generation, his counts on the roadways, and I
25 believe these questions were actually asked of the

1 traffic engineer regarding trips on the roadway.

2 If they relate to planning, that is
3 fine, but I think the questions have been so far
4 related to traffic, which we had two hearings of
5 testimony on.

6 MS. HEALEY: I am interested in what
7 your opinion is about the pedestrian character of
8 Sixth Street and whether or not --

9 MR. GALVIN: Just so you know, I think
10 it is planning related. I think you have to put all
11 of the testimony in, and the planner pulls it all
12 together, and I am pretty sure that this question is
13 related to Ms. McKenzie's planning testimony.

14 MR. TUVEL: As long as it relates to
15 planning, okay.

16 MS. HEALEY: Just your opinion on the
17 traffic on Sixth Street in terms of how it is going
18 to relate to pedestrians that are using these
19 buildings.

20 Is it going to inhibit them?

21 Is it going to be okay for them?

22 Do you have any opinion on that?

23 THE WITNESS: I gather you are asking
24 me the question because you are wanting to know
25 whether it is important for pedestrians not to have

1 to cross the street.

2 MS. HEALEY: Correct.

3 THE WITNESS: Some pedestrians will,
4 and to the extent that there is traffic on Sixth,
5 then they won't have to stop and wait for that
6 traffic.

7 I think that there are -- that doesn't
8 address the reasons for having the bridge, but I
9 can't argue with you that there will be people
10 crossing the street from time to time, and they will
11 cross the street the same way everybody else does.

12 So from a planning perspective, I don't
13 think that -- the purpose of the bridge is not to
14 make sure nobody has to cross the street. It is to
15 allow people who might be on the fourth floor or the
16 third floor to be able to get across to the lab that
17 they need to get across to without having to go all
18 the way down to the street and cross and go back up,
19 which is an inefficient use of time and energy,
20 people's energy.

21 MS. HEALEY: Okay.

22 You testified tonight that you felt
23 that the deliveries being taken off of Hudson
24 Street -- not being on Hudson Street was a benefit
25 of the bridge --

1 THE WITNESS: Yes.

2 MS. HEALEY: -- and that they could use
3 the skyway of the bridge.

4 Was there no other way for the building
5 to have been designed, so that the deliveries could
6 have been in the rear of both of these buildings?

7 THE WITNESS: I am not the designer.
8 There would certainly have needed to be other
9 accommodations, if that was going to occur, and I am
10 not sure that the -- I don't know that it would have
11 justified making a change in the existing situation
12 because there was already an entrance to Carnegie
13 between -- that goes between Lieb and Carnegie, so I
14 don't have an answer to that question. That is a
15 design question.

16 MS. HEALEY: Okay.

17 And the collaboration you talked about,
18 there being a back and forth between the buildings,
19 the collaboration achieved by that, is collaboration
20 not able to be achieved for somebody to go down the
21 stairs and across the street and go back up?

22 THE WITNESS: I think you are missing
23 the point of the collaboration, and that is that
24 ability for students and faculty, who might be a
25 student working in a lab space and a faculty member

1 perhaps in an office, perhaps in the other building
2 because many of the offices are not in the same
3 building with the lab space because of the way the
4 buildings are configured, they can't be, and the
5 ability to access each other easily.

6 And, yes, Mr. Maffia testified
7 extensively about, you know, seeing people in
8 corridors and seeing people in hallways, and you
9 know, to the extent that they are within the
10 building, they might stop to have a chat. There
11 might be more of that kind of collaboration.

12 But the bridge has many purposes, and
13 the collaboration is that the collaboration that is
14 achieved by tying in these two buildings to one
15 another is critical.

16 MS. HEALEY: Do you have an opinion
17 about whether this is an appropriate use of a public
18 right-of-way?

19 THE WITNESS: I think it is a perfectly
20 appropriate use of a public right-of-way, and I
21 think that, you know, ordinarily, and this goes back
22 to the question you asked me previously, ordinarily
23 when, you know, you are dealing with a statement in
24 the master plan that you don't want more of these
25 skybridges or skywalks, you know, the idea, and this

1 is expressed in the master plan, is you want
2 pedestrians on the street shopping. You want them
3 not to be insulated from Hoboken.

4 But in this case, you are dealing with
5 an academic institution. You are dealing with
6 access between two academic buildings. There are no
7 stores or shops in the immediate vicinity of these
8 buildings that might be deprived of having students
9 use them. And we already have, as I said, we
10 already have bridges connecting the three buildings,
11 Morton, Kidde and Pierce.

12 MS. HEALEY: Do any of those bridges
13 exist in a public right-of-way --

14 THE WITNESS: They don't have a public
15 right-of-way as proposed, so this is perfectly
16 appropriate in my opinion to do so, provided the
17 Council approves it.

18 MS. HEALEY: So what benefit is it to
19 the community?

20 I realize the benefit to Stevens, but
21 what is the benefit to the community that lives
22 around this, and you are not to be impacting
23 negatively, that you have Stevens' students going
24 back and forth between two buildings over a public
25 right-of-way?

1 THE WITNESS: Well, you know, one of
2 the things that was mentioned early on in some of
3 the discussions that Stevens' people were having --

4 (Commissioner Grana fell off the
5 chair.)

6 (Laughter)

7 COMMISSIONER FISHER: Are you okay?

8 COMMISSIONER GRANA: It was a timed
9 interruption.

10 (Laughter)

11 THE WITNESS: -- one of the things that
12 had been said to Stevens is that we don't really
13 want kids hanging out. We don't want students
14 hanging out on Hudson Street. So it was one of the
15 reasons that the terrace idea that we initially had,
16 we would have had sort of a patio on Hudson Street
17 in front of the north building in particular, and
18 actually in front of both buildings I believe at one
19 point, but that went away in favor of the gardens
20 that we were proposing and to specifically not
21 create an environment where people would hang out.

22 Can you hear me?

23 MS. HEALEY: Are you aware of a
24 provision in the master plan that says that this
25 area of Stevens' campus is to be dealt with in a

1 manner that was protective of the adjoining R-1
2 community?

3 THE WITNESS: Absolutely, and we
4 knocked ourselves out to accomplish that, and I
5 think we did.

6 MS. HEALEY: By putting in the
7 garden --

8 THE WITNESS: Well, not just that.
9 It's also everything we have done about the building
10 design, the effort to step down the buildings, to
11 integrate with the Ravenswood buildings, to keep the
12 cornice lines consistent with Carnegie and to
13 basically create buildings, that while they are not
14 residential buildings, would be complimentary to the
15 residential buildings and would have a solid look
16 that was consistent with the architectural
17 vernacular of the area, and there was an effort --
18 and Richard King testified to this extensively in
19 terms of sizing of windows and building materials
20 used, and all of the ways in which we made an effort
21 to be respectful of the residential character of
22 this area.

23 MS. HEALEY: And if, as you say, the
24 benefit of this is that you are having this
25 cross-over and deliveries, do you have any opinion

1 about why this couldn't be accomplished in one floor
2 rather than two?

3 THE WITNESS: You know, one of the
4 benefits of having it on two floors, I don't think
5 it makes -- I can't imagine that it would make a
6 significant difference from the view from the
7 street. I think the thinness and airiness of the
8 bridge now is what makes a difference.

9 But, you know, the benefit of having
10 two floors of the bridge is that people will only
11 need to go down a floor, up a floor in order to use
12 the bridge from within the building, so that that
13 promotes the use of the bridge and promotes the
14 ability of people to go back and forth.

15 It makes sense from a programmatic
16 standpoint, and I think it has no detrimental impact
17 to the surrounding area.

18 I don't think the bridge, and you will
19 see from the pictures that you're going to see, I
20 don't think it is -- I mean, I did not -- I have to
21 tell you that I don't think that that is an
22 unattractive structure, but it is much airier and
23 lighter and less visually obvious with the change
24 that's proposed.

25 MS. HEALEY: Perhaps you don't consider

1 it unattractive, but somebody must, if they put a
2 prohibition in the master plan for the public
3 hearings on this --

4 THE WITNESS: No, no, wait. The public
5 hearings on this?

6 MS. HEALEY: The master plan.

7 THE WITNESS: Oh, the master plan.

8 That went in, I believe, because of the
9 desire to promote pedestrian use of the city streets
10 and the use of the ground floor shopping areas and
11 to not take people away from the rest of Hoboken,
12 but I don't think that is a problem here. That same
13 issue doesn't apply here.

14 MS. HEALEY: Do you think the structure
15 would be, as you said, lighter and airier and more
16 transparent if it were half of the square footage,
17 so it was only one floor rather than two?

18 THE WITNESS: I don't know. I have not
19 looked at that alternative yet.

20 MS. HEALEY: Thank you.

21 CHAIRMAN AIBEL: Thank you.

22 Anybody else wish to question the
23 planner?

24 Please come forward.

25 You, the gentleman.

1 Name and address.

2 MR. COOKE: Frank Cooke, C-o-o-k-e, 632
3 Hudson Street.

4 MR. COOKE: During the previous
5 testimony, and I apologize, I am not a planner, so I
6 don't recall the variances that you are referring
7 to, but there was a lot of discussion of the public
8 good, and I am just curious.

9 Are there incremental programs getting
10 added to Stevens to further improve the public good
11 as a result of this program?

12 THE WITNESS: Yes.

13 MR. COOKE: What are they?

14 THE WITNESS: The bio-innovation
15 laboratory and that whole program will have a home.

16 MR. COOKE: But it exists today?

17 THE WITNESS: It exists today, but it's
18 not adequately accommodated.

19 And these are questions probably better
20 directed in terms of the specifics of what exists
21 today and how they are accommodated today to be
22 asked of Robert Maffia, who was another witness.

23 But we are also facilitating the lab
24 that allows for the learning from remote locations
25 and also the space for constructing, you know,

1 experimental projects will be enhanced. We will
2 have a big lab for that, and we don't have space for
3 that now.

4 So all of that, which allows Stevens to
5 continue with its research projects, and that
6 research is directly beneficial to the public, it is
7 also indirectly beneficial in the sense that Stevens
8 sends out people that will know more about those
9 things and be of help to society, but also that some
10 of the direct benefits of the research are actually
11 put to use.

12 So I believe that those are direct
13 public benefits apart from and in addition to the
14 fact that academic institutions, institutions of
15 higher education, are considered to be inherently
16 beneficial in their own right, even if we didn't
17 have all of those extra things that we are getting
18 out of it, it would be inherently beneficial, but I
19 think that puts us on a roll to the top in terms of
20 the inherent benefits.

21 MR. COOKE: So two questions or
22 clarifications.

23 Do the programs exist today?

24 THE WITNESS: I believe they do.

25 MR. COOKE: So there are no incremental

1 programs getting added to the public good. It's
2 just an improvement on the programs?

3 THE WITNESS: That is my understanding.

4 The programs exist, but there is not
5 adequate and appropriate space for them, so they
6 are -- they are hampered in their ability to
7 flourish.

8 MR. COOKE: Thank you.

9 A follow-up question: You mentioned
10 that higher learning institutions are inherently
11 seen as being better for the public good.

12 Does that mean it would be better for
13 Stevens to hop across Hudson Street and take over
14 some of those buildings and use those for
15 incremental --

16 THE WITNESS: You know, honestly I
17 haven't looked at an application to do something
18 like that because it is not proposed in this case.

19 MR. COOKE: That wasn't the question.

20 THE WITNESS: You asked me if it would
21 be better to do that, and I have not speculated
22 about that.

23 MR. COOKE: Okay.

24 Lot coverage, and I don't understand
25 the zoning rules, so I apologize.

1 I heard about lot coverage on the
2 campus level. My impression was that lot coverage
3 zoning is at the lot level.

4 THE WITNESS: It is, and we asked for
5 variances because on a lot-by-lot basis, we are
6 exceeding -- and lot coverage here means building
7 coverage, and we are exceeding it.

8 But elsewhere on the campus, we have in
9 the past been looked at in the context of the
10 overall campus lot coverage and we are well within
11 that.

12 MR. COOKE: So you admit that it is
13 actually lot coverage that is the zoning
14 requirement, not the campus coverage?

15 THE WITNESS: No. We asked for a
16 variance on lot coverage because we don't meet it on
17 the individual lots, yes --

18 MR. COOKE: Because you do need it.

19 THE WITNESS: -- we do need it. I said
20 that because we don't "meet" it, "meet" it. We need
21 it. We don't meet it.

22 MR. COOKE: That's not coming across
23 clearly to me, but I don't know about anybody
24 else --

25 THE WITNESS: We don't meet it on the

1 individual lots. We do need the variances, and we
2 asked for those.

3 MR. COOKE: You had mentioned that
4 skybridge conference space was the least important
5 part or aspect of the project, and I assume you
6 didn't mean project. You meant the skybridge.

7 Can you tell us what the next least
8 most important aspects of the projects are?

9 THE WITNESS: No.

10 MR. COOKE: There have been a couple of
11 mentions of deliveries on Hudson and the need to
12 have the skybridge to facilitate not having
13 deliveries on Hudson.

14 Is there any anticipation that there
15 would ever be deliveries on Hudson in this new
16 layout?

17 Is there going to be a loading zone or
18 anything like that?

19 THE WITNESS: No.

20 MR. COOKE: Would there ever be a
21 loading zone on Hudson?

22 THE WITNESS: I don't know whether
23 somebody would attempt to unload something from
24 Hudson, but there is no loading zone proposed on
25 Hudson.

1 MR. COOKE: So the Hudson thing is a
2 little bit of a red herring?

3 THE WITNESS: Well, right now we have
4 access from Hudson to a loading area --

5 (People in the audience talking)

6 MR. GALVIN: Guys, guys, just stay here
7 between the planner and yourself, Mr. Cooke.

8 MR. COOKE: Hum, this is kind of going
9 back to one of the things that Leah was talking
10 about.

11 Previously you mentioned that it
12 wouldn't materially impact views when we have the
13 deep width conference room double height skybridge?

14 THE WITNESS: Right.

15 MR. COOKE: And now you said it is
16 better, it is lighter. And Leah had asked you about
17 even cutting this down to one floor versus two.

18 If it was okay before, but now it is
19 better, is it not better again to go lighter?

20 THE WITNESS: I don't know. I think
21 that the application as it was initially proposed
22 was attractive and defensible. You will have a
23 modified proposal to look at, and you can make that
24 decision.

25 I am comfortable that it is lighter and

1 airier. I don't think it is necessarily better
2 looking, but it's certainly lighter and airier with
3 more light coming through, more of the ability to
4 see the sky and less of the sense that there is a
5 building there.

6 MR. COOKE: Okay.

7 So you can't anticipate?

8 THE WITNESS: I am not anticipating.

9 MR. COOKE: Also, we heard that
10 Carnegie is connected to the south building?

11 THE WITNESS: South building, yes.

12 MR. COOKE: And that Carnegie already
13 had delivery facilities?

14 THE WITNESS: It has them now; it will
15 go away.

16 MR. COOKE: So we could leave the
17 Carnegie delivery facilities as they are today and
18 potentially mitigate the need for a skybridge?

19 THE WITNESS: No, because we still have
20 to get deliveries into the north building -- I mean
21 into the south building.

22 MR. COOKE: But it could come through
23 Carnegie into the south building --

24 THE WITNESS: Well, not if you are
25 connecting the two buildings, no.

1 MR. COOKE: I didn't ask that.

2 THE WITNESS: Well, except that that's
3 what's happening is it's being connected.

4 MR. COOKE: I'm sorry. That's
5 happening?

6 THE WITNESS: The south building --

7 MR. COOKE: Zoning Board, is that
8 happening?

9 THE WITNESS: -- no. That is part of
10 the application to connect the two.

11 MR. COOKE: So that wasn't my question.

12 Carnegie would be connected to the
13 south building. Deliveries could come into
14 Carnegie, if it were facilitated?

15 THE WITNESS: I am not sure how that
16 would happen.

17 If the buildings are proposed to be
18 built as shown, there would not be room for that
19 anymore.

20 MR. COOKE: So the question then
21 becomes: If the buildings were modified to still
22 allow access to Carnegie, deliveries could come into
23 the south building, not having to go over a
24 skybridge?

25 THE WITNESS: Possibly.

1 MR. COOKE: Thank you.

2 No more questions.

3 CHAIRMAN AIBEL: Thank you.

4 Please come forward.

5 MS. ONDREJKA: Mary Ondrejka, 159 9th

6 Street.

7 MR. GALVIN: Mary, could you spell your
8 last name for the court reporter?

9 MS. ONDREJKA: O-n, as in nun, D, as in
10 dog, r-e-j-k-a.

11 This has always puzzled me, but I
12 always forget what it stands for. But both sites
13 are in two different zones, correct?

14 THE WITNESS: Yes.

15 MS. ONDREJKA: The north site is in the
16 R-1(E)?

17 THE WITNESS: No. The north site is it
18 in the R-1, and the south site is in the R-1(E).

19 MS. ONDREJKA: Okay. What is the
20 R-1(E)?

21 THE WITNESS: The R-1(E) is the R-1
22 educational subdistrict.

23 MS. ONDREJKA: And the R-1 is
24 residential?

25 THE WITNESS: Right.

1 MS. ONDREJKA: So the north is in the
2 R-1?

3 THE WITNESS: R-1, yes.

4 MR. GALVIN: How about in this photo,
5 which one --

6 MS. ONDREJKA: On the left.

7 THE WITNESS: The one on the left is in
8 the R-1 Zone, and the one on the right is in the
9 R-1(E) Zone.

10 MR. GALVIN: Thank you.

11 MS. ONDREJKA: Okay.

12 What I don't understand is, and this is
13 what is causing a lot of problems, the structure
14 that -- well, what is sitting there now is a parking
15 lot, correct?

16 THE WITNESS: Yes.

17 MS. ONDREJKA: What was sitting before
18 that was a church, correct?

19 THE WITNESS: Correct.

20 MS. ONDREJKA: That is not residential,
21 so why has it been zoned residential?

22 THE WITNESS: I believe that -- see,
23 initially when the R-1(E) Zone was created and the
24 zoning map was drafted, this property, the north lot
25 was actually -- and the Ravenswood buildings were

1 included with the R-1(E) Zone, and then it was
2 realized somewhere down the road that that had not
3 been the intention when the zoning map was drawn,
4 that the intention had been actually to leave the
5 Ravenswood buildings, but the parking lot was
6 encompassed within that within the R-1 Zone, so that
7 adjustment was made in 2005, although it is not
8 reflected on the main building --

9 MS. ONDREJKA: Wait a minute.

10 The adjustment -- what adjustment was
11 made in 2005?

12 THE WITNESS: To take the north lot,
13 Lot 1, Block 228, and the property that we call the
14 Ravenswood Townhouses and put them out of the R-1(E)
15 and back into the R-1 where they had started.

16 MS. ONDREJKA: Okay. I can understand
17 them taking the Ravenswood, but why a parking lot?

18 THE WITNESS: I don't know the answer
19 to that, but I have to take --

20 MS. ONDREJKA: No rationale for that --

21 MR. GALVIN: Wait, wait.

22 MS. ONDREJKA: -- I want to know the
23 rationale.

24 MR. GALVIN: Whoa, whoa.

25 THE WITNESS: I didn't do the

1 ordinance.

2 I believe that there could have been a
3 concern about what went on this lot, if the parking
4 lot were a go away. I don't think it was to protect
5 the parking lot, which is nonconforming also.

6 It may have been to protect the
7 character and have a lot of control to make sure it
8 would have to come to this Board. I can't give you
9 the rationale for that.

10 What I can tell you is that we have
11 taken the fact that it is in the R-1 Zone very
12 seriously in terms of how we have attempted to
13 design this to fit in with other properties that are
14 zoned R-1 and 2 to be a good neighbor.

15 MS. ONDREJKA: Okay. I don't -- that
16 is not my issue.

17 This means that Stevens owns property
18 in the R-1 district --

19 THE WITNESS: Yes.

20 MS. ONDREJKA: -- and they are allowed
21 to build on this property, if they so choose?

22 THE WITNESS: Yes.

23 MS. ONDREJKA: That means that Stevens
24 can only build condos?

25 THE WITNESS: Well, there are other

1 uses -- there are a lot of other uses allowed in the
2 R-1 Zone. I mean, retail uses are also allowed in
3 the R-1 Zone.

4 MS. ONDREJKA: No, no. That is
5 irrational, and we all know it. That's not why --

6 (Laughter)

7 THE WITNESS: It is not my ordinance --

8 MS. ONDREJKA: -- so you're --
9 you're -- what I'm getting at --

10 THE WITNESS: -- it's not my ordinance.

11 (Ms. Ondrejka and the witness speaking
12 at the same time.)

13 MR. GALVIN: Remember, you are asking
14 questions.

15 MS. ONDREJKA: I know I am asking
16 questions, but this does not make sense to me to
17 have a piece of property for Stevens, what exactly
18 can Stevens build on this, if they can't build an
19 academic building?

20 THE WITNESS: They could build -- they
21 could build condominiums or apartments.

22 MS. ONDREJKA: That is irrational, but
23 okay.

24 All right. Why wasn't this changed?

25 THE WITNESS: Why wasn't the zoning --

1 MS. ONDREJKA: Changed.

2 MR. GALVIN: She can't answer that.

3 THE WITNESS: No. And the thing is
4 when we come to a Board of Adjustment, everybody
5 here in this room has to accept the zoning that is
6 in place. This is not the place to say, oh, the
7 zoning shouldn't have been that way. We have to
8 deal with the zoning that we have --

9 MS. ONDREJKA: Well, that obviously
10 seems to be a flaw.

11 So then they could put a residential
12 building four stories high, correct?

13 THE WITNESS: 40 feet.

14 MS. ONDREJKA: 40 feet.

15 All right. The zoning law was recently
16 changed recently in June because of the floods --
17 the flooding situation that occurred, and they can
18 now go 40 feet above the flood plain.

19 This is not considered flood plain,
20 this piece of property, correct?

21 THE WITNESS: Correct.

22 MS. ONDREJKA: So it does not apply to
23 this, correct?

24 THE WITNESS: Right. We are dealing
25 with a 40-foot limit, and we have a height

1 variance --

2 MS. ONDREJKA: That is what you are
3 asking for. Okay.

4 Hum, I had written down -- I couldn't
5 remember it was so long ago, but you had a long
6 testimony.

7 THE WITNESS: I know.

8 (Witness laughs)

9 MS. ONDREJKA: Did you, hum -- did
10 you -- okay -- there is also a variance -- is
11 there -- did you say that there was a variance
12 needed for the cellars --

13 THE WITNESS: Yes.

14 In order to be able to make academic
15 use of the space in the cellars, that requires a
16 variance, and because the cellars are not under the
17 definitions in your ordinance counted as stories are
18 permitted to be used as habitable space, but -- and
19 that makes sense when you are dealing with
20 residential buildings for sure, but when you are
21 dealing with academic buildings --

22 MS. ONDREJKA: And this is because of
23 the R-1 designation.

24 If it wasn't in R-1, would you need a
25 variance for the cellar?

1 THE WITNESS: Yes, because we need one
2 in the R-1(E) Zone, because the cellar --

3 MS. ONDREJKA: Because it's --

4 THE WITNESS: -- it is a definitional
5 issue with the cellar, and we asked for that
6 variance, because -- and we had testimony. There
7 was testimony from Richard King regarding, you know,
8 the fire safety issues and other safety issues that
9 would have motivated the prohibition against using
10 the cellars as habitable space and how for a non
11 residential use, that can be overcome in other ways.

12 MS. ONDREJKA: Okay.

13 The variance is needed because people
14 are going to be down there working or studying?

15 THE WITNESS: Right.

16 MS. ONDREJKA: Okay. It's not just
17 storage?

18 THE WITNESS: It's for lab space --

19 MS. ONDREJKA: No. I understand. I
20 just wanted to know why you needed a variance.

21 Wait a minute. I have one more
22 question here.

23 Hum, so can I ask this: Ravenswood,
24 that is right next to this property?

25 THE WITNESS: Yes.

1 MS. ONDREJKA: Could Stevens knock all
2 of Ravenswood down and put academic buildings there?

3 THE WITNESS: I think it would be
4 probably over the Board's dead body, but --

5 (Laughter)

6 -- but they can't do it without coming
7 to this Board.

8 MS. ONDREJKA: Right. So Ravenswood is
9 out.

10 So you got a piece of property here
11 that you have to -- would only be allowed to put a
12 residential situation?

13 THE WITNESS: Residential or
14 residential with retail on the ground floor. You
15 could do that.

16 MS. ONDREJKA: All right. Thank you.

17 CHAIRMAN AIBEL: Thank you.

18 Any further questions for this witness?

19 Please, ma'am.

20 MS. GROSS: Barbara Gross, 600 Hudson
21 Street.

22 My first question is: Are we going to
23 see a picture of what the new proposed --

24 THE WITNESS: Yes.

25 (Laughter)

1 MS. GROSS: Okay. Because I keep
2 looking at this, and I am not able to come to any
3 conclusions.

4 THE WITNESS: That is because you will
5 hear testimony from Richard King, who is the
6 architect, and he will be able to explain the
7 changes that were made in the bridge and how --

8 MS. GROSS: Okay.
9 Now, at the beginning of your talk
10 tonight, you mentioned 1200 square feet?

11 THE WITNESS: Actually Mr. Tuvell did
12 that in his opening --

13 MS. GROSS: Okay.
14 Would you know, is that each floor, is
15 that 1200 on third floor, and 1200 on the --

16 THE WITNESS: I think it is 1200 all
17 together, but I have to check.

18 MR. GALVIN: That will come from the
19 next testimony.

20 MR. TUVEL: The architect will go over
21 it.

22 THE WITNESS: Actually I have to go
23 look at the plans and check, because I forget --

24 MR. GALVIN: All right. Let's move on.
25 We can't give you that answer.

1 MS. GROSS: The issue of collaboration
2 really puzzles me, because Sixth Street is not so
3 big that it would take a long time to get across it
4 on foot.

5 And does collaboration go on in any
6 other part of the campus?

7 THE WITNESS: It goes on -- it goes on
8 throughout the campus.

9 MS. GROSS: Without a bridge
10 connecting --

11 THE WITNESS: Well, there are some
12 bridges on the other part of the campus --

13 MS. GROSS: Skybridges?

14 THE WITNESS: Yes. They connect the
15 Morton, Pierce and Kidde buildings.

16 MS. GROSS: Okay.

17 Suppose I have classes in the Stevens
18 Hall or in Carnegie or in Babbio Center, and I need
19 to collaborate with somebody, I have to go --

20 THE WITNESS: Then you do have to get
21 out and walk, absolutely.

22 (Ms. Gross and the witness talking at
23 the same time.)

24 MS. GROSS: And my --

25 THE REPORTER: Wait a second. You

1 can't talk at the same time.

2 MS. GROSS: I'm sorry, I'm sorry.

3 THE REPORTER: What was your question?

4 MS. GROSS: My question was: Suppose I
5 had classes in Babbio or Stevens Hall or the
6 Carnegie building, and I need to collaborate with
7 someone, and the witness said yes, you have to go
8 out into the street and walk there.

9 Has that been a big problem?

10 THE WITNESS: What we have -- I don't
11 know that it has been a big problem in the sense
12 that what we have done is located all of the
13 academic buildings in close proximity to one
14 another, but here, where we are adding space in both
15 buildings, some of those spaces interrelate, but we
16 can't get them all in one building, and that is why
17 we need the bridge between the two buildings.

18 CHAIRMAN AIBEL: Thank you.

19 Anyone else?

20 Please step forward.

21 MR. PRANSES: Terry Pranses, 730 Park
22 Avenue.

23 MR. GALVIN: Terry, spell your last
24 name.

25 MR. PRANSES: P-r-a-n-s-e-s.

1 MR. GALVIN: Okay. Thank you.

2 MR. PRANSES: Now, the first question
3 is going back to your July testimony, your earlier
4 testimony, and it is really a clarification. It
5 seemed to confuse me.

6 It seemed that you were saying that
7 some of the deliveries to this complex would be made
8 through Babbio and through the Sinatra Drive
9 entrance.

10 Was that something that you wished to
11 say, or did I misperceive the testimony?

12 THE WITNESS: No, no. I'm sorry.
13 Some of the deliveries?

14 MR. PRANSES: Right, right. Goods --

15 THE WITNESS: Those would come to the
16 north building and then come through the back of the
17 north building, come -- the people delivering things
18 would come in, go over the bridge to the south
19 building, and then go through the south building and
20 then over to Carnegie.

21 MR. PRANSES: So there is no use of
22 Babbio to deliver the goods --

23 THE WITNESS: No. Babbio is for
24 parking.

25 MR. PRANSES: Well, it has a building

1 on top --

2 THE WITNESS: A garage, right --

3 (Mr. Pranses and the witness speaking
4 at the same time)

5 THE WITNESS: -- I don't -- I am not an
6 expert in how deliveries occur on the campus, but
7 the intent that was testified to was to have
8 deliveries for these two buildings and also
9 Carnegie.

10 If I said Babbio by mistake, then I
11 misspoke, and also Carnegie, all accessed by way of
12 the delivery entrance at the back of the north
13 building.

14 MR. PRANSES: Thank you.

15 Now, in terms of the deliveries to
16 these buildings, they may currently be made by
17 Hudson Street -- on Hudson Street --

18 THE WITNESS: Yes. And I think there
19 actually are loading spaces on Hudson Street, and I
20 am thinking about that now and if they actually --
21 the trucks do park on Hudson to load.

22 MR. PRANSES: And the alternative in
23 your mind is -- or as laid out is that they go
24 around the block, they deliver, and then they come
25 back out?

1 THE WITNESS: I'm sorry.

2 MR. PRANSES: If they come in from the
3 north, if they are a southbound delivery on Hudson
4 Street, they will no longer be made on Hudson
5 Street, so then what would happen in terms of flow?

6 THE WITNESS: Well, they will come
7 from -- internal to the campus, they will come down
8 Sixth and go to the back of the north building.

9 MR. PRANSES: And then in terms of
10 external to the campus, if it's goods from the truck
11 say --

12 THE WITNESS: They would go probably up
13 Ninth to the Howe building, and you know, deal with
14 deliveries there.

15 MR. PRANSES: So they wouldn't be doing
16 a loop of south on Hudson, east on Fifth, a stop
17 behind the building on Hudson Terrace, and then back
18 out going west on Sixth, that is not the pattern?

19 THE WITNESS: I don't know what the
20 existing pattern is. I am not an expert in it.

21 I do know that the intention would be
22 to have deliveries internal to the campus and coming
23 to the back of the north building and not using
24 Hudson Street to serve these buildings.

25 Now, whether there are other buildings

1 that would be served from Hudson Street, I can't
2 answer that.

3 MR. PRANSES: All right. Let me move
4 on to some planning questions related to this in the
5 context of the city.

6 I believe you referenced the general
7 plan for Hoboken. What you would refer to --

8 THE WITNESS: In the master plan and
9 then there's a Reexamination Report --

10 MR. PRANSES: No, no. The design of
11 the streets of Hoboken --

12 THE WITNESS: Oh, the street scape
13 design is part of the master plan.

14 MR. PRANSES: And would you call it --
15 would you give it a particular name looking at its
16 overview --

17 THE WITNESS: It is a section of the
18 master plan. It's just one of the sets of
19 objectives in the master plan.

20 MR. PRANSES: Would you refer to it as
21 a grid?

22 THE WITNESS: Oh, you are asking me a
23 different question, the overall arrangement of
24 streets.

25 MR. PRANSES: Correct.

1 THE WITNESS: I think for the most
2 part, the arrangement of the streets in Hoboken is a
3 grid, yes.

4 MR. PRANSES: And what are the benefits
5 of a grid in the city?

6 THE WITNESS: There -- I --

7 MR. TUVEL: Wait, Betsy, Betsy.

8 Mr. Galvin, where are we going with
9 this line of questioning?

10 MR. GALVIN: I think he is setting up a
11 question. I think that she can answer that. She is
12 an urban planner. She can handle grids in the city.

13 THE WITNESS: The benefit of grids in
14 the city is that it provides access to the blocks,
15 the city blocks on all sides, and it also provides
16 alternative routes of travel, so that people can
17 move around relatively freely on the street.

18 Those interconnections as opposed to
19 suburban cul-de-sacs, where you stop at the end of
20 the street and have to turn around.

21 So I would say that the advantage of a
22 grid system in an urban area is exactly what it
23 accomplishes by allowing traffic to move freely down
24 the streets.

25 MR. PRANSES: Other than traffic flow,

1 does it have advantages having a perpendicular grid
2 system?

3 THE WITNESS: Easy to navigate.

4 I don't know what you are trying to get
5 at. You're asking if the street scape --

6 MR. PRANSES: Does it have -- does it
7 have benefits of light, air and view corridors?

8 THE WITNESS: It can provide that, yes.

9 MR. PRANSES: Is Hoboken a medium
10 density city or a high density city or a low density
11 city?

12 THE WITNESS: It's not low density. I
13 would say it's a medium to high.

14 MR. PRANSES: And in terms of light and
15 view and air corridors, what is the impact of
16 skybridges?

17 THE WITNESS: I don't think that there
18 was any kind of a comment in the master plan, nor do
19 I think that there is a particular impact on
20 skybridges on light, air and open space normally.

21 I think the concern was the vibrancy of
22 the shopping areas and making sure that people were
23 down on the streets shopping in stores using
24 restaurants and being insulated or isolated from the
25 rest of the city. That was the reason that was

1 described in the master plan. There was no
2 discussion of the visual impact of skybridges.

3 MR. PRANSES: And do you think that
4 they have more or less impact, a grid, and keeping
5 the light and view corridors more or less impact as
6 the city gets more dense, taller, and more built-in?

7 THE WITNESS: I am not sure how to
8 answer your question.

9 I suppose there could be skybridges
10 that would interfere with light, air and open space.
11 I don't think this one does, if that is the
12 question.

13 MR. PRANSES: It is a partial answer.

14 Thank you.

15 I have other questions about the
16 skybridge, but I think it is best to see the real
17 skybridge before that.

18 THE WITNESS: Thank you.

19 MR. GALVIN: Very good.

20 CHAIRMAN AIBEL: Thanks.

21 Anybody else, please?

22 MR. ROBINSON: Christopher Robinson,
23 1126 Garden Street.

24 I am wondering a little bit about the
25 potential alternate uses, if we didn't apply for the

1 variance here.

2 Could we build there say a dormitory in
3 the north lot?

4 THE WITNESS: Not on the north lot
5 necessarily because that is R-1, but in the R-1(E)
6 Zone, if we didn't have these buildings, we could
7 certainly put dormitories and a whole bunch of other
8 student life-type structures that would have a lot
9 more probably disconnect to the residential
10 neighborhood, even if they might be residential in
11 character. You can't close down any kind of
12 residential building at night and darken it as we
13 are proposing to do with these buildings.

14 MR. ROBINSON: Could Stevens build say
15 housing and sell these into a fraternity?

16 THE WITNESS: Yes.

17 MR. ROBINSON: Could there be a mix of
18 housing and retail?

19 THE WITNESS: Yes.

20 MR. ROBINSON: How do you think that
21 those type of uses, which wouldn't have such a high
22 bar on the variance required compare to what is
23 being planned now as far as the impact to the needs
24 of the community, as far as the noise level, the
25 traffic, the brightness, the activity, and the hours

1 of the activity?

2 THE WITNESS: Well, if you had a
3 restaurant or a bar, it could be open until two in
4 the morning, and you don't always know what type of
5 a restaurant or bar, and what the activity would be
6 like. Certainly that's allowed in the R-1 Zone.

7 If you had graduate students'
8 apartments or, you know, they wouldn't be
9 dormitories, they would be apartments or
10 fraternities that leased apartments, you could have
11 a different sort of nighttime level of activity.

12 I think that you would certainly, if
13 there is a concern about students using Hudson
14 Street at night when people are trying to sleep
15 peacefully in their homes on the other side of the
16 street, you know, those uses could potentially
17 create an issue.

18 I think the possibility of a, you know,
19 of a residential building with, you know, a bar or
20 restaurant on the ground floor and other retail uses
21 could be problematic in part because in the R-1 Zone
22 parking is elsewhere. You don't provide parking on
23 the lot, so that means that you would be adding to
24 the parking problem that already exists on Hudson
25 Street that we heard a great deal about and we are

1 very concerned about.

2 One of the advantages of what we're
3 doing, by putting a use that is permitted in the
4 R-1(E) Zone and not in the R-1 Zone, on this R-1
5 Zone parcel, we are taking responsibility for the
6 parking in the same way that we would if it were in
7 the R-1 Zone by having all of the parking for this
8 used located ultimately in Babbio, but we are
9 accommodating the parking elsewhere, so people won't
10 be coming to park on Hudson Street in connection
11 with these buildings.

12 MR. ROBINSON: There has been a lot of
13 talk about the light that the buildings would put
14 out.

15 How does that compare to the current
16 parking lot?

17 How much of that is lit in the night?

18 THE WITNESS: Well, there is a street
19 light that's out there, a flood light that's out
20 there, and it is quite heavily lit or it's quite
21 intensely lit, even during the nighttime hours.

22 So I believe that with the commitment
23 that Stevens has made to cleaning from west to east
24 and getting the lights turned off as early as
25 possible in these buildings, and also the fact that

1 you are going to have very dim lighting of the
2 skybridge, I think that you will have much less
3 light impact than you have now.

4 MR. ROBINSON: Great.

5 As far as the potential for putting
6 this and other spaces on the campus, does the
7 Hoboken community use the green space on the campus?

8 THE WITNESS: Everybody uses the green
9 space on the campus. It is a great place to go and
10 view the city.

11 You don't see the city from Hudson
12 Street. You have to get up over River Terrace to be
13 able to do that, and to have those views, I mean,
14 people come on weekends and walk around and enjoy
15 it, and I think that's how it should be. But I
16 think that that certainly is something that is
17 available to everybody and will continue to be
18 available.

19 MR. ROBINSON: And so Stevens has
20 welcomed joggers and people sledding with their
21 children --

22 THE WITNESS: That is what I see when I
23 go there.

24 MR. GALVIN: All right.

25 MR. ROBINSON: That's great.

1 So how would, if they had to take -- to
2 meet the need for this academic building, if they
3 had to put it in one of the other spaces, how would
4 that affect Hoboken's use of the space --

5 THE WITNESS: Well, clearly, if you
6 were to put it where there is green space instead of
7 on a paved parking lot, I think that that would not
8 be as optimal of a situation.

9 I like the fact that we are actually
10 not only using the paved -- the already paved
11 parking lot, but we're filling in a gap in the
12 street scape and creating a more pleasing street
13 scape, but we are not undermining the existing open
14 space in the campus that everybody enjoys.

15 MR. ROBINSON: So you think putting
16 this building here instead of somewhere else on the
17 campus is actually a net benefit to the Hoboken
18 community?

19 THE WITNESS: Yes. I think this
20 building -- I mean, I think that this is the
21 appropriate way to develop this property, and I
22 think we have been very careful to attend to the
23 negative criteria and to make sure that we're not
24 going to be a substantial detriment to the public
25 good or impair the intent and purpose of the zoning

1 plan and zoning ordinance when we put this site on
2 the side there.

3 MR. ROBINSON: And how much has the
4 design changed based on the feedback from the
5 Hoboken community?

6 THE WITNESS: A lot since the
7 beginning.

8 We initially filed an application for a
9 five-story building, and so that has changed
10 substantially.

11 We have lowered the profile of the
12 building. We paid more attention to the design of
13 the building and its interaction with the
14 residential buildings in terms of the sizing of the
15 windows and things of that nature.

16 I think we have made a lot of effort,
17 as we should have, to make this fit in well.

18 MR. ROBINSON: Great.

19 Thank you.

20 THE WITNESS: You are welcome.

21 MR. GALVIN: Next?

22 CHAIRMAN AIBEL: Next. Okay.

23 MR. GALVIN: One thing I would like
24 everyone to understand, too, the goal tonight is to
25 get to the public, so we can hear what you have to

1 say about this case. Just so you know that, maybe
2 we will get there.

3 (Laughter)

4 Why don't you tell us your name and
5 your address?

6 MS. HOLAHAN: Pat Holahan.

7 MR. GALVIN: Oh, no. You got to do it
8 in the microphone. Everybody wants to know who you
9 are.

10 MS. HOLAHAN: My name is Pat Holahan,
11 H-o-l-a-h-a-n. I'm at 726 Park Avenue.

12 MR. GALVIN: All right. Go ahead.

13 MS. HOLAHAN: My question is: Are you
14 aware of the behavioral science research that looks
15 at proximity and collaboration?

16 THE WITNESS: I am not personally aware
17 of that. I am sure that that is important, but it
18 is not my field of specialty.

19 MS. HOLAHAN: Well, there is quite a
20 bit of research that actually says --

21 MR. GALVIN: No. You got to ask
22 questions, okay? Because if you wait until a little
23 bit later on tonight, you will be able to just come
24 up here and just tell us.

25 MS. HOLAHAN: Okay. Well, maybe I

1 should wait till later.

2 MR. GALVIN: I don't want to bother you
3 with what -- I'm just trying to point it out --

4 THE WITNESS: I just don't know enough
5 about it --

6 MR. GALVIN: -- it is always hard to
7 try to ask questions to tell us what you want to
8 tell us when we're going to just give you that
9 opportunity later on.

10 MS. HOLAHAN: Okay. I think I should
11 wait until later on.

12 THE WITNESS: Okay. I'll wait
13 patiently.

14 (Laughter)

15 MR. GALVIN: And it doesn't sound like
16 what you have is going to be redundant or
17 repetitive.

18 MS. DEMASI: I'm Ellen Demasi.

19 THE REPORTER: How do you spell your
20 last name?

21 MS. DEMASI: D-e-m-a-s-i.

22 I live at 905 Hudson Street.

23 I hope I misunderstood, but I had heard
24 some months ago that there was concern that asbestos
25 will be released when you drill into the lots, and I

1 am wondering if in fact that is true and how you
2 hope to remediate or catch it or --

3 MR. GALVIN: All right. Stop, stop,
4 stop --

5 THE WITNESS: I am the wrong witness.

6 MR. GALVIN: -- stop, stop, stop.

7 Mr. Marsden, didn't we analyze this?

8 What was our response?

9 MR. MARSDEN: Yes. There was
10 testimony, and my recollection is there was
11 testimony that there was an investigation that
12 yielded no asbestos in the serpentine rock, which
13 generally has asbestos in it at times.

14 MS. DEMASI: Okay.

15 Thank you.

16 MR. GALVIN: Good.

17 CHAIRMAN AIBEL: Anybody else?

18 Please come forward.

19 MS. PREGIBON: Susan, S-u-s-a-n, P,

20 like Peter, r-e-g-i-b-o-n.

21 624 Hudson Street.

22 I just really wanted to ask a

23 question --

24 MS. BANYRA: Could you speak into the
25 microphone?

1 It's hard to hear you.

2 Thank you.

3 MS. PREGIBON: -- question and
4 clarification --

5 THE WITNESS: Thank you.

6 MS. PREGIBON: -- as to what property,
7 where the parking lot is right now, everybody is
8 referring to as the R-1?

9 THE WITNESS: Yes.

10 MS. PREGIBON: It is actually R-1
11 conservation. There is another add -- and I think
12 Ms. Carcone can look and see if it is listed as R-1
13 conservation, and that was a title that was added to
14 R-1 area for certain reasons.

15 THE WITNESS: Okay. I'm not aware of
16 that.

17 MS. PREGIBON: And it was added -- I
18 don't know, if you look at your agenda, you will see
19 it is R-1 conservation, and that is what the zoning
20 is on there.

21 I mean, usually you refer to R-1, R-2,
22 R-whatever, but it is R-1 conservation.

23 Do you see that?

24 MS. CARCONE: Yes, I do see that.

25 MS. PREGIBON: Okay.

1 That was put there for a reason in 2005
2 to actually protect that particular piece of
3 property after there was another incident on the
4 street, and it certainly wasn't this administration.
5 It was the past administrations, that were going to
6 make other, you know, buildings, and that were not
7 residential, and it would it be a detriment to the
8 neighborhood.

9 So after that case was won by the
10 residents on Hudson Street, there are people here
11 that could explain that as well, the city and the
12 Zoning Board and the zoning official wrote new
13 ordinances to protect that specific piece of
14 property.

15 MR. GALVIN: And you are asking a
16 question?

17 MS. PREGIBON: Yes.

18 And the question is: Do you
19 understand -- do you understand what the R-1
20 conservation zoning is?

21 THE WITNESS: You know, I have to be
22 honest with you. I am not aware that this site is
23 anything other than R-1. That is what was shown in
24 the 2005 amendment.

25 It was R-1, not R-1 anything else.

1 MS. PREGIBON: All right. It is an
2 overlay. It's an overlay to zoning --

3 THE WITNESS: There is an R-1CS overlay
4 that's across the street.

5 MS. PREGIBON: That's Court Street.

6 THE WITNESS: But I am not aware of an
7 R-1 conservation that applies to this lot.

8 MS. PREGIBON: Yes. And that applies
9 to it because of the specific ordinance, and I just
10 wanted to clarify that.

11 THE WITNESS: And I am not aware of
12 that ordinance. I have not seen that, and it is not
13 in my current ordinance, which we downloaded right
14 before we started this application.

15 MS. PREGIBON: But it does have that
16 written on the agenda, and that was the specific
17 reason for it.

18 That was my question and my
19 clarification.

20 MR. GALVIN: Okay. Great.

21 MS. PREGIBON: Thank you.

22 MR. GALVIN: Next?

23 Anybody else?

24 CHAIRMAN AIBEL: Anybody else?

25 MR. GALVIN: We get to move along.

1 Okay. Thank you.

2 COMMISSIONER COHEN: Motion to close
3 public portion for this witness.

4 COMMISSIONER MC ANUFF: Second.

5 COMMISSIONER AIBEL: All in favor?

6 (All Board members answered in the
7 affirmative)

8 MS. MC KENZIE: Thank you.

9 CHAIRMAN AIBEL: Thank you.

10 CHAIRMAN AIBEL: Mr. Tuvell?

11 MR. TUVEL: Mr. Chairman, and Members
12 of the Board, the next person I'd like to call is
13 Richard King to explain the changes that occurred to
14 the bridge.

15 Now, that will be the scope of his
16 testimony. He will not reiterate all of the
17 architectural testimony previously given. He's just
18 going to focus on the modification of the plan that
19 was submitted.

20 I believe that Mr. King was accepted as
21 an expert in architecture and previously sworn, so
22 he is still under oath.

23 CHAIRMAN AIBEL: Great.

24 R I C H A R D K I N G, AIA, LEED, AP BD+c, WRT,
25 1700 Market Street, Philadelphia, Pa., having been

1 previously sworn, testified as follows:

2 THE WITNESS: Good evening.

3 Can you all hear me?

4 MR. GALVIN: Not really, and we are
5 having trouble here.

6 THE WITNESS: I am, too.

7 Well, Betsy and Jason kind of stole my
8 thunder, so it might be a little bit of a simpler
9 explanation, so maybe that's a good thing.

10 MR. GALVIN: And what exhibit are we
11 looking at?

12 THE WITNESS: So, Pat, I don't recall
13 the last exhibit number that we gave to the set.

14 We have a set here of seven exhibits
15 that are new exhibits.

16 MS. CARCONE: Jim, can I just have that
17 transcript because that's going to have the last
18 exhibit in it.

19 Sorry. Maybe not. All right.

20 MR. GALVIN: Do you have a transcript
21 with you?

22 THE REPORTER: It should be like on the
23 third page.

24 MS. CARCONE: I do. I didn't see it in
25 the front of the transcript, though.

1 THE REPORTER: On Page 3.

2 MS. CARCONE: Page 3?

3 MR. GALVIN: Nobody on your team is
4 keeping track of that?

5 MR. TUVEL: What?

6 MR. GALVIN: No one on your team is
7 keeping track of the exhibits?

8 MR. TUVEL: I thought we were up to
9 A-10.

10 MR. GALVIN: All right. Pat, relax.
11 We are going to mark this A-100, okay?

12 MR. TUVEL: Okay.

13 MR. GALVIN: A-100 through A -- or is
14 it all one document, 100?

15 THE WITNESS: It's all one document.

16 MR. GALVIN: Pat, it is going to be
17 A-100.

18 MS. CARCONE: Okay.

19 (Exhibit A-100 marked)

20 MR. GALVIN: Okay. Please proceed.

21 THE WITNESS: Okay.

22 So just to walk through the specifics
23 of what we actually changed, so everyone understands
24 it.

25 As was mentioned, the bridge in the

1 previous design occurs at both the second floor and
2 at the third floor of the building.

3 So what we have on this exhibit, the
4 top drawing is the revised plan, so you see the
5 bridge is quite narrow, the 12 foot dimension that
6 Jason mentioned.

7 You see on the bottom, this is the
8 previous design for the bridge, and you can see the
9 conference spaces that were located on the east side
10 of the bridge, so those three spaces have been
11 removed on both levels. That's the simple best
12 description of the change.

13 So for us, when we look at making this
14 change, as the architect, I was given a very
15 specific task, and that task was to reduce the scale
16 of the bridge while balancing that reduction with
17 maintaining the four goals for the original bridge
18 design and the design of the building, and those
19 three items were which you heard over the course of
20 tonight, so I apologize if it's a little bit
21 redundant, to ensure that faculty, staff and
22 students are able to interact, to collaborate
23 efficiently and effectively and to achieve the
24 educational goals for the project and the
25 institution.

1 Maintain the efficient use of utilities
2 to avoid duplication of infrastructure and the
3 impacts that it has on the building's height and
4 scale and cost, and reduce duplication of services
5 that impact operations in the neighborhood in terms
6 of loading, et cetera.

7 So our job as the architect was to
8 balance all of those things and try to figure out
9 solutions to reduce the scale of the bridge.

10 MS. BANYRA: Can you speak into the
11 microphone? It is still probably hard for people in
12 the back to hear you.

13 THE WITNESS: Okay.

14 MS. BANYRA: Just get closer to it,
15 because it is not picking you up until you are
16 pretty close to it.

17 THE WITNESS: Maybe I should just hold
18 it.

19 MR. GALVIN: Sure.

20 THE WITNESS: I feel like Bob Barker.

21 (Laughter)

22 I will try.

23 So the image that is up on the screen
24 now, the second sheet in this exhibit, shows the
25 previous design for the bridge.

1 And as I mentioned, the bridge was much
2 wider before. It was 26 feet 4 inches wide before
3 and it had the conference rooms, which are on the
4 east side, the opposite side of what you are seeing
5 here. This bridge is at Sixth and Hudson.

6 So one of the impacts of deeper
7 buildings, the deeper the building is, the more
8 solid it feels when you have glass.

9 So, for instance, if you look at the
10 rest of the building, the main structures, you can't
11 really see the buildings during the day. You can
12 see them a little bit, and that has to do with the
13 depth that is related to how dark it is inside
14 versus how light it is outside, so there is a
15 quality of reflection that happens.

16 So even though the bridge that we had
17 previously was quite transparent, it was still a
18 little bit dark and it had a little bit more
19 reflectivity to it, so it felt more solid, more
20 massive, so that contributes to the solidity and the
21 mass of it.

22 So by shallowing up the bridge and
23 taking off the conference spaces, you see that what
24 happens is now you see a lot more of the light
25 that's coming through the bridge on the other side,

1 so our ability to see through it is improved
2 dramatically.

3 So from our point of view, this was a
4 value because they were concerned about the view
5 shed, the sky, et cetera, and this we thought was a
6 way to mitigate some of those concerns.

7 And we also looked a little bit at how
8 could we make the bridge even more thinner, feel
9 more delicate and less solid. So, for instance, we
10 thinned out the cornice at the top and thinned out
11 the bottom, so that it felt even more glassy and
12 delicate.

13 We added depth to the mullions in order
14 for it to feel, again, more delicate.

15 MR. TUVEL: Richard, before you move
16 on, can you just go back to that prior exhibit,
17 please?

18 THE WITNESS: Yes.

19 MR. TUVEL: And just for the benefit of
20 the public, because there was a lot of questions
21 about what the new design will look like compared to
22 the old design, and for the Board as well.

23 Can you just flip back and forth
24 because I think when you flip back and forth, it's
25 easiest to see the difference.

1 THE WITNESS: Okay. I just got new
2 glasses -- I'm sorry. I think my security is
3 telling me something.

4 So the new bridge --

5 MR. TUVEL: That is the previous
6 design?

7 THE WITNESS: That is the previous
8 design, and that is the new design.

9 So, again, this is a closer view of the
10 bridge. You can see here a little bit better the
11 depth, the whole depth of the bridge and the mass of
12 it, and the rooms that are beyond the corridor to
13 the east.

14 And then you can see how different it
15 looks once you take away those spaces. You can
16 actually see the buildings behind it. You can see
17 the rest of the north building as well, and there's
18 more of the sky through it, so for us, it felt like
19 a significant change to the bridge that we thought
20 was a positive.

21 Just to walk through a little bit of
22 the changes, there are very subtle differences.
23 Okay. The top drawing is the revised bridge, and
24 the bottom drawing is the previous design.

25 Very subtle differences, but important

1 ones in terms of how much glass at the bottom edge
2 of the bridge, we thinned out quite a bit, and the
3 top is thinned out and projected in order to make it
4 feel again more delicate.

5 And then if you look at the
6 cross-section of the bridge, I am going to put this
7 down, so I can go over here and point.

8 You can see here, and this is the 26
9 foot 4 dimension that I mentioned earlier, and all
10 of that space is the conference space, and that has
11 then been reduced to the 12 foot dimension you see
12 here.

13 So you can see obviously the impact in
14 terms of -- in terms of shadow effect and just its
15 overall visual mass is reduced dramatically.

16 MR. TUVEL: So in terms of square
17 footage, I know I gave numbers when I gave my
18 introduction. Can you give the Board the exact
19 figures as to what was previously proposed and what
20 the revision has?

21 THE WITNESS: So the exact dimensions
22 of the previous bridge was 2,640 square feet. The
23 bridge is now a total -- I'll give you the totals
24 for both floors. The bridge is now 1,200 square
25 foot.

1 MR. TUVEL: So 600 square feet per
2 floor?

3 THE WITNESS: Correct. 600 square foot
4 per floor.

5 So we talked about what the change
6 accomplishes, and Jason and Betsy talked a bit about
7 what are the items that are maintained, and I will
8 repeat them very quickly. You heard them all
9 before, but keeping the core allows us to maintain
10 connections between faculty and the students in the
11 lab, fostering the mission of a property of
12 education that's needed, and that's been previously
13 mentioned --

14 THE REPORTER: Can you just slow down?

15 MR. GALVIN: Guys, time out.

16 Don't do that. That testimony is
17 already on the record. I don't think it has
18 anything to do with the architectural --

19 THE WITNESS: Fine.

20 MR. TUVEL: Well, I think what he was
21 talking about -- so why don't you just focus on what
22 was accomplished by the changes in terms of the
23 scale of the bridge?

24 MR. GALVIN: Well, listen, I think you
25 are telling us that the width is reduced.

1 You are saying it is more open, that
2 you can see through it better because of the
3 elimination of the conference rooms. It creates
4 more light and air, and you showed us what it looks
5 like.

6 What else do you need to do?

7 MR. TUVEL: One other question that I
8 have.

9 So with respect to the revision, there
10 will be less overall activity on the bridge,
11 correct?

12 THE WITNESS: Yes, because of the fact
13 that we will not have -- there will not be usable --
14 traditional usable space, what you call net usable
15 space on the bridge. So those conference spaces --
16 I'm sorry -- so those conference spaces will not be
17 used, so you won't get the traffic that you would
18 have had with folks going to those spaces.

19 MR. TUVEL: The light on the bridge
20 initially proposed versus the revision, can you just
21 describe any differences?

22 THE WITNESS: Sure.

23 So the corridor lighting would be
24 consistent with what we previously had. Obviously
25 the conference spaces will be gone, so the lighting

1 in those spaces wouldn't be there now. Lighting in
2 a conference space is very different than lighting
3 in a hallway.

4 Lighting in a conference space, you are
5 talking about 35 to 40 foot candles in those spaces,
6 so that's quite bright, where in the hallway it is a
7 much lower light level, 20 foot candle range.

8 And then after hours, we can reduce
9 that light level to two foot candles, which is the
10 minimum required for a corridor in a building for us
11 to maintain emergency egress. That has to be
12 maintained, so we can do quite a bit to reduce the
13 foot candle level after hours.

14 Those lights would also be, as I
15 mentioned in previous testimony, those lights would
16 be recessed up into the ceiling, so you wouldn't be
17 able to see the light bulbs for them. They would
18 shine directly, and they're focused down onto the
19 ground, so that the light is focused on the ground
20 in order to minimize the impact for lighting.

21 MR. TUVEL: Okay.

22 And the clearance of the bridge from
23 the ground to the bottom has not changed, correct?

24 THE WITNESS: That's correct.

25 MR. TUVEL: So the information

1 received from the multiple fire departments all
2 remains the same, correct?

3 THE WITNESS: Correct.

4 MR. TUVEL: I have no further questions
5 for Mr. King.

6 CHAIRMAN AIBEL: Thanks.

7 Are you finished with your testimony?

8 THE WITNESS: Yes.

9 CHAIRMAN AIBEL: Okay. Board members,
10 questions for Mr. King.

11 COMMISSIONER MC ANUFF: I have a
12 question.

13 On the section drawing, can you show us
14 where the shared utilities we have heard testimony
15 about are running in the bridge?

16 THE WITNESS: Yes.

17 So the thicker sections of the ceiling
18 we see here and here, those spaces, would be where
19 the utilities would be.

20 COMMISSIONER MC ANUFF: Can you go back
21 to the elevation drawing?

22 THE WITNESS: Yes.

23 COMMISSIONER MC ANUFF: And on the new
24 design, where are the thicker sections?

25 THE WITNESS: Those thicker sections,

1 you can't really see in the elevation because of the
2 way the elevation is rendered.

3 I can show you them to you in the
4 perspectives. It might be a little bit easier to
5 see.

6 So you can see the thicker section here
7 behind the glass, so that is the ceiling and what we
8 would call the soffit behind the glass, so we have
9 extended the glass up, so that you get as much
10 visual glass as possible, and we pushed that back in
11 order that you don't have a big solid piece on the
12 facade, so that allows the facade, we feel, to be a
13 little richer and not so flat.

14 COMMISSIONER MC ANUFF: And if you go
15 back to that elevation, you will see that heavier
16 section through there. It's not going to be as
17 thick as --

18 THE WITNESS: No. That's why we -- it
19 is just the nature of the elevation drawing, that's
20 true, so that is why we are showing it this way, so
21 you can get a better sense of that.

22 COMMISSIONER MC ANUFF: Thank you.

23 CHAIRMAN AIBEL: Is there any reason
24 that the revised bridge couldn't be located further
25 east to mitigate the light, air and visual impact

1 even more?

2 THE WITNESS: Hum, that's a good
3 question.

4 So right now the bridge is 88 feet back
5 from Hudson Street, and the dimension, if I go back
6 to the plan, the dimension of the plan and the
7 location of the circulation corridor in the building
8 is fairly critical for the planning of the top edge
9 of the building, so that we can get classroom scaled
10 spaces here.

11 If we squeeze this back, if we push it
12 back as far as we can, and if we squeeze it back any
13 further, this whole section of the plan becomes
14 unusable for classrooms, so that's really what drove
15 that.

16 Our job is to push it back as far as we
17 could, and I believe we have pushed it back as far
18 as we could without compromising the plan documents.

19 CHAIRMAN AIBEL: Thank you.

20 Anybody else, Board members?

21 COMMISSIONER GRANA: I just want to --
22 I just want to follow up quickly on Mr. McAnuff's
23 questions.

24 Could I see the prospective drawing
25 again --

1 THE WITNESS: Yes.

2 COMMISSIONER GRANA: -- just so I
3 understand what I am seeing?

4 THE WITNESS: You want to see the
5 closeup one?

6 COMMISSIONER GRANA: Yes, yes.

7 So, you know, in the rendering, the
8 shading of this gray that hangs off the ceiling --

9 THE WITNESS: Here, yes.

10 COMMISSIONER GRANA: -- yes, that's a
11 soffit that's hanging internally inside of the
12 structure?

13 THE WITNESS: Correct.

14 COMMISSIONER GRANA: Thank you.

15 COMMISSIONER DE GRIM: I have a
16 question.

17 What is the distance between the glass
18 wall and the soffit?

19 THE WITNESS: We have not detailed the
20 building yet, so my assumption is that it would
21 probably be about 8 to 12 inches.

22 MR. DE GRIM: Okay. Thank you.

23 CHAIRMAN AIBEL: Okay.

24 Let me open it up to the public,
25 questions for Mr. King.

1 Please come forward.

2 MR. LEE: Hi.

3 Derek Lee, D-e-r-e-k, L-e-e. 600 Hudson
4 Street.

5 Can you just go back to the first
6 rendering?

7 Is this rendering a set from somebody
8 who is at the eye level of the street?

9 Because, as you know, there is a pretty
10 steep incline as you are going up Sixth Street, so
11 to me, I live in the building right on the corner,
12 this perspective seems like somebody who is maybe 15
13 feet up in the air would get that kind of clear view
14 from the bridge.

15 However, you are actually on street
16 level on Sixth Street?

17 You're probably looking a little more
18 up, and in particular, on the previous page, you are
19 probably seeing all floor and ceiling, and not
20 seeing through.

21 THE WITNESS: I don't agree. It is at
22 five feet six inches above the sidewalk.

23 MR. LEE: The rendering?

24 THE WITNESS: Yes, that's correct, and
25 it is accurate per the survey that we have.

1 MR. LEE: Okay. Thank you.

2 CHAIRMAN AIBEL: Anybody else have
3 questions for Mr. King?

4 Please come forward.

5 MS. HEALEY: Leah Healey.

6 MR. GALVIN: Sorry about that, guys.

7 MS. HEALEY: Can you go back to the
8 rendering, which shows where the utilities run
9 across?

10 THE WITNESS: Here.

11 MS. HEALEY: Oh, I am sorry. The one
12 with the gray.

13 THE WITNESS: The prospective?

14 MS. HEALEY: Not the rendering -- right
15 there.

16 So are the utilities running across
17 both of these floors?

18 THE WITNESS: Yes.

19 MS. HEALEY: Is it possible to design
20 the utilities to meet the demands of this building
21 with only running across one floor?

22 THE WITNESS: Possibly.

23 MS. HEALEY: And do the utilities need
24 to be encased --

25 THE WITNESS: Yes.

1 MS. HEALEY: -- inside of a building?

2 THE WITNESS: Yes.

3 MS. HEALEY: For what purpose?

4 THE WITNESS: There are different kinds
5 of casings. They are insulated because they are
6 pipes. Some of the pipes carry cold water and hot
7 water --

8 MS. HEALEY: Okay.

9 THE WITNESS: -- and the ceiling space
10 would be enclosed because that ceiling space is used
11 as part of the mechanical system. It's called the
12 plenum, and that plenum would return air to the
13 mechanical system because we need to provide air and
14 warm air on the bridge itself for comfort, so that
15 space is enclosed in order to provide the plenum,
16 p-l-e-n-u-m.

17 MS. HEALEY: So from an architectural
18 point, maybe you can answer, I know you are not an
19 engineer --

20 THE WITNESS: Sorry?

21 MS. HEALEY: -- and I had my pen by my
22 mouth -- is it not possible to run these utilities
23 in some kind of enclosed structure that is not a
24 hall --

25 THE WITNESS: I am not sure what you

1 mean by that.

2 Can you give me something a little more
3 specific?

4 MS. HEALEY: Something that is the
5 width of the utilities that runs between two
6 buildings rather than an entire floor.

7 THE WITNESS: I could just run the pipe
8 across the middle of the street. I'm not sure what
9 you mean.

10 MS. HEALEY: No.

11 My question is, I think you testified
12 before, you would have to go ten foot underground.

13 I am asking you: Is it possible to
14 design something that is simply a mechanism that
15 runs the utilities from one building to the next
16 without it being secluded in a hallway.

17 THE WITNESS: Not if you are doing
18 smart building design, no.

19 MS. HEALEY: Why?

20 THE WITNESS: Because it is impractical
21 when you start to have problems with those pipes,
22 it's a mess. It is a total mess. It is
23 impractical, that's why, so you need to put it in
24 something, so you can get to those pipes.

25 If you can't get to the pipes, then

1 it's just a disaster.

2 Bob would have my head, if I put all of
3 these things, let's say underground, and you can't
4 get to them, it would be a mess.

5 MS. HEALEY: Thank you.

6 CHAIRMAN AIBEL: Please come forward.

7 MR. SOMERVILLE: Paul Somerville, 1245
8 Bloomfield.

9 MR. GALVIN: Paul, spell your last name
10 for the court reporter.

11 MR. SOMERVILLE: S-o-m-e-r-v-i-l-l-e.

12 MR. GALVIN: Thank you.

13 MR. SOMERVILLE: Hi.

14 In your testimony you stated that the
15 design change of the skybridge was significant and
16 positive.

17 So my question to you is: Has the
18 Historic Preservation Commission seen the
19 significant design change?

20 THE WITNESS: Not yet.

21 MR. SOMERVILLE: Okay.

22 My question now to the Chair is: Is
23 this consistent with New Jersey Municipal Land Use
24 Law, because as I understand it, having served on
25 the Preservation Commission for 14 years, they are

1 the first stop, not the Zoning Board. So if this is
2 a significant design change, not de minimus, it
3 should be there and not here tonight.

4 MR. TUVEL: I'm sorry. Can I borrow
5 the mike for a second?

6 What I would actually say to that is we
7 are actually following what the Historic
8 Preservation Commission recommended in its letter to
9 the Zoning Board of Adjustment when they -- when
10 they reviewed the project.

11 When they reviewed the project, they
12 sent a letter to the Zoning Board of Adjustment with
13 several recommendations. I won't go through them
14 all, because I reviewed them all at a prior meeting.
15 But one of the recommendations was that we scale
16 back the bridge, so we are actually following what
17 the Historic Preservation Commission actually
18 recommended at the last meeting that we had.

19 So I actually don't find the need to go
20 back at all because we are following exactly what
21 they said.

22 MR. SOMERVILLE: Well, that is a good
23 news story. However, if the Historic Preservation
24 Commission did not see the design change, how would
25 they know that this is consistent with what they

1 recommended?

2 THE WITNESS: I am not sure how that is
3 a question for me. I just want to make sure.

4 MR. GALVIN: Relax. It's all right.
5 It is a comment. It's not a question.

6 Procedurally we are okay. The
7 Historic --

8 MR. SOMERVILLE: So procedurally, why
9 are we here tonight?

10 Why did the design change not make this
11 new concept go back -- remand it to the Historic
12 Preservation Commission?

13 MR. GALVIN: I have nothing to offer
14 you, Mr. Somerville.

15 MR. SOMERVILLE: No more questions.

16 Thank you.

17 MR. GALVIN: Any other questions for
18 the witness?

19 CHAIRMAN AIBEL: Please come forward.

20 MS. ONDREJKA: Mary Ondrejka, 159 9th
21 Street. That's O-n-d, as in dog, r-e-j-k-a.

22 I notice that on the other two bridges
23 that exist on campus, which were built long ago had
24 additions added to the top, which don't look as
25 nice, and I was wondering besides the obvious, you

1 need it for the campus, did that play a part in plan
2 two, because you obviously needed two floors for the
3 other two bridges, so you're only putting one and
4 hoping to add another later on?

5 THE WITNESS: We put in two because we
6 needed it for the functionality of the building.

7 MS. ONDREJKA: Okay. So that it was
8 absolutely necessary for the functions more than
9 like the other two -- you know, what I am saying,
10 the other two bridges they added, make shift --

11 THE WITNESS: Yes.

12 MS. ONDREJKA: -- well, so the reasons
13 were different --

14 THE WITNESS: I'm not sure what the --

15 MS. ONDREJKA: -- this is much more
16 necessary --

17 THE WITNESS: -- I'm not sure what the
18 reasons were for the other bridges. I just know
19 what the reasons are for this bridge.

20 MS. ONDREJKA: Oh, I see.

21 But you're saying that -- I also
22 understand it was necessary to have this --

23 THE WITNESS: As we testified,
24 necessary for functionality of the space in terms of
25 what the university needed to achieve in terms of

1 probability work --

2 MS. ONDREJKA: Okay, right. That is
3 what I thought.

4 Thank you.

5 MR. PRANSES: Hello.

6 Terry Pranses, P-r-a-n-s-e-s. 730
7 Park.

8 I have some clarifications on this
9 building.

10 So the surfaces of the building -- of
11 the bridge that are opaque, I assume totally opaque
12 are -- can you just point them out?

13 THE WITNESS: The only -- the parts of
14 the bridge that are opaque would be the cornice and
15 the mullions, and there are some sections of glass
16 at the base that would be opaque, opaque glass that
17 would cover the curve at the bottom of the
18 structure.

19 MR. PRANSES: And the ceilings in both
20 and the soffits?

21 THE WITNESS: Those -- yes. Those are
22 inside, so if you want to go inside, there is a
23 whole other level of things that are also opaque,
24 but from the exterior, the mullions, the trim at the
25 top and the glass at the bottom are the pieces that

1 are opaque.

2 MR. PRANSES: Right.

3 I am trying to get all of the pieces
4 that are opaque because we are told that the bridge
5 simplistically is translucent, transparent, one
6 could see through it, and obviously the other things
7 whether they are internal or external will affect
8 the sight line, so --

9 THE WITNESS: I didn't say that the
10 bridge was transparent.

11 I said that the bridge was more
12 transparent than it was before. I never declared
13 that the bridge was transparent. That would be
14 miraculous.

15 (Laughter)

16 I've done one of those before. It is
17 pretty cool. It is in Spain, but this is not it.

18 MR. PRANSES: So tell us about the
19 clarity of the windows. What were they compared to
20 in terms of bus windows, car windows?

21 What is lost in the -- if one were able
22 to look horizontally, which is a challenge with the
23 roof lines on a slant, but what is the clarity of
24 the windows?

25 THE WITNESS: Well, I think the view

1 from Sixth and Hudson is definitely more of a
2 horizontal view, and it gives you more of a clear
3 sense of what it might look like at street level
4 when you're looking -- it gives you a better sense
5 of what it looks like when it is horizontal.

6 MR. PRANSES: So high clarity?

7 THE WITNESS: It's fairly high clarity
8 glass. We would use a glass with a high performance
9 coating that allows maximum light transmission, but
10 also produces energy.

11 MR. PRANSES: And what would happen in
12 terms of reflection of the sun or other lights in
13 the area?

14 THE WITNESS: Well, the sun causes
15 reflection. But what we just finished explaining
16 was the change from the old bridge, which was much
17 deeper, which had -- there was more darkness inside,
18 which causes -- the deeper the section of the
19 building, the more reflective the glass tends to be
20 because you have it darker inside than the outside,
21 so by making the bridge shallower, we have been able
22 to reduce that reflection quite a bit because you
23 are seeing through much less space, which allows
24 us -- which will allow you to see through the bridge
25 much more than you could before.

1 MR. PRANSES: And have you done a
2 shadow analysis of the revised bridge or do you have
3 the revised bridge, what it would do at different
4 points say after the sunrise?

5 THE WITNESS: Well, you can see it does
6 not affect it, because -- I turn to this exhibit of
7 the sections through the building, the section
8 through Sixth Street, because you can.

9 Now, this is the shadow on the bridge.
10 You can see the shadow is diminished quite a bit
11 from the old bridge to the new bridge.

12 The impact from the change in terms of
13 the shadow -- the shadows on the street is -- there
14 is no difference frankly, because the bridge is the
15 same height as it was before, so the shadows don't
16 change from the new bridge -- from the old bridge to
17 the new bridge.

18 MR. PRANSES: So how far down Sixth
19 Street would we say, half an hour after sunrise, an
20 hour after sunrise, how far would that shadow
21 project?

22 THE WITNESS: I don't have that
23 information with me at this moment, but from memory,
24 the shadow of the bridge projected would be no
25 further than about to the curb on the opposite side

1 of Hudson.

2 MR. PRANSES: Thank you.

3 CHAIRMAN AIBEL: Thank you.

4 If there are further questions, I am
5 going to exercise the Chairman's small prerogative
6 to call a break right now.

7 What we will do is we will take a
8 15-minute break. We'll finish questioning with Mr.
9 King, and then we will immediately turn to Mr. Dwyer
10 or the objector's case.

11 Thanks, everybody.

12 (Recess taken at 8:55 p.m.)

13 CHAIRMAN AIBEL: Okay. We are back on
14 the record. It is 9:20.

15 I guess we are at the point of hearing
16 an objector's case, unless there's something else.

17 MR. TUVEL: I don't know if you closed
18 the public to Mr. King.

19 CHAIRMAN AIBEL: My apologies, Mr.
20 Cooke. Thank you.

21 MR. COOKE: Just one quick question
22 because I thought you brought up a graphic that was
23 quite helpful.

24 Could you go back to the cut-away on
25 the side angle, which shows the bridge?

1 Yes. Thank you.

2 So there have been a number of
3 comments, at least the way I interpret them, that
4 say that these new buildings are not going to be
5 material -- materially higher than the Union Club.
6 That's the general example that's being used.

7 And as I look at it here, it looks like
8 the roof line of your new building is as high as
9 anything in the Union Club. And then there is, I
10 would guess, ten to 12 feet more of mechanicals
11 above that, making this by far the tallest building
12 in the neighborhood.

13 Does that sound accurate?

14 MR. TUVEL: Richard, before you answer
15 the question.

16 Are we keeping the questions to the
17 testimony that was provided, because that hasn't
18 changed. The height of the building did not change.

19 MR. GALVIN: You know, Mr. Cooke, if we
20 are not going to go to a lot of questions along that
21 line, I am okay with that.

22 Go ahead. Answer that.

23 We will be generous. Let's get that
24 done, okay.

25 MR. TUVEL: Okay, okay.

1 THE WITNESS: The only thing that we
2 changed between the last time this drawing was shown
3 to the group and today is the design of the bridge
4 and how it's reduced in size. We have not changed
5 the relationship between the Union Club and the
6 building, and I don't recall testimony that I would
7 characterize the way you have characterized it, so I
8 would disagree with it and say that the testimony as
9 we made before stands.

10 The buildings are the size that they
11 are, so I am not sure what you are driving at,
12 because the testimony before accurately depicted the
13 drawings that are in front of you.

14 MR. GALVIN: Let me just say this, we
15 can see the drawings. We understand your question.

16 MR. COOKE: That's all.

17 I just don't remember seeing this angle
18 before, and I thought it was very instructive.

19 That is all.

20 MR. GALVIN: Oh, okay. That is fair.
21 In that case, it is new evidence.

22 MR. COOKE: Thank you.

23 CHAIRMAN AIBEL: Please come forward

24 MR. GALVIN: Because you are showing
25 the cut-ways of reducing the site.

1 Name and address.

2 MR. SNYDER: Richard Snyder, 521 --

3 MR. GALVIN: Spell your last name, Mr.
4 Snyder.

5 MR. SNYDER: S-n-y-d-e-r.

6 MR. GALVIN: Very good.

7 MR. SNYDER: Just one question about
8 the perspective, if we go back to the street view of
9 the bridge.

10 THE WITNESS: This one?

11 MR. SNYDER: No. The one right before
12 that. Yeah, that one.

13 So you said this was eye level -- this
14 was about five foot six above the street, and this
15 is on Sixth Street, kind of at Hudson looking
16 directly at the bridge, correct?

17 THE WITNESS: Yup, yes. That's true.

18 MR. SNYDER: And can we go to the plan
19 view, because I started asking this last -- during
20 the last testimony at the last hearing, and I didn't
21 get the answer because they said I had to ask the
22 architect. Is this the plan view of
23 relationships -- yeah, that one.

24 So the question I had in the prior
25 testimony was the bridge has been moved so far back

1 from Hudson Street, the question was I know there is
2 a lot of concern about the overall massing and size
3 and the visual impact of the bridge. But with the
4 right-of-way being directly down, you know, the
5 center of the bridge, can you from this diagram
6 indicate where the -- approximately where the corner
7 buildings are, and who would actually be able to see
8 the bridge from the residences along -- across from
9 Hudson Street? I guess what is I'm trying to say.

10 THE WITNESS: Hum, so probably -- I
11 don't have --

12 MR. SNYDER: It is not shown in this
13 diagram. It's shown in the prior --

14 THE WITNESS: -- them committed to
15 memory.

16 In terms of those angles and the folks
17 who live in those units would certainly be able to
18 tell better than I can, because nobody would let me
19 inside their units at the Union Club.

20 (Laughter)

21 MR. SNYDER: Right.

22 But the question is: Other than the
23 corner buildings, would anybody be able to see the
24 bridge in the current location?

25 THE WITNESS: I believe that the first

1 two windows in the Union Club could probably see the
2 bridge at certain angles depending on how far they
3 put themselves against the wall to look.

4 Some of them could see it quite
5 plainly, and I think the corner building on the
6 other side, the corner which is facing Hudson will
7 also see the bridge at certain angles.

8 MR. SNYDER: So in your professional
9 opinion, if you were to draw a line from the corner,
10 past the corner of the new building towards the
11 bridge, somebody in the corner windows would be able
12 to see the actual --

13 THE WITNESS: Relatively speaking, yes.

14 MR. SNYDER: That was my questions.

15 CHAIRMAN AIBEL: Thank you.

16 Anyone else have questions for Mr.
17 King?

18 COMMISSIONER COHEN: Motion to close
19 public portion for this witness.

20 COMMISSIONER MC ANUFF: Second.

21 CHAIRMAN AIBEL: All in favor?

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

24 CHAIRMAN AIBEL: Thanks, Mr. Tuvell.
25 Mr. Dwyer?

1 MR. DWYER: Mr. Chairman, and Members
2 of the Board, thank you.

3 There are a number of issues that were
4 raised by this application, which we believe the
5 Board should consider seriously. In the interest of
6 time, I will save most of that argument for my
7 closing summation, and at this time I would like to
8 call as my first witness, Peter Steck.

9 CHAIRMAN AIBEL: Thank you.

10 MR. GALVIN: Raise your right hand.

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

14 MR. STECK: I do.

15 P E T E R G. S T E C K, 80 Maplewood Avenue,
16 Maplewood, New Jersey, having been duly sworn,
17 testified as follows:

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

20 THE WITNESS: Peter G. Steck,
21 S-t-e-c-k.

22 MR. GALVIN: All right.

23 Mr. Chairman, I could recommend Mr.
24 Steck's professional credentials as a planner.

25 Do you accept him?

1 CHAIRMAN AIBEL: I wouldn't disagree
2 with counsel. Thanks.

3 We do.

4 MR. DWYER: Thank you, Mr. Galvin.

5 Mr. Steck, are you familiar with this
6 project?

7 THE WITNESS: Yes, both by looking at
8 the file and attending a number of the hearings,
9 yes.

10 MR. DWYER: And have you examined the
11 planning documents of the City of Hoboken?

12 THE WITNESS: I have.

13 MR. DWYER: Have you been previously
14 engaged in a project of similar size and scope?

15 THE WITNESS: I have.

16 MR. DWYER: Have you attended all of
17 the prior hearings --

18 THE WITNESS: That is correct.

19 MR. DWYER: -- except the first one?

20 THE WITNESS: I did.

21 MR. DWYER: Have you formed an opinion
22 about this application, and would you please advise
23 the Board?

24 THE WITNESS: Yes.

25 I have a handout that might be helpful.

1 MR. GALVIN: I think you have to show
2 that to Mr. Tuvel and see if there is any objection.

3 (Documents shown to counsel)

4 MR. DWYER: Did you want to mark it?

5 MR. GALVIN: I think I would like to
6 mark it N-1 for neighbor.

7 (Exhibit N-1 marked.)

8 MR. GALVIN: Hold on a second. We are
9 waiting for Mr. Tuvel to see if he's --

10 THE WITNESS: No, I got it.

11 MR. GALVIN: -- I am waiting.

12 MR. DWYER: Yes.

13 (Pause while Mr. Tuvel reviews exhibit)

14 MR. TUVEL: I will obviously let Mr.
15 Steck testify to as what is in the exhibit. If I
16 have any objections while he is going through, I
17 will either raise them on cross. You know I am not
18 shy.

19 MR. GALVIN: Very good. That is good.

20 You may hand out N-1 to the Board.

21 Thank you.

22 THE WITNESS: What I will do is
23 describe N-1 just generally to identify it, and then
24 I will refer to it when I testify.

25 N-1 was prepared by me today, and it

1 consists of five-pages. The first page is an aerial
2 photograph from Bing, B-i-n-g, maps --

3 MR. TUVEL: Excuse me. Could I just
4 get one more copy? I'm sorry.

5 THE WITNESS: Yes.

6 MR. TUVEL: Thank you, sir.

7 THE WITNESS: -- wherein I superimposed
8 some notations that I will talk about in a minute.

9 The second page contains excerpts from
10 both your 2004 master plan and your 2010
11 reexamination report.

12 The third page at the top is an excerpt
13 from the 2004 master plan, and there are four photos
14 below it. Photo number 7, middle left, is from
15 Google Street View.

16 Photograph 8 is the initial version of
17 the two buildings that we all know has been lowered
18 in stories, and just this evening we learned about
19 the reduction in scale of the skybridge.

20 Photos 9 and 10 are taken from the
21 fourth floor of the building at the southwest corner
22 of Sixth and Hudson Street.

23 The last two pages are excerpts from
24 your zoning ordinance. Those are pages four and
25 five, wherein I have deleted certain sections that

1 in my opinion are irrelevant and underlying other
2 sections and added some notations in bold print.

3 So back to the beginning to lay some
4 foundation for my findings, we are dealing with
5 three tax map lots, but this is clearly part of the
6 larger campus of Stevens, which is about 55 acres.

7 There really are three segments we are
8 talking about. On the north side of Sixth Street,
9 we have Lots 1 and part of 16 and Block 228.

10 Then on the south, we have a very large
11 Lot 1 in Block 277, but part of the site plan
12 involves Sixth Street, and that doesn't just
13 disappear.

14 Yes. The applicant doesn't own the
15 land, and in order for that skybridge to be
16 constructed, there has to be permission from the
17 governing body. But this plan, this site plan,
18 doesn't work allegedly according to the applicant
19 because of that right-of-way, and that right-of-way
20 is still a zoned area. From the center line of
21 Sixth Street north is the R-1 Zone, and from the
22 center line south is the R-1(E) Zone, so that
23 doesn't just disappear.

24 The answer is it is in and it's
25 controlled by zoning despite the fact that it is in

1 the public right-of-way.

2 So what is the nature of the
3 application?

4 The applicant is demolishing a building
5 that is considered a historic building.

6 MR. TUVEL: I would object to that.
7 There is no Historic Preservation --

8 THE WITNESS: The building is eligible
9 for the National Register as is the campus --

10 MR. TUVEL: There is no evidence that
11 the building is eligible for --

12 MR. GALVIN: All right. Stop
13 interrupting, Mr. Tuvel.

14 Your objection is noted.

15 MR. TUVEL: Thank you.

16 MR. GALVIN: They have a plaque on the
17 side of it from 1917, right?

18 All right. Please proceed.

19 THE WITNESS: The applicant is
20 constructing what are -- which is essentially one
21 building because they are all connected. These are
22 all buildings. The skybridge has a roof. It has a
23 floor area. It is a building, so we have a building
24 on the north side of Sixth, on the south side of
25 Sixth and over Sixth, and all of these are eligible,

1 in my opinion, for site plan approval, and they are
2 all in one zone or another.

3 This is -- the applicant has presented
4 a lot of evidence of why it is located here for its
5 convenience.

6 The -- I am going to talk about its
7 location, not in the sense that I am going to
8 challenge what it believes is its most feasible
9 location for its institutional purposes, but I am
10 going to talk about it in a minute because the
11 zoning ordinance does have importance in terms of
12 parts of the campus property.

13 Part of my examination was to look at
14 the area. I mean, I walked the campus, and I drove
15 around the area, and it is on the outside of the
16 campus across Hudson Street predominantly
17 residential. The buildings are predominantly four
18 stories, three and a half stories, and I will talk
19 about that in a minute. In fact, your master plan
20 documents that pretty thoroughly.

21 A characteristic part of Hoboken is the
22 grid street system. You can imagine if for some
23 reason that street system would disappear, you would
24 have almost no open space left. That street system
25 is talked about in the master plan, and it is a

1 significant characteristic of Hoboken.

2 Talking about the master plan, and the
3 master plan is important because it certainly
4 provides the foundation for the zoning that is
5 adopted, but when variances are needed obviously to
6 satisfy the negative criteria, you have to show that
7 approval would not be substantially detrimental to
8 the master plan.

9 The master plan on pages 19 and 20
10 talks about the history of Hoboken, and it says that
11 in 1804 this famous grid system was laid out by none
12 other than by Colonel Stevens, so this is a
13 fundamental part of Hoboken that anybody that knows
14 the city recognizes it, and it's the footprint for
15 the blocks, and again, the open space on your
16 residential zones is obviously in the center of the
17 blocks, and the rest of the open space is
18 essentially provided by the street system.

19 I direct your attention to the second
20 page of N-1, and I will just -- I have portions of
21 the master plan reproduced, and just to get them
22 into the record, these panels on page 2 are numbered
23 two through five, and the number two on pages 151
24 and 152 of the master plan talk specifically about
25 Stevens, and it says in point 9:

1 "Require appropriate uses along the
2 edges of the Stevens Institute of Technology
3 campus. The Stevens campus spreads over a few
4 blocks with its buildings located in areas of
5 varying character. As such, the following
6 guiding principles should be employed in the
7 zoning regulations for the campus:

8 "For edges along a street, require uses
9 in building design similar in character to
10 existing development." And then in
11 parentheses it says, "e.g., rowhouse-type
12 residential development on the east side of
13 Hudson Street."

14 The next point: "Where abutting the
15 rear of residential properties, require
16 adequate setbacks and open space."

17 And then the third point is: "For"
18 developed -- "development interspersed with
19 other development, (example on Castle Point
20 Terrace), require compliance with the same"
21 required "regulations as for other
22 developments."

23 So the drafters of the master plan
24 clearly knew that Stevens was there, and they
25 clearly were sensitized to the edges of the campus.

1 On page 158 of the master plan, it
2 talks about this ED district, which as you know, was
3 originally looked at as an overlay, and it became
4 the R-1(E) district, and that said:

5 "This designation covers the Stevens
6 Institute of Technology campus, as well as
7 most of the university's nearby off-site
8 properties. Its boundaries coincide with the
9 existing R-1(E) subdistrict with some changes
10 as noted on Land Use Plan map. Consideration
11 should be given to modifying R-1(E)
12 Zone regulations to ensure that they
13 adequately protect surrounding residential
14 uses from the impacts while allowing Stevens
15 to develop its campus in a reasonable manner."

16 So there was clearly some balancing
17 going on of public purposes.

18 Stevens Institute is not evil. It is a
19 good institution. It is important to Hoboken, but
20 there clearly was recognition in the master plan
21 that there is the potential for adverse effects
22 around the edges of the campus.

23 In 2010, the Planning Board adopted a
24 reexamination report, and that noted an error in the
25 zoning map.

1 The property that we are speaking about
2 this evening on the north side of Sixth Street was
3 mistakenly put in the R-1(E) district, and so here
4 is a conscious effort of the governing body to
5 correct that error, and the answer is there was a
6 zoning amendment that said from the center line of
7 Sixth Street north, that is going to be in the R-1
8 district. To the south would be the R-1(E)
9 district.

10 A significant observation also in the
11 master plan of 2004 was on page 36, and you heard
12 testimony of Elizabeth -- the famous Elizabeth
13 McKenzie, who said that, in her opinion, the reason
14 for discouraging skywalks is you might be in a
15 retail area, and this is not a retail area, so it
16 wouldn't be harmful.

17 There was discussion, a lot from the
18 architect, about how this is going to be
19 transparent.

20 Now, it is not going to be transparent.
21 It is going to be glass. There is going to be
22 reflection. You know, the answer is, if you strain,
23 you might be able to make out what is on the other
24 side, so I'll grant you that you can see through it,
25 if you are at a certain elevation. You can see

1 more, if you approach it maybe on the north side.

2 It is going to be the east side of Hudson Street.

3 As you know, the glass through gets
4 narrower and narrower, but nobody is going to walk
5 down the street and say there is nothing there.

6 This is a building that is part of a
7 building, despite the fact that it is in glass.

8 I am going to read you what the policy
9 was in the master plan about skybridges, and it
10 doesn't talk about but they are okay, if you can see
11 through them, or they are great, if you keep them
12 outside of retail areas.

13 It says, Number "4: Prohibit
14 the construction of additional pedestrian
15 skywalks. The zoning ordinance permits a
16 bridge over Clinton Street to connect the
17 Midtown Parking Garage with St. Mary
18 Hospital," under a different name today.

19 "Although this skywalk may make sense
20 for this particular location, future skywalks
21 in any other part of the city should be
22 prohibited as they detract from the
23 pedestrian-oriented nature of Hoboken and are
24 not consistent with the city's character."

25 So there is nothing here about make

1 them glass. There's nothing here about owning in
2 retail areas.

3 The answer is: The Planning Board
4 doesn't like them because they discourage pedestrian
5 traffic, and obviously that is the case here.

6 These students or faculty going from
7 one building to another will not hit the street. It
8 removes them from the sidewalk, and it is clearly
9 not in character with Hoboken.

10 The character of Hoboken is an open
11 grid system, and the grid system is oriented so when
12 you look to the east, you can see the New York
13 skyline. That is a pretty major part of the charm
14 of Hoboken, in my opinion.

15 The next page 3 has another part of the
16 master plan that talks about height limits, and most
17 of the properties on the west side of Hudson Street
18 are in the three to 4.5 story height limit.

19 Now, because those properties are
20 residential, the height of residential floors is
21 about ten feet. In fact, your new ordinance
22 amendments says that they have to be at least ten
23 foot high for floor for these residential uses, but
24 what I am suggesting is that three to 4.5 stories --
25 excuse me -- stories is approximately 40 feet.

1 When you put in an institution, it has
2 a lot taller floor-to-floor heights. So while the
3 applicant might be proposing a four-story building,
4 the linear height is significantly greater.

5 And as you know, from the recent
6 amendment to the zoning ordinance, I think it is
7 Z-350, in the R-1 Zone now you measure height in
8 linear feet rather than stories. So it emphasizes
9 the fact that what is really important is the
10 physical height of the building as opposed to
11 counting the number of stories.

12 On that -- on the pictures on the
13 bottom of page 3, I have a picture of the skywalk on
14 Clinton Street, and again, that goes from the
15 parking garage to the hospital. There is no retail
16 on that block there. But the answer is: Once
17 seeing this, the Planning Board reacted adversely to
18 it.

19 The bottom two photos simply suggest
20 that, first of all, some people value the view
21 corridor because you can see while you can't --
22 Sixth Street if you're driving is in the direction
23 away from the Hudson River, you don't have that
24 handicap in terms of the view shed, and indeed, you
25 can see parts of the New York skyline, as many of

1 you know, when you look down that corridor, so it is
2 a significant feature.

3 The last two pages talk about the
4 zoning regulations, and I want to return to the
5 first page of Exhibit N-1. I outlined the largest
6 shape in red which is the R-1(E) Zone, and although
7 that is one zone, if you carefully read your zoning
8 ordinance, it is really three zones.

9 The bulk of the campus is in a
10 ten-story 100 foot area, and in my mind, that is the
11 political trade-off. Look, we don't want you
12 expanding into the residential areas. We want you
13 to be sensitive about them, but when you are away
14 from the residential areas, we will let you go
15 taller than almost any other conventional zone in
16 Hoboken. You're R-1. You're R-2. You're R-3.
17 What do they allow?

18 It's like 40 feet?

19 Here you can go -- we're going to let
20 you go to a hundred feet and ten stories.

21 And as I mentioned earlier, that you
22 know, Hoboken is not that you have to find vacant
23 land to use this. Stevens is tearing down an older
24 building to do this.

25 So in a sense because you can --

1 because it feels you can tear down buildings, the
2 answer is this is kind of a blank slate, and any
3 area within the majority of the campus, you can go
4 up to a hundred feet and ten stories. That is the
5 bonus.

6 What is the compensation for that
7 public policy?

8 We want you to be careful as you get
9 closer to residential areas.

10 So on the western part of that diagram,
11 you will see a red corridor. That is a 200 foot
12 wide corridor, and in that area you can only
13 according to the ordinance go 40 feet and four
14 stories.

15 There is a smaller area that is
16 outlined in orange, and that is a hundred feet wide,
17 and there are special regulations there. Let me
18 point out where they are.

19 So if you will turn to the height
20 regulation -- well, let me just summarize.

21 There is a major difference between
22 height regulations between the first 200 feet and
23 the rest of the campus. And as you know, that is
24 one of the variances that are being sought. The
25 applicant wants 65 to 67 feet in an area that only

1 allows a 40-foot height.

2 The first hundred feet has a number of
3 regulations. On the last page 5 of Exhibit N-1, you
4 will see at the top of the page that is underlined
5 it says:

6 "This subsection," meaning 196-14(g),
7 "Shall apply to the facade of any building in the
8 R-1(E) district that is located within 100 feet of a
9 residential district."

10 So not only is there a height limit
11 when you get closer to residential areas, but as you
12 get closer within a hundred feet, we have now
13 special regulations in terms of facade treatment.

14 At the bottom actually as a
15 condition -- Provision (h) of that section, it talks
16 about even sports fields, they want you to be a
17 hundred feet away, so there is a heightened
18 sensitivity when you are first within 200 feet of a
19 residential district, and then when you are within a
20 hundred feet of a residential district.

21 I will ask you to flip back to page 4
22 at the bottom of the page, and I note that another
23 provision that applies to that hundred foot orange
24 irregular subdistrict is Section 196-38, Standards
25 for Particular Uses, and Standard W talks about

1 conditional uses in the R-1(E) subdistrict, and it
2 says:

3 "Any part of any building or facility
4 containing auditoriums and lecture halls with
5 a 100 or more seats, non-university
6 laboratories and offices, physical plant,
7 facilities maintenance and other similar
8 buildings and parking facilities shall be
9 located at least 100 feet from any property
10 line adjacent to a residential district."

11 I note that in the floor plans, and I
12 don't know if they really have been changed except
13 for the skybridge, but on the south side of the
14 Sixth Street, there are classrooms that range from I
15 think 1,799 square feet to 1,839 square feet. Those
16 can accommodate -- there is no seating in them, but
17 by the building code those can accommodate more than
18 a hundred seats.

19 So there appears to be even portions of
20 this building that are not permitted by use because
21 of that provision.

22 The other thing that I want to clarify
23 is when the Planner McKenzie did her report, she
24 first said that universities were a conditional use
25 in the R-1 Zone, and I think, if I recall correctly,

1 she backed away from it.

2 As I read the code, there is no
3 question that university uses is not a permitted use
4 in the R-1 Zone. And if you look in the -- page 4,
5 this would be Section 196-14(d), conditional uses,
6 it says that for the R-1 district, small (c) in
7 parentheses says: "Educational uses not otherwise
8 mentioned."

9 Well, mentioned in this Section 196-14
10 is specifically Stevens. So the way I clearly read
11 this is that no one can look at this and say that
12 educational uses, such as Stevens, are permitted
13 conditionally in the R-1 district. They are not.

14 The final issue I would like to talk
15 about in terms of the purposes, and this is the top
16 of page 4, it is not required to be in an ordinance,
17 but some ordinances list the purposes of the
18 regulations, and what is interesting is that in both
19 the R-1 district purpose and the R-1(E) district
20 purpose, they mention outright Stevens Institute.

21 So even when you are in the R-1
22 district, it says:

23 "The purpose of this district is to
24 conserve the architecture, scale and grain of
25 residential blocks and street patterns; to

1 the R-1(E) Subdistrict, particularly in
2 portions of the buildings and uses in the
3 R-1(E) Subdistrict, particularly in portions
4 of the subdistrict adjacent to the R-1
5 District, shall be integrated with the
6 prevailing character of adjacent districts,
7 streets, buildings and uses."

8 So in the master plan, there was great
9 concern about the perimeter of the campus, and that
10 was carried out. That is consistent with the zoning
11 regulations. It divided the R-1(E) educational
12 district into essentially three subject --
13 subdistricts, and the closer you get to a
14 residential zone, the more restrictive it is.

15 The compensating feature is in the
16 majority of the acreage, you can go ten stories and
17 a hundred feet, and you get to do it by right. So
18 it is a note about the items of relief that are
19 needed by the applicant.

20 Hum, the university use is not
21 permitted in the R-1 Zone, and that includes Lot 1
22 in Block 228, as well as the first half of the
23 street because the zone line goes to the center line
24 of Sixth Street, so not permitted is one-half of
25 that skybridge and the new building to the north.

1 God bless you.

2 There is a significant issue of height.
3 It is a D-6 variance.

4 Again, what is interesting to me is the
5 zoning ordinance was recently amended to say we are
6 not so concerned about stories, we are really
7 concerned about the linear height.

8 This is a height of 65 or 67 feet,
9 where only 40 feet is permitted.

10 There is an issue of building coverage,
11 and in the -- and there are slightly different
12 standards. In the residential zone, you could have
13 a maximum of 60 percent. The applicant is proposing
14 97.7 percent on the north lot. That is
15 significantly more than what is allowed.

16 On the south lot there is a different
17 standard. There is a maximum of 50 feet, and
18 presumably that's because much of the campus, you
19 know, you can go up to a hundred feet. So
20 presumably you would have a lot more open space
21 there. The applicant is proposing I believe 62
22 percent, which exceeds the maximum of 50 percent.

23 There are other issues. The use of the
24 cellar. It could only be for storage, and that has
25 to do with intensity. There are two measures of

1 intensity here. One is building coverage, so that
2 is an intense use of the site.

3 Now, the other issue is while the
4 applicant has four stories now, the basement use
5 will have occupancy in it, which is not permitted,
6 and that clearly adds to the intensity of the use.

7 There are other issues, such as the
8 setback to other buildings, which are less important
9 because that is kind of to the rear of the building,
10 in my opinion.

11 There is -- but the other issue that I
12 discovered is that there is a prohibition of
13 classroom or lecture halls with a hundred more
14 seats. You can't be within a hundred feet of a
15 residential zone. And as I read the plans, although
16 there is not a seat layout, if you multiply it -- if
17 you divide the square footage of the classrooms by
18 one per 15 square feet, which assumes chairs and
19 tables, you are over a hundred for at least two of
20 the classrooms.

21 If you divide it by seven square feet
22 for just movable chairs, you are up to the 200
23 capacity for some of those classrooms. That seems
24 to be against the ordinance, and one would say that
25 that also triggers a D variance.

1 So this use is an inherently beneficial
2 use, and as you know, the standard of proof is the
3 so-called -- first of all, it is the burden of the
4 applicant to provide the evidence, and there is the
5 four step Sica process, where you determine the
6 magnitude of the public benefit, and there is an
7 implied scale.

8 You could have a head trauma center,
9 and then at the other end maybe a historic school,
10 so there is a range of uses.

11 Secondly, you examine what are the
12 negatives that arise from approval of the
13 application, and I am going to address that
14 significantly by looking at the master plan.

15 And then the Board is to say, are there
16 some conditions that you could invent that might
17 mitigate some of those negatives.

18 And finally, there is the balancing
19 test. The Board has to evaluate, given the fact
20 that there are some public benefits attached to this
21 institution, can the application be approved without
22 substantial detriment to the public good and without
23 substantial impairment to the zone plan and zoning
24 ordinance.

25 In my opinion, there is substantial

1 detriment to the zone plan and zoning ordinance.
2 The skybridge, the applicant seems to ignore,
3 because it is on public property, but the answer is
4 it is not in some kind of a public zone. It is half
5 in the R-1 Zone, where it's not permitted, and it's
6 half in the R-1(E) Zone.

7 It has -- it's out of character with
8 Hoboken, the grid system that was originally
9 established by Colonel Stevens. It eliminates
10 pedestrian traffic that would otherwise be on the
11 street. Those are the two reasons why the master
12 plan said we don't want another one.

13 So that in my mind is clearly contrary
14 to the master plan, and there are no exceptions in
15 the master plan like it is okay if you are outside
16 of a retail area, or the more glass you use, the
17 more wonderful it is. That is not in the master
18 plan.

19 The overriding theme, and again, this
20 is what I view as the compromise is that Stevens can
21 go to ten stories at a hundred feet. That is
22 virtually taller than any other zone in Hoboken, and
23 the compensating factor is be gentle when you get
24 next to residential areas.

25 The problem here is the applicant is

1 not gentle next to this residential area. The
2 building is too -- covers too much of the site. It
3 has a height that is significantly 21 feet or more
4 over the maximum permitted.

5 The buildings are out of character with
6 the residential areas because of the large
7 floor-to-ceiling heights. Again, maybe it is four
8 stories, but the answer is these are large floors,
9 very much uncharacteristic of a residential use in
10 the area.

11 Hum, the fact that the zoning ordinance
12 and the master plan are so consistent, and nobody
13 can say that the governing body and the Planning
14 Board didn't have Stevens on its mind. The word
15 "Stevens" appears all over the master plan, and it
16 even appears in the zoning ordinance.

17 So, in my opinion, the combination of
18 these oversized buildings, hum, with the skybridge,
19 result in substantial detriment to the zone plan and
20 zoning ordinance. They are contrary to stated
21 purposes.

22 The applicant is trying to justify the
23 bridge by saying, well, we don't want to dig up the
24 street, and it is very efficient to link buildings
25 up in the air, and that may be the case, but it

1 ignores the founding principles of this zone in the
2 master plan.

3 That street is going to be dug up
4 anyway while water and air under pressure can go
5 uphill, but the answer is sewerage can't.

6 And the answer is: They are going to
7 be digging up a street to get the sewer lines
8 underneath.

9 Now, there was an argument about, you
10 know, we don't want to put these utility lines in
11 underground because we want the Cadillac of tunnels.
12 You know, we want to be able to stand up and repair
13 these.

14 Well, nowhere else in Hoboken does that
15 really exist. You know, why does the applicant have
16 to invent this situation, which is really not
17 characteristic?

18 From the narrow point of view of the
19 applicant's use of the site, I understand their
20 argument. They are institutional needs, but this is
21 a plan and zoning ordinance that gave Stevens a lot
22 of clear space to build. Is the ten-story a hundred
23 feet part of the campus?

24 You can do whatever you want there.
25 You can link buildings. You can do whatever you

1 want. But as you get close to residential uses,
2 that is the compensating feature for giving you that
3 ten stories.

4 And in my opinion, there is no evidence
5 on the record that this approval can be granted
6 without substantial detriment to the zone plan and
7 zoning ordinance, without substantial impairment to
8 the zone plan and zoning ordinance, and without
9 substantial detriment to the public good.

10 The applicant's burden of proof, I
11 don't believe that they met it.

12 CHAIRMAN AIBEL: Thank you, Mr. Steck.

13 MR. GALVIN: Mr. Dwyer, anything else?

14 MR. DWYER: Yes, just a few questions.

15 You just had a chance to look at the
16 2010 master plan reexam, correct?

17 THE WITNESS: Yes.

18 MR. DWYER: And you have seen some of
19 the objectives there under the section of housing,
20 one of those objectives being under 4C, maintain the
21 lower densities and heights in residential zones?

22 THE WITNESS: So that is a continuing
23 endorsement of the policies of the master plan, and
24 what it implies is that height can be a detrimental
25 aspect of a building in a residential zone.

1 MR. DWYER: Okay.

2 And you've identified what appears to
3 be two new D variances, one for the skybridge, and
4 one for a classroom with over a hundred seats within
5 a hundred feet of a residential zone, correct?

6 THE WITNESS: That's correct.

7 MR. DWYER: And those would be two
8 additional D variances.

9 The applicant -- according to your
10 testimony, the applicant's testimony asked for a C
11 variance for a number of things, including rear yard
12 setback, height, open space --

13 THE WITNESS: Well, the height is a D-6
14 variance.

15 MR. DWYER: Excuse me. You're right.
16 That a D.

17 Length of building, and does the
18 aggregate of these bulk variances intensity the use
19 of the site? Is that contrary to the zone plan?

20 THE WITNESS: It is. You can't look at
21 them independently.

22 As I say, the fundamental issue is it's
23 too tall, classroom in the basement, too much
24 building coverage.

25 All of this relates to intensity and

1 the proof of the pudding is only emphasized by the
2 fact that there are setback standards that are all
3 required.

4 MR. DWYER: And just to clarify, you
5 mentioned that the retail uses, which are allowed in
6 the R-1 Zone in the north lot, the applicant has
7 said that it could be bars or restaurants. But as I
8 understand it, the conditional use for retail uses
9 in this zone require at least two other of those
10 businesses on the block before they could be
11 started, right?

12 THE WITNESS: Yes. It suggests that
13 there already has to be a retail presence, and that
14 isn't in this case.

15 MR. DWYER: And there are none?

16 THE WITNESS: That's correct.

17 MR. DWYER: Have you looked at the
18 Stevens Strategic Plan of 2012?

19 THE WITNESS: I have.

20 MR. DWYER: And did you note in there
21 that they have a plan to grow the student body, and
22 you've heard testimony to the effect that part of
23 the reasons for the variances was that they needed
24 to increase the square footage per student, and yet,
25 at the same time their plan says they want to

1 increase the student body by some 60 percent over
2 ten years.

3 How does that affect, in your opinion,
4 the variance justification by the applicant?

5 THE WITNESS: Well, the strategic
6 report runs from 2012 to 2022, and it said
7 essentially that there are 2500 undergraduates now,
8 and we would like to grow over the ten-year period
9 to 4,000 undergraduates, plus have some additional
10 interns of the graduate school.

11 What doesn't make sense is that the
12 applicant is emphasizing over and over again this is
13 to better serve our student body. But at the same
14 time, clearly there is a plan that the student body
15 will be increasing, and that simply in my opinion
16 suggests that the statements made are at least
17 confusing at best and might be misleading.

18 MR. DWYER: Thank you.

19 Thank you, Mr. Chairman.

20 CHAIRMAN AIBEL: Thank you.

21 Mr. Tuvel, do you have some questions?

22 MR. TUVEL: Does the Board want to go
23 first or --

24 CHAIRMAN AIBEL: No. I think now would
25 be a good opportunity for you to cut through some of

1 the issues.

2 MR. TUVFEL: That's fine.

3 Because I didn't get the benefit of Mr.
4 Dwyer's transcript ahead of time, so just bear with
5 me as I go through the questions.

6 THE WITNESS: I will personally bear
7 with you.

8 MR. TUVEL: Thank you. Okay.

9 So you said you were at -- I will share
10 the mike with you.

11 THE WITNESS: We will share.

12 MR. TUVEL: So you said that you
13 attended all of the hearings except for one.

14 Did you read the transcript for that
15 hearing?

16 THE WITNESS: Yes.

17 MR. TUVEL: Did you attend any of the
18 HPC meetings?

19 THE WITNESS: No.

20 MR. TUVEL: Did you read the report
21 that was submitted by Ms. McKenzie to the Board?

22 THE WITNESS: Yes, yes.

23 MR. TUVEL: Did you submit a report to
24 the Board?

25 THE WITNESS: No.

1 MR. TUVEL: Are you aware of any expert
2 reports that have been submitted to the Board on
3 behalf of your client?

4 THE WITNESS: No.

5 MR. TUVEL: No traffic report and no
6 stormwater report?

7 THE WITNESS: That's correct.

8 MR. TUVEL: Okay. And your clients
9 are the same as Mr. Dwyer's clients?

10 THE WITNESS: The Sobels.

11 MR. TUVEL: Thank you.

12 Did you review the zoning map for the
13 city?

14 THE WITNESS: Yes.

15 MR. TUVEL: Okay. What's the northerly
16 boundary line for the R-1 Zone?

17 THE WITNESS: For the whole city?

18 MR. TUVEL: Yes.

19 Do you know?

20 THE WITNESS: Without looking at the
21 map, I would not guess unless I looked at the map.

22 MR. TUVEL: Okay.

23 Would it surprise you if the northerly
24 boundary is 14th Street?

25 THE WITNESS: I have to look at the map

1 to verify whether it is or not.

2 MR. TUVEL: Okay.

3 Do you know what the southernly
4 boundary of the R-1 Zone is?

5 THE WITNESS: Without looking at the
6 map, I don't know.

7 I can get a copy of it.

8 MR. TUVEL: No, that's okay.

9 How many lots would you say are
10 comprised in the R-1 Zone?

11 THE WITNESS: I don't know.

12 MR. TUVEL: How many lots in the R-1
13 Zone between Fifth Street and 8th Street along
14 Hudson about the R-1(E) Zone?

15 THE WITNESS: I don't know.

16 MR. TUVEL: Do you know how many lots
17 are owned by Stevens that about (E) zone?

18 THE WITNESS: I did not count the
19 specific number of lots.

20 MR. TUVEL: Okay.

21 THE WITNESS: I know that they own some
22 lots, but I don't know the number.

23 MR. TUVEL: Would it surprise you that
24 including the subject lot, which is Block 228, Lot
25 1, that there are seven other lots. Six of those

1 are owned by Stevens. They own seven out of the
2 eight lots that abut the R-1(E) Zone?

3 THE WITNESS: That would appear to be
4 potentially accurate.

5 MR. TUVEL: Okay.

6 Do you know who owns the property
7 directly abutting Block 228, Lot 1 --

8 THE WITNESS: I do not know.

9 MR. TUVEL: -- to the East?

10 THE WITNESS: Into the campus?

11 MR. TUVEL: Correct.

12 THE WITNESS: I would assume that
13 Stevens owns it.

14 MR. TUVEL: Correct.

15 In terms of you talked a lot about
16 height.

17 Are you familiar with the property
18 located at Block 27 to .01 Lot 30?

19 THE WITNESS: I don't know it by
20 virtue -- I haven't memorized all of the tax map
21 numbers, so I don't know.

22 MR. TUVEL: Okay.

23 So that's your client's property. I
24 believe your client lives in the Union Club. Is
25 that right?

1 THE WITNESS: Yes.

2 MR. TUVEL: So that's your client's
3 property?

4 THE WITNESS: Yes.

5 MR. TUVEL: Do you know how tall the
6 Union Club is?

7 THE WITNESS: It is taller than the
8 zone allows.

9 MR. TUVEL: Did you measure it?

10 THE WITNESS: No. It is like seven
11 stories I think.

12 MR. TUVEL: But you don't know the
13 exact number?

14 THE WITNESS: No. I would -- it is
15 irrelevant because it's unusual in the pattern of
16 the street. Most of the buildings are well below
17 that.

18 MR. TUVEL: Okay.

19 Do you know the size of the lot that
20 the Union Club is located on?

21 THE WITNESS: Not without looking at
22 the tax maps, no.

23 MR. TUVEL: If I told you that it was
24 approximately 7900 square foot, would that surprise
25 you?

1 THE WITNESS: It wouldn't surprise me.

2 MR. TUVEL: Okay.

3 Do you know how big -- do you know
4 how -- the lot area of, I'll call it the northern
5 lot of this proposed development, do you know what
6 the lot area is?

7 THE WITNESS: I have to look at the tax
8 maps to verify it.

9 MR. TUVEL: Okay.

10 Would it surprise you that it's near,
11 almost exactly the same as the lot across the
12 street?

13 THE WITNESS: It would not surprise me.

14 MR. TUVEL: Okay.

15 Do you know where the Carnegie building
16 is located?

17 THE WITNESS: Yes.

18 MR. TUVEL: Where is it?

19 THE WITNESS: It's -- it's two south of
20 the new building on the south side of Sixth Street.

21 MR. TUVEL: Okay. Say that one more
22 time.

23 THE WITNESS: It is -- I think it's
24 the second building over outside of the Lieb
25 building.

1 MR. TUVEL: Okay. It's the first
2 building over.

3 THE WITNESS: Okay. Thank you for
4 correcting me. It's the building that abuts the
5 Lieb building.

6 MR. TUVEL: Okay.
7 Do you know how tall that building is?

8 THE WITNESS: I believe it's alleged to
9 be approximately as tall as the applicant's proposed
10 building.

11 MR. TUVEL: Do you know what occurs in
12 that building?

13 THE WITNESS: Not specifically.

14 MR. TUVEL: Okay.

15 THE WITNESS: Something related to
16 Stevens.

17 (Laughter)

18 MR. TUVEL: Okay. Do you know where
19 the Buchard building is located?

20 THE WITNESS: It's the next building to
21 the south.

22 MR. TUVEL: It is actually the building
23 to the east of the Lieb building.

24 THE WITNESS: Okay. Then I misoriented
25 myself.

1 MR. TUVEL: Okay.

2 Do you know how tall that building is?

3 THE WITNESS: That's taller, but it's
4 further away -- I think it's -- there is a profile
5 of it in your exhibits, the applicant's exhibits,
6 but that is obviously further away from Hudson
7 Street.

8 MR. TUVEL: Do you know how far?

9 THE WITNESS: I don't know the exact,
10 but it is probably -- it is probably 90 or a hundred
11 feet back.

12 MR. TUVEL: Do you know if it is
13 located on the same lot as the south block
14 development?

15 THE WITNESS: Yes. There is a super
16 sized lot, Lot 1 and Block 227.

17 MR. TUVEL: Right.

18 Do you know that that building -- would
19 it surprise you if that building was about 110 feet?

20 THE WITNESS: I said 90 to a hundred,
21 so I would say that seems reasonable.

22 MR. TUVEL: Okay.

23 THE WITNESS: It is also a second
24 tiered building. Obviously in the front of it is a
25 lower building.

1 MR. TUVEL: Okay. So that leads me to
2 my next question.

3 So Stevens is actually proposing as
4 part of this development to put another shorter
5 building in front of a larger building, is that
6 correct, on the southerly lot?

7 THE WITNESS: It is proposed -- well,
8 the building that's being proposed is shorter than
9 the building that's further away from Hudson Street.

10 MR. TUVEL: Thank you.

11 Are there buildings located behind the
12 parking lot on the north lot?

13 THE WITNESS: Yes.

14 MR. TUVEL: Do you know what goes on
15 in those buildings?

16 THE WITNESS: Hum, academic activity
17 related to Stevens.

18 MR. TUVEL: They are actually not
19 academic buildings, but they are related to Stevens.

20 Do you know how tall those buildings
21 are?

22 THE WITNESS: Well, the architect has
23 profiles of them, so as you go further away, they
24 are taller.

25 MR. TUVEL: Did you measure them?

1 THE WITNESS: No. I don't think I have
2 the ability to go to the top of the roof and drop a
3 tape measure.

4 MR. TUVEL: Okay.

5 So you don't know what their exact
6 height is?

7 THE WITNESS: No, but it's clearly
8 depicted on the applicant's profiles.

9 MR. TUVEL: Okay.

10 Do you know what the difference in
11 grade is between the southwest corner -- I'm
12 talking -- well, let me just make it easier. I'm
13 talking about the north lot, okay?

14 THE WITNESS: All right.

15 MR. TUVEL: Do you know what the
16 difference in grade is between the southwest corner
17 of the north lot and the southeast corner of the
18 north lot?

19 So if I'm basically heading east on
20 Hudson Street, do you know what the grade change is?

21 AUDIENCE: East on Hudson --

22 COMMISSIONER FISHER: You mean east on
23 Sixth?

24 MR. TUVEL: East on Sixth. I'm sorry.
25 I apologize.

1 THE WITNESS: The gray goes up.
2 Without looking at the engineering plan, I don't
3 know exactly what it is.

4 MR. TUVEL: All right.

5 So would it surprise you if it's about
6 a six foot difference?

7 THE WITNESS: Yes. It would be a
8 modest slope on it. It's easily walkable.

9 MR. TUVEL: And moving to the south lot
10 and heading east on Sixth Street, do you know what
11 the grade is from the northwest corner of the south
12 lot to the northeast corner of the south?

13 THE WITNESS: Not without looking at
14 the site plan.

15 All of these are clearly, you know, the
16 variance that's needed is over 20 feet in height,
17 so --

18 MR. TUVEL: I just asked you if you
19 know --

20 THE WITNESS: -- I'm just answering
21 more fully.

22 So the fact that the lot slopes up six
23 feet doesn't compensate for the 20 plus some-odd
24 feet in height that it exceeds the ordinance.

25 MR. TUVEL: All right.

1 But that wasn't going to be my
2 question, but okay, that's your answer.

3 But my next question is: Do the
4 existing grade differentials already limit views of
5 the skyline, if you're standing on the street?

6 THE WITNESS: If you are standing on
7 the street, depending upon where you are standing,
8 if you get closer to the skybridge, you can't see
9 through it at all.

10 If you get further back, you can see
11 the corridor.

12 As you get into some of the residential
13 units --

14 MR. TUVEL: I am not -- I'm not --

15 THE WITNESS: -- you can see the
16 skyline.

17 MR. TUVEL: -- I wasn't talking about
18 the skybridge. I was just saying existing
19 conditions.

20 Does the grade change limit your views
21 of the skyline?

22 Can you even see it standing --

23 THE WITNESS: If you're standing at the
24 intersection of Sixth and Hudson -- I don't recall
25 whether you can see the tops of buildings or not. I

1 don't think you can, but that is my recollection.

2 MR. TUVEL: Okay. The north lot,
3 sticking with the north lot, what is the current use
4 there?

5 THE WITNESS: Parking. I think it's 35
6 student spaces.

7 MR. TUVEL: Close. It's 39, but that
8 is close.

9 Is that a principal permitted use in
10 the R-1 Zone?

11 THE WITNESS: It wouldn't be a
12 principal permitted use. It would be a permitted
13 accessory use.

14 MR. TUVEL: Permitted accessory use for
15 what?

16 THE WITNESS: Stevens Institute.

17 MR. TUVEL: No. I'm talking about the
18 R-1 --

19 THE WITNESS: Oh, that would be a
20 nonconforming use.

21 MR. TUVEL: Okay. And is that lot
22 completely paver now?

23 THE WITNESS: Yes, essentially.

24 MR. TUVEL: Okay.

25 And that parking lot is used for

1 Stevens' students, correct?

2 THE WITNESS: That is my recollection
3 of the testimony.

4 MR. TUVEL: All right. Moving to the
5 south lot, do you know what type of activities occur
6 in the building that's proposed to be removed on the
7 south lot?

8 THE WITNESS: I believe that there was
9 laboratory space there.

10 MR. TUVEL: Academic buildings, that is
11 correct. All right.

12 Where is the most northern academic
13 building located on the Stevens campus?

14 THE WITNESS: Hum, I have to look at
15 the campus map to tell you. I know it was gone over
16 in the testimony, but I don't recall exactly the
17 most northerly building.

18 MR. TUVEL: Okay. Do you know where
19 the most southerly academic building is located?

20 THE WITNESS: It is probably near the
21 southern border of the R-1(E) Zone.

22 MR. TUVEL: Okay.

23 So would it surprise you that all of
24 the academic buildings on the campus are located
25 south of Sixth Street between Hudson Street and the

1 river?

2 THE WITNESS: All of the academic
3 buildings? That is not my recollection.

4 MR. GALVIN: All right. That is the
5 answer.

6 MR. TUVEL: That's fine.

7 All right. Are student centers
8 permitted in the R-1(E) Zone?

9 THE WITNESS: I would have to re-read
10 the ordinance, but would I expect that if a
11 university is permitted, a student center would be a
12 permitted use.

13 MR. TUVEL: All right.

14 What about -- and I'll go through it
15 quickly, so we can move on.

16 Dining halls, athletic fields, all
17 principal permitted uses in the R-1(E) Zone?

18 THE WITNESS: Well, as you know,
19 there's certain regulations. Like, you can't have
20 an athletic field anywhere.

21 There's issues with lighting and things
22 that have to be pushed at least a hundred feet away
23 from Hudson Street.

24 MR. TUVEL: So you mentioned that.
25 It's the lighting that has to be a hundred feet

1 back. It's not the actual --

2 THE WITNESS: Well, let me what the
3 ordinance says before I answer.

4 MR. TUVEL: Okay.

5 THE WITNESS: Yes, it's the lighting.

6 MR. TUVEL: So not the academic -- not
7 the athletic fields --

8 THE WITNESS: That's correct.

9 MR. TUVEL: And are dormitories,
10 fraternities and sororities all permitted in the
11 R-1(E) Zone?

12 THE WITNESS: I believe so.

13 MR. TUVEL: You talked a lot about the
14 master plan.

15 Isn't it true, that the master plan
16 states that the city is strengthened by Stevens?

17 THE WITNESS: Yes.

18 MR. TUVEL: Does the master plan talk
19 about the need to eliminate surface parking lots?

20 THE WITNESS: I don't think it says it
21 specifically with regard to Stevens, but that is not
22 looked at as a productive -- as a positive use.

23 MR. TUVEL: And are we eliminating the
24 surface parking lot in connection with this
25 application?

1 THE WITNESS: Yes. That's a very --
2 you are eliminating the parking.

3 Now, the parking is -- you're still
4 going to see cars, because cars park on Hudson
5 Street, and they're still in the area. But the
6 answer is for that private property, you are
7 proposing to eliminate a surface level parking area
8 and replace it with a 60 foot -- 65 foot tall
9 building.

10 MR. TUVEL: Do you know how many curb
11 cuts currently exist on the northerly lot?

12 THE WITNESS: I know it was testified
13 to, and I don't recall the exact number. There's
14 more than one I believe.

15 MR. TUVEL: All right. There are two.
16 Do you know how many curb cuts are
17 located on the southerly lot?

18 THE WITNESS: I believe there's a
19 loading curb cut.

20 MR. TUVEL: Correct.
21 Do you know how many curb cuts are
22 going to be eliminated as a result of this
23 application?

24 THE WITNESS: All of those curb cuts
25 will be eliminated.

1 MR. TUVEL: And are elimination of curb
2 cuts another goal of the mater plan?

3 THE WITNESS: I would call it a
4 minuscule goal --

5 MR. TUVEL: A minuscule goal.

6 THE WITNESS: -- because you're
7 removing so many pedestrian -- the idea is to
8 encourage pedestrian traffic. That is why you don't
9 want a driveway. Here you are putting up a skywalk,
10 where now -- that's more than -- that's going to
11 certainly eliminate much more pedestrian traffic
12 than the elimination of three curb cuts.

13 MR. TUVEL: So what gives you -- how do
14 you formulate the opinion that something is a
15 minuscule purpose of a master plan versus an
16 important purpose?

17 MR. DWYER: Objection, Mr. Chairman.
18 It's a characterization.

19 MR. GALVIN: It is a professional
20 planner. It's his opinion

21 MR. TUVEL: I asked him how he
22 formulated that.

23 THE WITNESS: I used my planning
24 expertise and common sense.

25 (Laughter)

1 MR. TUVEL: Perfect. Thank you.

2 MR. GALVIN: As lawyers, we might not
3 get that.

4 (Laughter)

5 MR. TUVEL: Have you ever been a part
6 of an application for a skybridge before?

7 MR. GALVIN: I didn't hear it. What
8 was the question?

9 MR. TUVEL: I'm sorry.

10 Has he ever been part of an application
11 where there was a skybridge before.

12 THE WITNESS: Not over public property.

13 MR. TUVEL: Well, where?

14 THE WITNESS: In Morristown behind
15 Century 21, they had a link to a public parking
16 garage.

17 MR. TUVEL: All right. And were you
18 the applicant's planner or the objector's planner?

19 THE WITNESS: Oh, the applicant's
20 planner.

21 MR. TUVEL: I have not seen you in that
22 role before. That's why I'm asking you.

23 THE WITNESS: You don't get out enough.

24 MR. TUVEL: That's right.

25 (Laughter)

1 See, at least we're having a good time
2 with this. Okay.

3 MR. GALVIN: And that is what Jason's
4 wife says.

5 MR. TUVEL: I can't get a break
6 anywhere.

7 (Laughter)

8 Is any green space or parkland being
9 removed as part of this application?

10 THE WITNESS: No. Although there is
11 supposed to be open space on the lot, and you are
12 taking up more of the lot than the building than now
13 is permitted. So that on both the northerly and the
14 southerly lots, you are eliminating what is supposed
15 to be green space, if you were to comply with the
16 ordinance.

17 MR. TUVEL: But the lot is currently
18 completely paved, though, correct?

19 THE WITNESS: That's correct.

20 But it still produces obviously light,
21 air, and open space, and it doesn't block as much as
22 a 65 foot tall building.

23 MR. TUVEL: Does the northern building
24 meet the prevailing setback of the street?

25 THE WITNESS: Yes.

1 MR. TUVEL: Okay.

2 And if the building was further back to
3 the east, is it abutting against Stevens' own
4 property?

5 THE WITNESS: Well, it depends how big
6 the building is.

7 MR. TUVEL: In the proposal, as it
8 moves back, it is moving towards Stevens' own
9 property?

10 THE WITNESS: Yes.

11 MR. TUVEL: You talked about coverage,
12 correct, and you said that that was a significant
13 variance here, right?

14 THE WITNESS: Yes.

15 MR. TUVEL: All right.

16 So typically when we work on coverage
17 variances and talk about stormwater, did you do your
18 own stormwater analysis in connection with this
19 application?

20 THE WITNESS: No.

21 MR. TUVEL: Are you aware that the
22 applicant is meeting -- initially met the North
23 Hudson Sewerage requirements, but then at the
24 request of this Board, increased detention eight
25 times?

1 THE WITNESS: I understand that the
2 applicant modified its plan to store more stormwater
3 than would normally be required.

4 MR. TUVEL: So how can you evaluate
5 whether there's negative impacts from a public
6 variance, if you haven't done any stormwater
7 calculations?

8 THE WITNESS: Because a coverage
9 variance just doesn't relate to stormwater. It
10 relates to esthetics and the character of the
11 district, and you're covering 97 percent of the lot,
12 where you are only permitted 60 percent. That has a
13 dramatic visual impact.

14 MR. TUVEL: You stated in your direct
15 testimony, that this was an inherently beneficial
16 use, correct?

17 THE WITNESS: Yes.

18 MR. TUVEL: So would you agree that the
19 positive criteria is presumptively met as part of
20 this application?

21 THE WITNESS: Yes.

22 MR. TUVEL: And does that mean from a
23 planning perspective, that the public welfare --
24 that that purpose of the MLUL is advanced?

25 THE WITNESS: Well, that doesn't answer

1 the question.

2 You do have some public benefit, but
3 part of the Sica analysis is to determine the
4 magnitude of the public benefit that arises from
5 that use.

6 MR. TUVEL: Okay.

7 In terms of the negative criteria,
8 would you agree that under New Jersey case law that
9 governs this application, that the enhanced quality
10 of proof is not applicable?

11 THE WITNESS: I agree.

12 MR. TUVEL: I'm sorry. I'm just
13 looking through my notes real quickly.

14 CHAIRMAN AIBEL: Take your time.

15 MR. TUVEL: In terms of again negative
16 criteria, have you performed an analysis on the
17 lighting?

18 THE WITNESS: No, not a quantitative
19 analysis, but obviously there was a lot of
20 discussion about the large window areas, the fact
21 that the northerly building will be lit up during
22 certain times when it's dark, so it does have an
23 impact on the character of the residential zone,
24 an adverse impact.

25 MR. TUVEL: All right.

1 Moving to your exhibit that you
2 introduced.

3 THE WITNESS: Okay.

4 MR. TUVEL: You have a bunch of photos
5 that you took, right?

6 THE WITNESS: As you know, when I
7 testified, some of them were from Google and some
8 were from, you know, an early exhibit of the
9 applicant.

10 MR. TUVEL: So I just -- item number
11 seven is a Goggle Street View.

12 Do you know when that street view was
13 taken?

14 THE WITNESS: I believe within the last
15 two years, but I did drive Clinton Street this
16 evening or earlier before the meeting, and it
17 accurately depicts the character of that skybridge.

18 MR. TUVEL: And where is -- what's
19 number eight, what's that?

20 THE WITNESS: Eight was an early
21 exhibit of your client.

22 MR. TUVEL: Where did you get that?

23 THE WITNESS: I believe it was -- it
24 may have been on the internet. I'm not sure.

25 MR. TUVEL: The photos in nine and ten,

1 did you take those?

2 THE WITNESS: I did not take those.

3 MR. TUVEL: Do you know the dates of
4 those photos?

5 THE WITNESS: I think they were taken
6 in April, if I recall correctly.

7 MR. TUVEL: Okay.

8 But you did not take them?

9 THE WITNESS: I did not take them.

10 MR. TUVEL: Okay.

11 Mr. Chairman, I have no further
12 questions for Mr. Steck at this time.

13 CHAIRMAN AIBEL: Thank you.

14 MR. DWYER: Can I have one question on
15 redirect, please, Mr. Chairman?

16 MR. GALVIN: Of course.

17 CHAIRMAN AIBEL: Sure.

18 MR. DWYER: You testified that
19 currently the northern lot, which is residentially
20 zoned, is being used as surface parking, correct?

21 THE WITNESS: Yes.

22 MR. DWYER: Is that a permitted use in
23 the zone?

24 THE WITNESS: It is not.

25 MR. DWYER: So Stevens is using that

1 lot right now in a way that's not permitted?

2 THE WITNESS: I'm not sure --I don't
3 know of any evidence that they secured a variance
4 for that use.

5 MR. DWYER: Thank you.

6 MR. GALVIN: I'm sorry.

7 CHAIRMAN AIBEL: Okay. Board
8 members -- I'm sorry, go ahead.

9 MR. GALVIN: Mr. Dwyer, are you going
10 to have other witnesses?

11 MR. DWYER: No, Mr. Chairman. That is
12 the only witness.

13 MR. GALVIN: Okay. I'm just asking.

14 CHAIRMAN AIBEL: Board members?

15 Mr. Grana?

16 COMMISSIONER GRANA: Thank you, Mr.
17 Steck, and thank you for your testimony.

18 I did have a few questions that I just
19 wanted to clarify. It was a lot of information, and
20 I just wanted to make sure I understood it.

21 You referred to the Hoboken master
22 plan, pages 151 to 152, requiring appropriate uses
23 along the edge of the field.

24 Is it your testimony that this project
25 can qualify as an edge?

1 THE WITNESS: Yes.

2 COMMISSIONER GRANA: And is it your
3 testimony that this is or is not an appropriate use
4 for that edge?

5 THE WITNESS: This in my opinion is
6 clearly on the edge because it is at the extreme
7 lot. It fronts on Hudson.

8 And in terms of this section -- this
9 section talks more about the architecture, so I am
10 going to set aside the issue of the fact that use
11 isn't permitted, but I am going to answer your
12 question by saying scale and coverage of the
13 building is contrary to this principle.

14 COMMISSIONER GRANA: Okay.

15 But you are not testifying whether or
16 not it is an appropriate use?

17 THE WITNESS: Well, in my opinion, it
18 is not an appropriate use, but drawing attention to
19 Item 9 in the master plan, that doesn't talk about
20 the nature of the uses. It talks about the
21 character of the buildings.

22 COMMISSIONER GRANA: Thank you.

23 I noticed that you mentioned regarding
24 the skybridge, and that -- I just want to be sure
25 from your testimony that you believe that the Board

1 should view the skybridge through the lens of the
2 zones in which you have -- you know, one-half of the
3 skybridge is in (E) and the other half is in R-1.

4 Is it your testimony that we should
5 look at that skybridge through the lens of the
6 ordinance, i.e., lot coverage, height, setback --

7 THE WITNESS: There is no exception in
8 terms of -- see, what is kind of strange, you're
9 supposed to, when you have building coverage, you
10 know, you are allowed let's say 60 percent of the
11 lot, so you build your building four stories high.

12 And the ordinance says, stop at the
13 front property line. You can be zero or ten feet
14 away when you're in the R-1 Zone.

15 The applicant is ignoring what happens.
16 You are supposed to stop and in a sense preserve
17 that open space that's in the public street
18 right-of-way.

19 This is a building now that one might
20 say it is a negative setback. You are supposed to
21 stop at the property line, and this goes past it.

22 Now, the answer is yes, the property
23 it's over is not owned by Stevens, but it's still in
24 the R-1(E), in that case the R-1 Zone on the
25 northern half. And so, in my opinion, it's clearly

1 eligible for site plan approval, and one has to make
2 some acknowledgement that it is not a permitted use.
3 So the zoning is relevant, despite the fact that the
4 applicant doesn't own the property.

5 COMMISSIONER GRANA: Okay. Thank you.

6 You mentioned that the Planning Board
7 when they talked about prohibiting future
8 skybridges, they mentioned that the skybridge at
9 that time at the Midtown Garage connecting at that
10 time St. Mary's Hospital, is it your testimony that
11 that was okay, but that no future skybridges should
12 be allowed?

13 THE WITNESS: Well, I will just read
14 that last sentence.

15 COMMISSIONER GRANA: Okay.

16 THE WITNESS: Although this skywalk may
17 make sense for this particular location, future
18 skywalks in any other part of the city should be
19 prohibited as they detract from the
20 pedestrian-oriented nature of Hoboken, and are not
21 consistent with the city's character.

22 COMMISSIONER GRANA: Do you know why
23 that skybridge was not appropriate for that
24 location?

25 THE WITNESS: I didn't look at any

1 resolutions of approval, but I assumed that it was
2 one mechanism to -- it might be because the hospital
3 opens -- the hospital is open 24 hours a day, and
4 there are security issues.

5 I am not sure that the same security
6 issues on Stevens campus going between one office
7 building and one academic building to another.

8 So there clearly -- while I didn't see
9 the resolution, there may well be a rational basis
10 for that decision. But the other thought I had is
11 after the Planning Board saw it and realized the
12 visual impact of it, they don't want it any more.

13 COMMISSIONER GRANA: Okay. Thank you.

14 So the ten foot -- you testified to the
15 ten stories, 100 feet.

16 From a planner's perspective, would you
17 then recommend that -- I guess I will position the
18 question like that.

19 I think the client -- the applicant is
20 looking at connecting these two structures to
21 support the use. Do you believe from a planner's
22 perspective, it would be better to locate that
23 elsewhere on the campus, and instead use an open
24 space or some other part of the campus and create a
25 vertical structure instead?

1 THE WITNESS: Well, again, there is no
2 prohibition of tearing down buildings, so the answer
3 is -- and the applicant is tearing down the building
4 to create this so-called gateway.

5 Again, I look at the composite of the
6 ordinance as a reasonable balance.

7 They said be real careful when you get
8 next to residential uses, but we like Stevens, and
9 we want you to try, and that's why we are giving you
10 a hundred feet and ten stories on the rest of the
11 campus.

12 So there was a trade-off that is
13 implicit in the zoning and the master plan, which
14 really suggests that if you want -- I mean, if
15 you're in a ten-story building, you don't have to go
16 outside to go from Floor 6 to Floor 4, and you can
17 have communication. You can do a lot of things in a
18 ten-story hundred foot tall building.

19 COMMISSIONER GRANA: Thank you.

20 CHAIRMAN AIBEL: Mr. Cohen?

21 COMMISSIONER COHEN: Mr. Steck, you
22 testified that one of the problems with the
23 pedestrian bridge was that it eliminates pedestrian
24 traffic. Is that correct?

25 THE WITNESS: That is what the master

1 plan says.

2 COMMISSIONER COHEN: Isn't it the case
3 that a lot of the neighbors wanted to reduce the
4 pedestrian traffic on Hudson Street by having the
5 orientation that the building facing Hudson Street
6 turn into Sixth Street and not have it be so active
7 on Hudson Street?

8 THE WITNESS: Their personal wishes, in
9 my opinion -- don't enter into my opinion. I am
10 listening to the public policy of the master plan.

11 The residents might say, "Wouldn't it
12 be nice to have some apartment buildings that are in
13 the correct height and the correct building colors
14 across the street," and the answer is yes. But my
15 job here is to analyze the public policy statements
16 because that is relevant to the negative criteria,
17 and their personal preferences don't enter into my
18 opinion.

19 COMMISSIONER COHEN: But isn't the idea
20 of being gentle on the edges of the academic campus
21 to the residential campus to minimize the impact of
22 the student body and the student activity on the
23 residents that are neighboring the property?

24 THE WITNESS: Well, that's probably --
25 that would be a rational basis for why they don't

1 want big classrooms within a hundred feet of the
2 residential area. Big classrooms produce a lot of
3 traffic. You're supposed to be back at least a
4 hundred feet.

5 COMMISSIONER COHEN: So wouldn't having
6 traffic within the buildings, rather than on the
7 sidewalk, when you are talking about students that
8 are noisy, that are possibly disruptive to people
9 who are living in the residential communities that
10 are bordering the neighborhood, wouldn't that be a
11 benefit?

12 THE WITNESS: Stevens is there, and
13 whether this is built or not, the answer is there
14 are going to be students walking down that street,
15 because as you know from earlier testimony, despite
16 the fact that there might be an off-site shuttle,
17 there might be the Babbio parking garage, all of
18 this, the answer is students are going to look for
19 convenient parking, and if it's on Hudson Street,
20 that is where they are going to find it, so I think
21 it is a tertiary issue.

22 Stevens has a right to operate.
23 Students have a way of walking, rather than using
24 cars, and that is part of the environment that is
25 inescapable.

1 But the point -- the issue with the
2 skybridge, and again, it is not my personal view,
3 and it's the view of my clients, it is the view of
4 the Planning Board, they said it is out of
5 character, which I think it is, and it discourages
6 on-street pedestrian traffic, which it does.

7 COMMISSIONER COHEN: But they said to
8 minimize it, not to eliminate it, correct?

9 THE WITNESS: Now, let me see what it
10 said.

11 COMMISSIONER COHEN: Okay.

12 THE WITNESS: They detract from the
13 pedestrian-oriented nature of Hoboken, skybridges
14 detract from it, so they lessen the amount of
15 pedestrian traffic.

16 COMMISSIONER COHEN: Now, let me see if
17 I understand what you said, that the height of the
18 Union Club building, where your clients are located,
19 which is directly across the street from the
20 building that's proposed is irrelevant to the Zoning
21 Board with respect to the nature of --

22 THE WITNESS: Yes. That's not the
23 characteristic -- that building is taller than most
24 of the other residential buildings on the west side.

25 You know, I have clients that I

1 represent, but my opinion is not based on their
2 personal circumstances. I know the applicant's
3 attorney is saying, isn't that, you know, lot the
4 same size.

5 That's irrelevant. I am looking at the
6 public policies, and they apply whether my clients
7 are in a four-story building or a seven-story
8 building.

9 COMMISSIONER COHEN: Right. But I
10 mean, from a planning perspective, isn't it relevant
11 to look at your neighbors across the street when
12 you're determining whether it's reasonable or
13 appropriate when looking at the neighborhood whether
14 something is being built --

15 THE WITNESS: One variance --

16 COMMISSIONER COHEN: -- let me just
17 finish my question -- when you are looking at the
18 scale, because you are complaining about the scale
19 of this, and you're objecting to the scale of this,
20 but isn't it in fact relevant to look at the
21 properties immediately across the street, both to
22 the west and to the north, which are consistent with
23 what is there now, that they are looking to
24 approximate what is going on there now?

25 I mean, your testimony is that it is

1 irrelevant what the height of the Union Club is,
2 and I am having difficulty understanding how that is
3 irrelevant, when we are looking to see whether a
4 project is appropriate for a community where it's
5 being proposed.

6 THE WITNESS: First of all, one
7 variance doesn't beget another variance. Then you
8 would -- you might as well not have any number.

9 The answer is: The property as you go
10 north on the east side of Hudson Street, those
11 residential buildings are lower than 65 feet, so
12 that's out of character.

13 Yes, there is one taller building, but
14 if you look at what the planners had in mind when
15 they were analyzing, and you look at the top of page
16 3 of my Exhibit N-1, you will see that the buildings
17 tend to be taller south of Sixth Street and east of
18 Hudson, but the vast majority of buildings on the
19 west side of Hudson are in the three to 4.5 story
20 category, and again, those are residential stories,
21 so it is clear that the predominant pattern is
22 lower, in my opinion, than 65 feet.

23 COMMISSIONER COHEN: Just one other
24 thing. I think you clarified this on cross
25 examination, but when you were talking about the

1 sight lines of Sixth Avenue to the skyline, isn't it
2 a fact that based on the scale of the elevation
3 going upwards on Sixth Avenue as you go towards New
4 York City, that there is no skyline view looking
5 down the corridor of Sixth Street?

6 THE WITNESS: If you are at pedestrian
7 level, that is correct.

8 But, again, the character of Hoboken is
9 a grid system. It's very important to Hoboken.
10 Whether you can see the skyline or not, there are
11 times when you can see it.

12 There is, you know, the light, air and
13 open space that is in tandem with a corridor view.
14 Again, people that live in stories above the first
15 story get to take advantage of that view corridor.

16 COMMISSIONER COHEN: Thank you.

17 CHAIRMAN AIBEL: Anybody else, Board
18 members?

19 COMMISSIONER GRANA: I have just an
20 add-on question.

21 Oh, go ahead, Frank.

22 MR. DE GRIM: Okay.

23 The -- back to pages 151 and 152 of the
24 master plan with regard to appropriate uses, you had
25 already discussed that apparently, you know, made

1 clear that a bar is an appropriate use, but is a
2 fraternity or a sorority house an appropriate use?

3 THE WITNESS: Not in an R-1 Zone --

4 COMMISSIONER DE GRIM: No. Okay.

5 THE WITNESS: -- because an R-1 Zone
6 doesn't -- did not permit university uses.

7 COMMISSIONER DE GRIM: That is a
8 residential use --

9 THE WITNESS: If it's used
10 residentially, then it's fine. But if it's
11 associated with -- the answer is: If there is a
12 building there, that is residentially used in
13 accordance with the R-1 Zone, you know, I can't make
14 a distinction whether if somebody wears Greek
15 letters on their sweatshirt or not doesn't make any
16 difference to me.

17 But if it becomes a, you know, part of
18 the campus for whatever reason, it might indeed
19 become a prohibited use.

20 COMMISSIONER DE GRIM: With regard to
21 the pedestrian skywalk issue and the
22 pedestrian-oriented nature of Hoboken that is stated
23 here, what is to be gained by requiring faculty and
24 students to walk down three or four floors, go
25 across the street, go back up three or four floors?

1 Is that a pedestrian-oriented Hoboken?

2 (Laughter)

3 THE WITNESS: It puts less people on
4 the street, and I guess it encourages faculty
5 members and students to interrelate with people that
6 are not necessarily in their same areas of
7 expertise. That's part of -- Hoboken is a
8 pedestrian-oriented municipality. It treasures the
9 life on a sidewalk.

10 This has an impact for two reasons, and
11 it's stated in the master plan. It is out of
12 character.

13 Now, after the Planning Board saw the
14 bridge across Clinton Street, they said, we don't
15 want another one in the city. That is what the
16 Planning Board said.

17 It didn't say, you know, if you wear
18 whatever -- if you're -- if you're -- if you're a
19 student, it doesn't -- it doesn't -- you get an
20 exception. It doesn't say that.

21 It says we don't want to see another
22 one in the city, and this happens to be over public
23 property, that the public has a right to access, and
24 it has a right to that view corridor.

25 Again, I just invite you to think of

1 Hoboken, if you didn't have the open spaces of the
2 grid system, you would have no open space in the
3 city.

4 COMMISSIONER DE GRIM: But you talk
5 about the people in the street interacting with each
6 other. That is exactly what the skybridge provides,
7 that the same students and faculty that you have
8 interacting on the street can interact on the
9 skybridge. Isn't that --

10 THE WITNESS: Well, the difference is
11 that the public street is available for all, whether
12 it's a student or not a student, whether it's a
13 maintenance worker, whether it's -- all of those
14 people interrelate on the street. Those people
15 don't interrelate when you're on the third floor of
16 a building and on a skybridge.

17 You know, if this were all -- if this
18 were all one piece of property, you know, it is nice
19 not to leave the building when it's raining, but the
20 answer is: This is public property, and it's --
21 it's because of the nature of Hoboken and how it
22 grew up. Thanks to Colonel Stevens, this is a
23 valuable part of the open space.

24 COMMISSIONER DE GRIM: I have no
25 further questions.

1 CHAIRMAN AIBEL: Mr. Grana?

2 COMMISSIONER GRANA: I have just one
3 more question. I think it follows up on
4 Commissioner Cohen's comments, and I think it also
5 came up on cross, which is: There is no view from
6 the corner of Sixth and Hudson to the New York City
7 skyline, but it is in fact a concern about the
8 skybridge that it impacts the view shed of a public
9 right-of-way, is that correct?

10 THE WITNESS: Yes.

11 COMMISSIONER GRANA: I am looking at
12 the exhibit in the front, and I guess it's page one,
13 and I'm looking inside of this red line, the first
14 red line, where there's ten stories or a hundred
15 feet permitted.

16 THE WITNESS: Yes.

17 COMMISSIONER GRANA: The applicant has
18 testified that the ideal scenario is to have this --
19 is to have a building be located in what they call
20 their academic core.

21 So if we were to look inside of that
22 academic core area, inside of that area, if we were
23 erect a ten-story building in that area, would that
24 have an impact to anybody else in Hoboken in terms
25 of a view shed?

1 THE WITNESS: Hum, it wouldn't affect
2 the view corridor, because as you know, the land
3 drops off considerably when you get to the eastern
4 end of Sixth Street.

5 And the answer is somebody will see a
6 building that is ten stories tall, but there was a
7 judgment made by the policymakers that that is -- we
8 will give that benefit to Hoboken just to be to
9 Stevens -- we'll give them that benefit because we
10 want them to grow and thrive, but we realize that it
11 has a negative impact on the residential area.

12 So you just can't do a tall building
13 when you're on the perimeter of the campus near a
14 residential zone.

15 There's some municipalities that say
16 when you're along, you know, the edge of the
17 Palisades, you know, we want you to stay below the
18 tree line, a lot of controversy up in Englewood
19 Cliffs with a tall building there. But the answer
20 is: There was a policy compromise here. The policy
21 was: We don't want Stevens to expand into
22 residential areas.

23 And, again, the governing body
24 consciously amended the zoning ordinance to correct
25 an error in the map. They clearly knew that this

1 property was going to be in a residential zone.
2 They clearly knew that. And -- but the compensating
3 feature is, there is no -- there may be some
4 redevelopment zones, but there's no other zone that
5 I know of in Hoboken that allows ten-story, hundred
6 foot tall buildings. That is -- that is the break
7 they gave, the compensating break they gave to
8 Stevens.

9 COMMISSIONER GRANA: Fair enough.

10 Would it be fair to say, though, that
11 if a ten-story structure were erected in that area,
12 that it would be highly visible from other parts of
13 the city?

14 THE WITNESS: It would be visible, but
15 presumably it would not be in the public
16 right-of-way. It would be on private property.

17 COMMISSIONER GRANA: Thank you.

18 CHAIRMAN AIBEL: Professionals,
19 anything for the witness?

20 Okay. Give it to the public, right?

21 MR. GALVIN: Yes.

22 CHAIRMAN AIBEL: We're going to open it
23 up to the public now for questions.

24 Please come forward.

25 A VOICE: Thank you.

1 Can I speak?

2 MR. GALVIN: You're not speaking.

3 You're asking questions of this witness.

4 A VOICE: Oh, okay.

5 (Everyone talking at once.)

6 MR. GALVIN: No, no, no. Don't do
7 that.

8 A VOICE: Can I do that?

9 MR. GALVIN: If we are going to end
10 this witness any second, and we're going to open to
11 the public and try to get some public comment, why
12 take up time asking --

13 (Everyone talking at once.)

14 A VOICE: Okay. I'll wait.

15 MR. GALVIN: -- but if you have a bona
16 fide question, by all means, ask it.

17 MS. NASON: Okay. There is one
18 question I'd like to ask you.

19 THE REPORTER: What is your name?

20 MS. NASON: Karen Nason, N-a-s-o-n.

21 You spoke about that there were no more
22 proper ways to build a bridge after the hospital was
23 built. Is that correct?

24 THE WITNESS: No. I said the master
25 plan policy was that that was a special situation,

1 and the Planning Board in terms of recommending
2 zoning said, we don't want to see any more
3 skybridges across public rights-of-way.

4 MS. NASON: Okay.

5 So when the Monroe Center built that
6 bridge connecting to a residential area, what would
7 be the benefit for that bridge?

8 I'm just curious.

9 THE WITNESS: Was it over a public
10 street?

11 MS. NASON: Well, Monroe is not.
12 Monroe would be a public street, correct?

13 (Board members talking at once.)

14 MS. NASON: It's not? Okay.

15 But there is -- then -- then we are
16 saying that that bridge that was built has no
17 relevance to your --

18 THE WITNESS: The -- the policy
19 statement has to do with --

20 MS. NASON: -- I'm just asking.

21 THE WITNESS: -- with a skybridge, it's
22 over a public street.

23 MS. NASON: Okay. Thank you.

24 CHAIRMAN AIBEL: Questions for the
25 witness.

1 MR. GALVIN: Seeing none.

2 COMMISSIONER COHEN: Motion to close
3 public portion --

4 CHAIRMAN AIBEL: There's a gentleman
5 there.

6 COMMISSIONER COHEN: -- hang on.

7 MR. SNYDER: Richard Snyder,
8 S-n-y-d-e-r.

9 You are professional planner by
10 training?

11 THE WITNESS: Yes.

12 MR. SNYDER: So you have taken the
13 history of urban planning, particularly North
14 America as part of your education, going back all
15 the way to college?

16 But here, the question is --

17 THE WITNESS: I have a graduate degree,
18 but I actually have a history course in --

19 MR. SNYDER: -- but I know that you
20 have common sense because you mentioned it earlier,
21 so --

22 (Laughter)

23 -- in the old days when Colonel John
24 Stevens laid out Hoboken, would you agree that he
25 used a grid system to easily subdivide various

1 tracts of land for sale, is that a --

2 THE WITNESS: As did Manhattan.

3 MR. SNYDER: Okay. Yes.

4 Okay. So knowing that to be
5 potentially a fact in his motive, do you think that
6 creating view corridors to New York was part of that
7 objective?

8 THE WITNESS: I think that -- first of
9 all, I wasn't there.

10 (Laughter)

11 MR. GALVIN: There are conflicting
12 reports on that.

13 (Laughter)

14 MR. SNYDER: The question -- the
15 question really is an important one because we
16 talked about the public realm and the city grid.

17 I guess the question is really: Do you
18 believe that the city streets are the primary open
19 space for Hoboken, and was that the objective from
20 the very beginning?

21 THE WITNESS: I can't answer whether it
22 was an objective from the very beginning, but I can
23 tell you it's an essential part of the fabric for
24 Hoboken as it is for Manhattan.

25 MR. SNYDER: It is. It is. And I'm

1 also trained as a professional planner, so I agree
2 with that statement.

3 But I thought that open spaces
4 themselves are more like -- open spaces that were
5 provided --

6 THE WITNESS: Well, but the character,
7 as you know, the standards in the R-1 Zone basically
8 look at a donut, where the buildings abut all of the
9 public rights-of-way, and the only open space that's
10 left is kind of in the center of the donut of the
11 block, which is not available to the public. So I
12 am saying that, yes, there are public parks, but
13 those streets are, in my opinion, crucial to the
14 character of Hoboken.

15 MR. SNYDER: Okay. Two more questions.

16 One is: As part of one of the
17 variances, I think you mentioned is the D variance,
18 you characterized the potential for classroom spaces
19 in the new buildings as being potentially 15 square
20 foot per person, so --

21 THE WITNESS: I -- the -- there are --
22 the floor plan shows classrooms in the range of --

23 MR. SNYDER: Did they give the
24 densities and occupancies?

25 THE WITNESS: -- no. But I'm just

1 saying that my recollection is the building code,
2 where you have just chairs, movable chairs, it is
3 one person per seven square feet. Chairs and tables
4 is one person per 15 square feet. Under either
5 scenario, there are classrooms there that
6 accommodates more than 100 people.

7 MR. SNYDER: But are you an architect
8 by training?

9 THE WITNESS: No.

10 MR. SNYDER: Okay. I am also, so I
11 have two degrees.

12 (Laughter)

13 But what the question I'm really going
14 to is: Are you under testimony speculating on the
15 potential density of this building without having a
16 professional architect look at what the layout is,
17 because you mentioned you hadn't actually seen the
18 floor plans --

19 THE WITNESS: No. I did see the floor
20 plans --

21 MR. SNYDER: -- you did see the floor
22 plans?

23 THE WITNESS: Yeah. But there is no
24 layout of seats. There's just square footage, and
25 it is the burden of the applicant, not me, to

1 demonstrate compliance with the code, and the
2 applicant simply did not address the occupancy of
3 those large classroom spaces.

4 MR. SNYDER: Okay. That's a great
5 point.

6 But would you characterize your
7 statement as being partially speculative because you
8 don't know?

9 MR. GALVIN: You don't have to answer
10 that.

11 THE WITNESS: I choose not to answer
12 that.

13 MR. SNYDER: Okay. And then the
14 third -- the third question is, it's kind of a big
15 picture, and I didn't have the privilege of reading
16 your exhibit, but the zoning plan that you were
17 referring to is the governing document, I am
18 assuming, for Hoboken?

19 THE WITNESS: The zone plan is the
20 foundation for the zoning ordinance, and it is the
21 document that you measure whether the negative
22 criteria have been satisfied.

23 MR. SNYDER: Okay. And it's the
24 governing document in place right now?

25 THE WITNESS: Well, it is not a

1 governing document in terms of legislation, but it's
2 the official policy document.

3 MR. SNYDER: Okay.

4 So all of the decisions that are made
5 here are based upon that because you are putting a
6 lot of emphasis on this documentation. You've
7 talked about the plan, and you've talked about --

8 THE WITNESS: I am doing that because
9 here is a situation, where the master plan of 2004
10 is really consistent with the zoning ordinance,
11 which strengthens the zoning ordinance, and when you
12 are going to break some of the rules in the zoning
13 ordinance, the only way you can do that without
14 substantial detriment is to address the policy
15 issues and the plan, and I don't think the applicant
16 met this burden.

17 MR. SNYDER: I agree. I understand.

18 It is from 2004, correct, so it's
19 already 11 years old.

20 If there was -- if there was an
21 applicant that needed relief and had a development
22 plan, what is the vehicle for obtaining relief?

23 THE WITNESS: Well, it depends upon the
24 nature of the relief. It's a variance from either
25 the Planning Board --

1 MR. SNYDER: The case that is in front
2 of the Zoning Board --

3 MR. DWYER: Mr. Chairman -- Mr.
4 Chairman, I object. I think we wandered far off
5 from what Mr. Steck testified.

6 MR. SNYDER: The question was merely if
7 somebody like Stevens wanted relief, and we heard a
8 lot of testimony based on how these rules are in
9 place to kind of guide the development, but if an
10 applicant wanted relief, what is the vehicle for
11 doing that?

12 MR. GALVIN: They go for a variance.
13 That's what they're here for.

14 MR. SNYDER: That's what we're here
15 for, exactly.

16 THE WITNESS: Well, the other thing I
17 wanted to --

18 MR. SNYDER: That was my question.

19 THE WITNESS: -- the one that I wanted
20 to -- you were kind of saying the master plan is 11
21 years old. Keep in mind in 2010, there was a
22 Reexamination Report, where there was an opportunity
23 to say are changes needed in the zone, and the only
24 change that was referenced was the fact that they
25 wanted it rather than an overlay, to be a solid

1 zone, and they wanted to correct the zoning map, so
2 as late as 2010, those policies in 2004 were
3 reaffirmed.

4 MR. SNYDER: Thank you.

5 CHAIRMAN AIBEL: Okay. Come forward.

6 MS. ONDREJKA: Mary Ondrejka, 159 9th
7 Street. That's O-n-d-r-e-j-k-a.

8 You stressed several times the
9 character of this town. The bridge did not appear
10 to be a character of Hoboken, correct?

11 THE WITNESS: Yes.

12 MS. ONDREJKA: Does Stevens as an
13 institution fall into the same category as the
14 brownstones and row houses of this town?

15 THE WITNESS: I am not sure I
16 understand your question.

17 MS. ONDREJKA: Well, it's sort of like
18 apples and oranges.

19 THE WITNESS: Well, it is apples and
20 oranges, but the master plan recognized that Stevens
21 was there, and --

22 MS. ONDREJKA: That's correct.

23 THE WITNESS: -- so it is as valuable
24 in one sense as are the brownstone townhouses, but
25 when you may have dissimilar uses, there is often

1 friction between them, and the master plan sought to
2 establish policies to minimize that friction.

3 MS. ONDREJKA: I understand that, but
4 my understanding, too, is we all know Stevens was
5 here first --

6 (Laughter)

7 -- so therefore, they created their
8 school in the pattern they did, and the town came
9 later, so I would think that there could be
10 exceptions to this character of the town since as
11 if -- if you lived in this town -- do you live in
12 this town?

13 THE WITNESS: I do not.

14 MS. ONDREJKA: Okay. Have you walked
15 around the town?

16 THE WITNESS: Yes, not every street.

17 MS. ONDREJKA: Okay. That's fine.

18 There are many nonconforming buildings
19 that are constructed to this day that do not conform
20 to the character of this town.

21 THE WITNESS: Well, you have to look at
22 the character by zone, because obviously Washington
23 Street is different than some other streets, but the
24 master plan recognizes that. That's it is divided
25 into land use districts. So Hoboken has different

1 characters, and the master plan sought to define
2 those by districts.

3 MS. ONDREJKA: But --

4 MR. GALVIN: Guys --

5 MS. ONDREJKA: -- okay --

6 MR. GALVIN: -- guys, listen. I want
7 to try to give the public an opportunity --

8 MS. ONDREJKA: -- I understand. I
9 understand.

10 MR. GALVIN: -- we are going home at
11 some point --

12 (Laughter)

13 MS. ONDREJKA: I hope so.

14 MR. GALVIN: -- okay, and a lot sooner
15 than everyone is maybe thinking.

16 So let's stay -- let's ask Mr. Steck a
17 question that would do something that would move the
18 ball for the Board.

19 MS. ONDREJKA: I understand that.

20 I just wanted to understand your
21 analysis of rating Stevens on the same level of the
22 existing town.

23 You seem to feel it still follows under
24 all of the same rules.

25 THE WITNESS: There is not a uniform

1 rule for everything, that the rules apply for a
2 district.

3 MS. ONDREJKA: I would think so.

4 Thank you.

5 MR. GALVIN: Sorry about that. Thanks.

6 MR. TUVEL: I just have one follow-up
7 based on something he said --

8 MR. GALVIN: Really? Okay.

9 (Laughter)

10 COMMISSIONER DE GRIM: I have one
11 question.

12 MR. GALVIN: Go ahead, Mr. De Grim.

13 COMMISSIONER DE GRIM: I'm sorry.

14 MR. GALVIN: No, no. Go ahead. Ask
15 him.

16 COMMISSIONER DE GRIM: Referring to Ms.
17 Nason's question about the skybridge at the Monroe
18 Center, you distinguished it as not being over a
19 street.

20 In this paragraph that you put in your
21 exhibit, it doesn't say anything about whether or
22 not a skywalk is over a street or not, does it?

23 THE WITNESS: It doesn't, but obviously
24 by referencing a specific skybridge, it was over a
25 public street.

1 COMMISSIONER DE GRIM: That one was,
2 but it says: "Future skywalks in any other part of
3 the city," and it goes on with the
4 pedestrian-oriented nature of Hoboken. It doesn't
5 say anything about a street, does it?

6 THE WITNESS: Well, I think when you
7 talk about the pedestrian-oriented nature, that in
8 my mind are the sidewalks in public streets.

9 COMMISSIONER DE GRIM: Okay.

10 But either -- it doesn't say anything
11 about a skywalk having to be over a street or not
12 over a street.

13 THE WITNESS: It does not have those
14 exact words, but I think the meaning of the
15 paragraph is clear, that it's strung from that
16 specific structure.

17 COMMISSIONER DE GRIM: Thank you.

18 MR. TUVEL: I don't have a question
19 because that was my question, that there was no
20 difference between a public right-of-way and a
21 skywalk and a regular street --

22 MR. GALVIN: Okay. Awesome.

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

25 COMMISSIONER MC ANUFF: Second.

1 CHAIRMAN AIBEL: All in favor?

2 (All Board members voted in the
3 affirmative)

4 (Board members confer.)

5 MR. GALVIN: What is the Board's
6 pleasure?

7 If it were up to me, I would say let's
8 try to push forward. That is why I have been trying
9 so hard to get you guys to like -- I didn't want to
10 limit your questions, but I wanted to --

11 COMMISSIONER FISHER: Maybe we can ask
12 them how long people want to stay.

13 CHAIRMAN AIBEL: Yes. Let me see by a
14 show of hands who would like to speak?

15 Okay. We have more than twenty minutes
16 of comment, I think.

17 UNIDENTIFIED VOICE: Do you have a
18 minute clock for the --

19 MR. GALVIN: We're not going to do
20 that. I'm not going to do that.

21 UNIDENTIFIED VOICE: I'm just asking.

22 MR. GALVIN: Listen, listen, here is
23 what I am hoping. I am hoping that you have
24 intelligent remarks to make either for or against,
25 that you will make them briefly, that you won't be

1 overly redundant. If it gets redundant, we don't
2 vote based on the number of people in the room for
3 or against the application.

4 But if you have intelligent things that
5 we could learn about the negative impacts, or learn
6 about how the building looks good or doesn't look
7 good, we would want that, and I think you will take
8 less time than you think you will.

9 CHAIRMAN AIBEL: Do you want to go
10 another 15 minutes?

11 (Board members confer.)

12 MR. GALVIN: The only other thing I
13 would say if we do start, and you talk tonight, then
14 that is your one time. There won't be twosies on
15 this case. So you get up and you talk, and then
16 you're done.

17 CHAIRMAN AIBEL: Okay. I'll make an
18 empirical decision that we are going to return and
19 start the public portion at our next meeting.

20 MR. GALVIN: Okay.

21 CHAIRMAN AIBEL: When is that, Pat? Do
22 we have a date?

23 MS. CARCONE: Well, we spoke about
24 November 17th possibly meeting at --

25 CHAIRMAN AIBEL: 6:30.

1 MS. CARCONE: -- at six or 6:30, and I
2 got a couple of responses from Board members. I
3 didn't know if everybody was okay with that date,
4 if we had a quorum.

5 CHAIRMAN AIBEL: We will get a quorum.

6 COMMISSIONER DE GRIM: Can we make it
7 6:30?

8 MR. GALVIN: I want to hear from the
9 attorneys.

10 Mr. Dwyer, and, Mr. Tuvel, come on up.
11 Let's talk about it.

12 MR. DWYER: Mr. Chairman, my clients
13 are not going to be here on the 17th, although I am
14 able to be here. I would ask if it's going to be
15 held on that date, if you could give them an
16 opportunity tonight to give their public comment
17 tonight, it would be brief.

18 CHAIRMAN AIBEL: Do you have an
19 objection?

20 MR. TUVEL: Your clients would be able
21 to speak, and then we'll carry the rest of it?

22 CHAIRMAN AIBEL: Correct.

23 MR. TUVEL: Yeah, that's fine.

24 MR. GALVIN: All right. No problem.

25 CHAIRMAN AIBEL: So come on up and get

1 sworn in.

2 (Board members confer)

3 CHAIRMAN AIBEL: Sir, state your name
4 and address for the record, please.

5 MR. SOBEL: My name is Scott Sobel,
6 S-o-b-e-l, and I live at 600 Hudson Street.

7 UNIDENTIFIED VOICE: Can you speak a
8 little louder?

9 Thank you.

10 MR. SOBEL: When I moved to Hoboken and
11 invested in a home at the Union Club, I relied on
12 Hoboken having a system of government that enforces
13 the laws of the city.

14 I am here tonight to ask that our
15 written zoning laws be enforced. Stevens, of
16 course, has full right to build on their property.
17 However, ownership of property everywhere comes with
18 zoning laws, and Stevens should not be exempt from
19 those laws.

20 Stevens is legally considered to be
21 inherently beneficial. They need not make a
22 positive case for the use variance on the north lot.
23 However, that didn't stop them from bringing up
24 certain points that they feel helped their case. At
25 the very least, we consider the full meanings of

1 these points of their own testimony.

2 You have heard Stevens testify that
3 even if this project is completed, their overall
4 campus lot coverage will still be below 25 percent.
5 Clearly, this is a campus with plenty of room to
6 expand within its boundaries.

7 You have seen a map presented by
8 Stevens showing that there are four dormitories in
9 the south end of their campus that they considered
10 to be their core academic campus. All of these
11 could be moved to their residential north end of the
12 campus, organizing the campus by building function
13 is important.

14 All of these are on property zoned for
15 educational use. Each of these sites would allow
16 for educational buildings without any use variances.
17 The site of the dorms just behind the north lot for
18 this project could easily be the location of the
19 north building of this new complex, or even the
20 entire new complex with no need for a bridge.

21 So why is Stevens so adamant about
22 building at this location, despite the residential
23 zoning of the north lot?

24 According to a "Hudson Reporter"
25 article from October 2014, "Stevens emphasizes that

1 there is no other place on campus to build a
2 structure like the Academic Gateway while
3 maintaining its attractive, sylvan character."

4 Let's take a moment to let this sink
5 in. The administrators of Stevens are stating that
6 this project for the primary benefit of Stevens is
7 not important enough to make any change to the
8 woody character of their campus.

9 And yet, the same administrators are
10 insisting that this project is so critical that we,
11 the tax paying residents of Hoboken, sacrifice the
12 residential character of our neighborhood by
13 allowing a huge institutional building on land
14 explicitly and repeatedly stated to be zoned
15 residential.

16 Why sacrifice our neighborhood for a
17 project that is too unimportant for Stevens -- to
18 Stevens for them to work within their own campus?

19 Another argument made for this location
20 is the proximity to the Babbio Center. I timed the
21 walk from the north lot to the Babbio and the walk
22 from the Babbio to the parking lot behind the Howe
23 Center. At a deliberately slow pace, the walks are
24 one and four minutes respectively, a savings of just
25 three minutes. I am more than twice as old as most

1 of the students, many of whom were passing me when I
2 timed the walk.

3 If this minuscule difference is too
4 great, they could put a large dorm next to the Howe
5 Center to replace one or two of the dorms in the
6 core academic campus and then build even closer to
7 the Babbio Center.

8 I see no reason that we, the close
9 neighbors of Stevens, should make all of the
10 sacrifice for a project in which we, the closest
11 residents, will see none of the benefit. Stevens
12 does not seem to consider the project worthy of even
13 the slightest sacrifice on their part.

14 There has been a perception that
15 Stevens has worked with the community on this, but
16 we now have an inkling of the kind of negotiations
17 that took place with the Hudson Street Alliance and
18 Adrienne Choma, in particular. Ms. Choma has
19 recently accepted the position of Entrepreneur in
20 Residence at Stevens --

21 MR. GALVIN: Wait, wait, wait, wait,
22 wait.

23 You got to stay on the -- we are not
24 going to do political stuff. You got to stay on the
25 case. You can talk against the project, but I don't

1 know anything about alliances. We don't -- we
2 don't -- you know --

3 MR. SOBEL: They talked about the way
4 they worked with the community. This is how they
5 worked with the community --

6 MR. GALVIN: -- I think you have to --
7 I got to ask you to be responsible --

8 MR. SOBEL: -- oh, so I can't bring up
9 a conflict of interest?

10 MR. GALVIN: -- bringing up --
11 listen -- on this Board?

12 MR. SOBEL: No.

13 MR. GALVIN: Okay. But I am saying
14 this is not the appropriate forum for that. You can
15 make that allegation, if Mr. Dwyer wants to make
16 some another point here, but I think we have to be
17 considerate.

18 I don't know the person's name you just
19 mentioned. I don't know who they are, so I don't
20 know why that is relative to a Zoning Board hearing.

21 MR. DWYER: Well, Mr. Chairman, I think
22 what my client is trying to get across is that there
23 apparently was an employment opportunity offered to
24 somebody who once was negotiating about this
25 project --

1 MR. GALVIN: But I'm saying -- I got --
2 you can make an allegation that some of the people
3 that are saying they're working with Stevens are
4 working with Stevens because they got a benefit, but
5 I don't want to hear people's names. I don't want
6 to get into all of the intricate details of those
7 connections.

8 I don't think it has any relevance, and
9 you may be treating somebody unfairly, who may then
10 need to defend themselves, and this isn't the
11 appropriate forum for that.

12 MR. SOBEL: Okay.

13 Examining the result of the
14 negotiations with the community, Stevens gave up
15 absolutely nothing that they actually have the right
16 to build.

17 Further, their current design is just
18 five percent smaller than the original design at a
19 bit under 80,000 -- 88,000 feet now -- 89,000 feet
20 instead of the 94,000 feet. When talking about
21 density and land use, this is insignificant.

22 Regarding their current proposal, I
23 believe each new proposal must be treated as if it
24 were the first such proposal. We need to consider
25 this proposal for an enormous two-wing complex that

1 is more than 60 percent taller than the zoning laws
2 allowed on its own merit, not by comparison of
3 having been first scared with an even more
4 unreasonable proposal for a 93 foot tall complex.
5 This smaller edifice still completely obliterates
6 numerous existing zoning laws and still puts an
7 institutional building on residential land.

8 Considering the highly controversial
9 skybridge, the land over which this still massive
10 two-story bridge will be suspended belongs to the
11 City of Hoboken. Stevens has no right to abscond
12 with our land and air space. This land grab is so
13 unconscionable, there is not even a variance type
14 for which to ask the Zoning Board. There is,
15 however, specific mention in the master plan that no
16 such structures are to be allowed because they,
17 quote, are not consistent with the city's character,
18 a phrase Ms. McKenzie chose to ignore.

19 Stevens' administrators have deep
20 pockets and a lot of muscle, but they do not have
21 the law on their side in this. The negative impact
22 on the community is just too enormous to ignore
23 despite the use being inherently beneficial.

24 I ask that the Zoning Board uphold our
25 laws and protect the taxpayers of Hoboken. Please

1 don't let this be another case of the rich and
2 powerful trampling on ordinary citizens.

3 Thank you.

4 CHAIRMAN AIBEL: Thank you.

5 MR. SOBEL: Thank you for letting me
6 speak tonight.

7 MR. GALVIN: Oh, no problem. I am
8 sorry. I didn't mean to interrupt you, but I think
9 I did the right thing.

10 MR. SOBEL: Understood.

11 MS. SOBEL: Hi. My name is Alla,
12 A-l-l-a, Sobel, S-o-b-e-l.

13 MR. GALVIN: You got to raise your
14 right hand.

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

18 MS. SOBEL: I do.

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

21 MS. SOBEL: Alla, A-l-l-a, Sobel,
22 S-o-b-e-l. I live at 600 Hudson Street.

23 MR. GALVIN: Is this going to be
24 materially different than what your husband just
25 testified to?

1 MS. SOBEL: Yes. Yes, it is.

2 MR. GALVIN: Okay. Go ahead.

3 MS. SOBEL: I am here to ask you to
4 deny this application. The number and extent of
5 zoning variances that Stevens needs for this project
6 in and of itself demonstrates how inappropriate this
7 project is for this location. The worst to me is
8 the land use variance, and that is what I want to
9 address tonight.

10 Stevens has made lots of arguments for
11 why they need and want this project here. They can
12 also get clearly lots of students and faculty to
13 speak on their behalf, but all of that, at most,
14 goes to the positive requirements of the Sica
15 balancing test which has already been met.

16 I believe the key question in front of
17 you is the negative requirement. The first part
18 asks you to look at whether there is a significant
19 impact to the zoning laws and master plan.

20 Ms. McKenzie testified, quote: We may
21 not adhere to the letter of the ordinance, but the
22 spirit of the ordinance and the spirit of master
23 plan, end quote.

24 Why in the world would you infer some
25 spirit and ignore actual wording?

1 The zoning ordinance and master plan
2 are not vague documents that require interpretation.
3 The ordinance clearly states this is residential,
4 and when an error was made on the R-1(E) overlay,
5 the city council corrected it. And during that
6 correction, Stevens did not object in any way.

7 The master plan states, quote: For
8 edges along a street, require uses and building
9 design similar in character to existing
10 developments, end quote.

11 That statement alone could potentially
12 be a bit vague and up to interpretation. And the
13 authors of the master plan realized that and made
14 sure there was no doubt in what they meant. So they
15 added in parentheses, quote, rowhouse-type
16 residential development on the east side of Hudson
17 Street, end quote. Exactly here, the master plan
18 could not be any clearer.

19 A huge classroom building is the
20 furthest you can get from rowhouse-type residential
21 development. This so clearly violates both the
22 ordinance and the master plan.

23 The second part of the negative
24 requirement asks you to judge the impact to the
25 public. It is clear from prior meetings that some

1 people are in favor of this project, but I want to
2 point out that they do not live at this corner.
3 Perhaps they will walk by occasionally spending a
4 minute or two looking at this complex.

5 When considering the impact to the
6 public, I ask that you consider what will happen to
7 those living at this corner. As someone who lives
8 in the Union Club with windows facing Hudson Street,
9 I will be looking at this all day every day. I want
10 to tell you why this will destroy my quality of
11 life.

12 Right now when I look out my living
13 room windows, I am on a residential street. Ms.
14 McKenzie stated that the view of the new building
15 will simply block the view of existing buildings,
16 implying that there is no difference, but that is
17 not true from my perspective.

18 The existing dormitory behind the
19 parking lot, while being an educational building,
20 looks residential with small windows and has the
21 activity of residences. And the distance from my
22 home to that dorm is much further away than the new
23 building would be. That distance is the difference
24 between living next to a college campus and living
25 on a college campus.

1 Following the zoning law and master
2 plan, the parking lot should be brownstones
3 continuing the line of brownstones north of there.
4 Perhaps three could be built. If those are not even
5 kept as single-family homes, but are divided into
6 four apartments each, that would be just 12 homes
7 across from me. Through normal brownstone windows,
8 I would see a person or two walk by sometimes.
9 I would see residential activity and continue to
10 live in a residential neighborhood.

11 But this project will put an enormous
12 classroom building with up to 150 people right in
13 front of me. The classrooms will be on display on
14 Hudson Street, completely open through that center
15 wall of glass. Across the narrowest section of
16 Hudson Street, I will be subjected to the commotion
17 of classrooms with throngs of students rushing in
18 and out all day long from early morning until late
19 at night. Every time I glance out my windows, I
20 will be on a college campus.

21 Please ask yourselves: Would you want
22 to live like that?

23 Would that be a negative impact to your
24 quality of life?

25 So what options do I have?

1 I could barricade myself behind closed
2 blinds never seeing any daylight in my own home.

3 Is that a reasonable option and quality
4 of life?

5 Or I could move at a tremendous cost,
6 leaving a home I currently like very much.

7 There is simply no choice for me, if
8 the project is built, and that is why I am even
9 spending money to try to stop it.

10 So when looking at the Sica balancing
11 test, the negative requirement completely fails both
12 parts. There is a clear significant violation to
13 the words of both the zoning ordinance and the
14 master plan, and there is a tremendous negative
15 impact to the residents of this corner.

16 Ms. McKenzie cited the Seton Hall v.
17 South Orange case as an example of a private
18 university being inherently beneficial and thus
19 fulfilling the positive requirements.

20 That is true, but what I find more
21 relevant is that Seton Hall was denied their use
22 variance, and that denial was upheld in both lower
23 and Appellate Division courts.

24 In that case, Seton Hall simply wanted
25 to use an existing brownstone without changing its

1 appearance for a recruitment office. But the Board
2 denied the use variance because they decided that
3 the daily activities of the office would be out of
4 place in a residential neighborhood.

5 In our case, the Gateway complex can
6 never be mistaken for residential in appearance, and
7 the daily activities of classrooms will be as far as
8 you can get from residential.

9 If this can pass the negative
10 requirement of the Sica balancing test, I cannot
11 imagine what could ever fail. If nothing can ever
12 fail, then what is the point of having the R-1
13 versus R-1(E) zoning laws?

14 If like me, you also cannot imagine
15 what Stevens could propose to build on residential
16 land that is worse than this, then you are granting
17 them permission to build anything anywhere going
18 forward.

19 Please protect those of us who live
20 here and deny this application.

21 Thank you.

22 CHAIRMAN AIBEL: Thank you.

23 Okay. We are going to be carrying this
24 until November 17th at 6:30 --

25 MS. CARCONE: 6:30 at the Multi Service

1 Center.

2 CHAIRMAN AIBEL: -- at the Multi
3 Service Center.

4 I guess we need a motion to carry
5 without further notice, so this is your notice, that
6 it will be heard again on November 17th. We will
7 complete the public portion, and we will hope to get
8 to a vote.

9 COMMISSIONER GRANA: I will make a
10 motion to carry to November 17th at 6:30 p.m. at the
11 Multi Service Center.

12 COMMISSIONER FISHER: Where we were at
13 the last one, 124 Grand.

14 COMMISSIONER GRANA: Without further
15 notice.

16 MS. CARCONE: Oh, it's 124 Grand
17 Street.

18 CHAIRMAN AIBEL: Thank you.

19 COMMISSIONER GRANA: 124 Grand Street,
20 6:30 p.m. on November 17th, without further notice,
21 and the applicant waives the time in which the Board
22 has to act.

23 COMMISSIONER DE GRIM: Second.

24 CHAIRMAN AIBEL: All in favor?

25 (All Board members answered in the

1 affirmative)

2 CHAIRMAN AIBEL: Anyone opposed?

3 Good night, everyone.

4 (The matter concluded at 11:25 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 10/4/15
 This transcript was prepared in accordance with
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