

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

----- X  
REGULAR MEETING OF THE HOBOKEN : Tuesday, 7:05 pm  
ZONING BOARD OF ADJUSTMENT : August 18, 2015  
----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Frank DeGrim

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

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

PHYLLIS T. LEWIS  
CERTIFIED COURT REPORTER  
CERTIFIED REALTIME COURT REPORTER  
Phone: (732) 735-4522

1           A P P E A R A N C E S:

2                   LAW OFFICE OF DENNIS M. GALVIN  
3                   730 Brewers Bridge Road  
4                   Jackson, New Jersey 08527  
5                   (732) 364-3011  
6                   BY: STEVEN M. GLEASON, ESQ.  
7                   Attorneys for the Board.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## I N D E X

1		
2		
3		PAGE
4		
5	Board Business	1
6		
7	601-607 Park (withdrawn)	5
8		
9	RESOLUTIONS:	
10	502-504 Monroe Street	6
11	525 Jackson Avenue	7
12	1714 Willow Avenue	8
13	905 Hudson Street	9
14	136 Park Avenue	9
15		
16	HEARINGS:	
17	118-120 Madison Avenue	11
18		
19	1420 Willow Avenue	87
20		
21		
22		
23		
24		
25		

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                   Will you please join me in saluting the  
12 flag?

13                   (Pledge of Allegiance recited)

14                   CHAIRMAN AIBEL: Thanks very much.

15                   We are at a Special Meeting of the  
16 Hoboken Zoning Board of Adjustment --

17                   MS. CARCONE: It's a Regular Meeting,  
18 I'm sorry.

19                   CHAIRMAN AIBEL: -- okay. It is a  
20 Regular Meeting.

21                   MS. CARCONE: Commissioner Aibel?

22                   CHAIRMAN AIBEL: Here.

23                   MS. CARCONE: Commissioner Greene?

24                   VICE CHAIR GREENE: Here.

25                   MS. CARCONE: Commissioner Cohen is

1 absent.

2 Commissioner DeFusco is absent.

3 Commissioner Grana?

4 COMMISSIONER GRANA: Here.

5 MS. CARCONE: Commissioner Marsh?

6 COMMISSIONER MARSH: Here.

7 MS. CARCONE: Commissioner Murphy?

8 COMMISSIONER MURPHY: Here.

9 MS. CARCONE: Commissioner Branciforte?

10 COMMISSIONER BRANCIFORTE: Here.

11 MS. CARCONE: Commissioner Fisher?

12 COMMISSIONER FISHER: Here.

13 MS. CARCONE: Commissioner McAnuff is

14 absent.

15 Commissioner DeGrim?

16 COMMISSIONER DE GRIM: Here.

17 CHAIRMAN AIBEL: We are going to try to

18 do some administrative business very rapidly.

19 First, we have a withdrawal of 601-607  
20 Park Avenue. That is the Hudson School, Block 181,  
21 Lot 1. It has been withdrawn at this time, pursuant  
22 to a letter by James Burke, dated August 12th, 2015.

23 Now, we will do some resolutions. We  
24 have a resolution of denial for --

25 MR. GLEASON: Let's do a motion to

1 withdraw.

2 CHAIRMAN AIBEL: You want to do a  
3 motion to withdraw?

4 MR. GLEASON: Sure.

5 CHAIRMAN AIBEL: Can I have motion to  
6 withdraw --

7 MS. CARCONE: Hudson School.

8 COMMISSIONER MURPHY: Motion to  
9 withdraw the Hudson School application.

10 CHAIRMAN AIBEL: Thank you.

11 COMMISSIONER GRANA: Second.

12 CHAIRMAN AIBEL: All in favor?

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

15 CHAIRMAN AIBEL: Okay.

16 Anybody opposed?

17 Thank you.

18 Resolution of denial of 502-504 Monroe  
19 Street.

20 MR. GLEASON: This is a resolution of  
21 denial for a minor site plan with variances, and the  
22 members eligible to vote are Commissioners Greene,  
23 Marsh and Aibel.

24 CHAIRMAN AIBEL: Can I have a motion to  
25 approve the resolution of a denial?

1 VICE CHAIR GREENE: I will move it.

2 CHAIRMAN AIBEL: Second?

3 COMMISSIONER MARSH: I'll second it.

4 CHAIRMAN AIBEL: Okay.

5 MS. CARCONE: Commissioner Greene?

6 VICE CHAIR GREENE: Yes.

7 MS. CARCONE: Commissioner Marsh?

8 COMMISSIONER MARSH: Yes.

9 MS. CARCONE: Commissioner Aibel?

10 CHAIRMAN AIBEL: Yes.

11 We have a resolution of denial for 525

12 Jackson.

13 MR. GLEASON: This is a resolution of

14 denial for the application of 525 Jackson Street

15 Developers, LLC for a minor site plan with

16 variances.

17 The members eligible to vote are

18 Commissioners Grana, Murphy, Branciforte and Aibel.

19 CHAIRMAN AIBEL: Motion to approve the

20 resolution of denial?

21 COMMISSIONER GRANA: Motion made.

22 CHAIRMAN AIBEL: Second?

23 COMMISSIONER MURPHY: Second.

24 CHAIRMAN AIBEL: Thank you.

25 MS. CARCONE: Commissioner Grana?

1 COMMISSIONER GRANA: Yes.

2 MS. CARCONE: Commissioner Murphy?

3 COMMISSIONER MURPHY: Yes.

4 MS. CARCONE: Commissioner Branciforte?

5 COMMISSIONER BRANCIFORTE: Aye.

6 MS. CARCONE: Commissioner Aibel?

7 CHAIRMAN AIBEL: Aye.

8 We have a resolution of approval of

9 1714 Willow Avenue.

10 MR. GLEASON: This is a resolution of

11 approval for the application of Climb and Play for a

12 minor site plan approval with variances, and the

13 members eligible to vote on this are Commissioners

14 Greene, Grana, Marsh, Fisher and DeGrim.

15 VICE CHAIR GREENE: I will move it.

16 COMMISSIONER GRANA: Second.

17 MS. CARCONE: Commissioner Grana?

18 COMMISSIONER GRANA: Yes.

19 MS. CARCONE: Commissioner Marsh?

20 COMMISSIONER MARSH: Yes.

21 MS. CARCONE: Commissioner Fisher?

22 COMMISSIONER FISHER: Yes.

23 MS. CARCONE: Commisisoner DeGrim?

24 COMMISSIONER DE GRIM: Yes.

25 MS. CARCONE: Commissioner Greene?

1 VICE CHAIR GREENE: Yes.

2 CHAIRMAN AIBEL: We have a resolution  
3 of approval of 905 Hudson Street.

4 MR. GLEASON: This is a resolution of  
5 approval of the application of Anna Mae Cashin for  
6 variances to install a rear deck, and the members  
7 eligible to approve on this are Commissioners  
8 Branciforte, Fisher, DeGrim, Murphy and Aibel.

9 COMMISSIONER BRANCIFORTE: Motion to  
10 approve the resolution.

11 COMMISSIONER DE GRIM: Second.

12 MS. CARCONE: Commissioner Murphy?

13 COMMISSIONER MURPHY: Yes.

14 MS. CARCONE: Commissioner Branciforte?

15 COMMISSIONER BRANCIFORTE: Yes.

16 MS. CARCONE: Commissioner Fisher?

17 COMMISSIONER FISHER: Yes.

18 MS. CARCONE: Commissioner DeGrim?

19 COMMISSIONER DE GRIM: Yes.

20 MS. CARCONE: Commissioner Aibel?

21 CHAIRMAN AIBEL: Yes.

22 Finally, we have an amended resolution  
23 of approval for 136 Park Avenue.

24 MR. GLEASON: Yes.

25 This is a resolution to amend an

1 approval granted on July 16th, 2013 to eliminate an  
2 accessory apartment at property at 136 Park Avenue,  
3 and the members eligible to vote on this are  
4 Commissioners Aibel and Branciforte.

5 CHAIRMAN AIBEL: Can I have a motion to  
6 approve an amended resolution of approval?

7 COMMISSIONER BRANCIFORTE: Motion to  
8 approve.

9 CHAIRMAN AIBEL: Second.

10 MS. CARCONE: Commissioner Branciforte?

11 COMMISSIONER BRANCIFORTE: Yes.

12 MS. CARCONE: Commissioner Aibel?

13 CHAIRMAN AIBEL: Yes.

14 MS. CARCONE: Okay, done.

15 CHAIRMAN AIBEL: Thanks, Everybody.

16 (Continue on next page.)

17

18

19

20

21

22

23

24

25

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

----- X  
RE: 118-120 Madison Avenue : REGULAR MEETING  
APPLICANT: TST Madison, LLC :August 18, 2015  
Review a condition of approval :Tuesday 7:20 p.m.  
----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Frank DeGrim

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

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

PHYLLIS T. LEWIS  
CERTIFIED COURT REPORTER  
CERTIFIED REALTIME COURT REPORTER  
Phone: (732) 735-4522

1           A P P E A R A N C E S:

2                   LAW OFFICE OF DENNIS M. GALVIN  
3                   730 Brewers Bridge Road  
4                   Jackson, New Jersey 08527  
5                   (732) 364-3011  
6                   BY: STEVEN M. GLEASON, ESQ.  
7                   Attorneys for the Board.

8                   ROBERT C. MATULE, ESQUIRE  
9                   89 Hudson Street  
10                  Hoboken, New Jersey 07030  
11                  Attorney for the Applicant.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESS

PAGE

Frank Minervini

26

1                   CHAIRMAN AIBEL: We are going to start  
2 with 118-120 Madison, and then turn to 1420 Willow.

3                   Mr. Matule?

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

6                   Robert Matule appearing on behalf of  
7 the applicant.

8                   This is with reference to 118-120  
9 Madison Street. We were originally before the Board  
10 on February 11th, 2014. At that time we presented  
11 testimony about the reuse and expansion of the  
12 existing three-story industrial building at the  
13 site, which had at that time 94 percent lot  
14 coverage. The proposal that was presented to the  
15 Board was to add two 3000 square foot floors to the  
16 existing building and have six residential units.

17                   Mr. Minervini testified that the  
18 applicant was going to preserve the chimney in front  
19 of the building and rebuild the facade of the  
20 existing building, use of the old brick, two new  
21 floors were going to be added, which were going to  
22 be more modern with glass.

23                   There was testimony about the building  
24 being LEED platinum, et cetera.

25                   We came back before the Board on

1 February 18th. Some revisions were made to the plan  
2 at that time. The applicant took ten feet off the  
3 rear of the existing three-story building. The lot  
4 coverage was then reduced from 94 percent to 85  
5 percent on the ground floor.

6 The number of parking spaces were  
7 reduced to seven because the rear ten feet had  
8 additional parking in it.

9 The architect also testified at that  
10 time that the rear facade was going to be rebuilt  
11 from brick with larger windows because of the  
12 shortening of the building.

13 One of the conditions of the approval  
14 of the application, I believe it was condition  
15 Number 15, specified that not more than 50 percent  
16 of the building could be demolished. Both the front  
17 walls, except the chimney, and the rear wall, as  
18 well as the interior walls and floors were  
19 demolished. The north and south walls have been  
20 substantially preserved.

21 The zoning officer sent a letter, I  
22 believe, on May 6th actually to me, raising concerns  
23 about the percentage of demolition and referred the  
24 matter back to the Board to review the demolition  
25 condition, and if the applicant exceeded it.

1                   We have noticed for tonight's hearing,  
2                   and in our notice we asked that should the Board  
3                   find that the applicant has demolished more than 50  
4                   percent of the building or has exceeded the  
5                   limitations in that particular condition, that the  
6                   Board modify its approval in order for the  
7                   application to go forward with the reconstruction of  
8                   the building with the facade and bulk dimensions as  
9                   originally presented and incorporating the two  
10                  sidewalls that are remaining, so that is sort of how  
11                  we got to where we are today.

12                  I don't want to go through the entire  
13                  transcript. I think the transcript speaks for  
14                  itself. We originally carried the matter, so all of  
15                  the Board members would have an opportunity to  
16                  review the transcripts, and you know, familiarize  
17                  themselves with the hearing.

18                  I think the best way I could try to  
19                  describe it is an interpretive disconnect between  
20                  what the architect thought he was conveying to the  
21                  Board members and what the Board members thought the  
22                  architect was presenting to them.

23                  CHAIRMAN AIBEL: Well, doesn't the  
24                  intent of the Board govern in that?

25                  MR. MATULE: Pardon?

1                   CHAIRMAN AIBEL:   Wouldn't the intent of  
2                   the Board govern in that?

3                   MR. MATULE:   Well, I certainly think it  
4                   would go to the heart of the matter.   But in  
5                   fairness to the applicant and the facts that were  
6                   presented, I think sometimes reasonable minds can  
7                   differ.

8                   Just a couple of things:   You know, the  
9                   architect, he clearly testified that the entire  
10                  front wall of the building was coming down, except  
11                  the chimney, and that was going to be rebuilt with  
12                  the old brick that was there.   The rear wall was  
13                  clearly coming down because it was relocated back  
14                  ten feet.

15                  Mr. Minervini testified that new steel  
16                  floor supports were going in.   He testified that the  
17                  garage level was going to be raised up to grade to  
18                  comply with the new flood ordinance.

19                  So I guess at least from the  
20                  architect's sense was that the 50 percent limitation  
21                  was on the shell of the building, the square footage  
22                  of the shell of the building, and obviously that the  
23                  front and rear walls coming down, I don't think  
24                  reasonably we could have kept the floors and roof on  
25                  the building.   It was never the intent to convey the

1 impression that we were just going to plop two new  
2 floors up on top of those existing three floors.

3 But be that as it may, we are here.

4 I think the question for the Board is despite the  
5 state of affairs that we are at right now, is the  
6 reconstruction of the building as presented by the  
7 applicant, that is, with the rebuilt facade, saving  
8 the chimney, the LEED platinum, all of the various  
9 upgrades that are going to be made, you know, is  
10 that a better zoning alternative for the site than  
11 an as-of-right four-story, seven residential unit  
12 building.

13 You know, I think the question is yes,  
14 we have 15 percent additional lot coverage, even  
15 though it has been reduced from 34 percent  
16 additional lot coverage, and is that, you know, a  
17 reasonable quid pro quo, if you will, for the  
18 additional zoning benefits that the community is  
19 going to derive from having this industrial type  
20 building essentially recreated there with the mural  
21 they saved, with the chimney, with using all of the  
22 old brick, so it has the look of the old building,  
23 but all of the benefits of the new modern platinum  
24 LEED building.

25 There are a lot of other things that

1 are going to go on in the construction process, like  
2 using screw piles and things like that. And the  
3 only other thing I could say is if anybody thinks  
4 that this was a shortcut to save the application  
5 money -- the applicant money, that is not the case  
6 because going through what they went through to  
7 stabilize and preserve these walls and demo around  
8 them, you know, frankly was a lot more expensive  
9 than just knocking the building down.

10 I have Mr. Minervini here, if there are  
11 specific questions. I don't know that there is any  
12 need to ask him to come up and re-present the  
13 application. You have all of that in the  
14 transcript, but he is here, and he is ready to  
15 answer any questions that the Board may have.

16 I also have Mr. Chartier, the  
17 representative of the applicant here, if there are  
18 any specific questions, so that is pretty much where  
19 we are at.

20 CHAIRMAN AIBEL: Thanks, Mr. Matule.

21 I think the Board, I am sure my other  
22 Board members have read through the transcripts very  
23 intensely -- intently, but let me just sort of lay  
24 it out this way.

25 The way I looked at Condition 15 of the

1 resolution is slightly different I think from the  
2 way you are viewing it.

3 MR. MATULE: Obviously.

4 (Laughter)

5 CHAIRMAN AIBEL: It says very clearly,  
6 the approval was for an adaptive reuse.

7 So to me, the key issue of intent was:  
8 Did we intend to approve the building based on the  
9 argument, and I won't go through the myriad  
10 statements on the record that support it, that this  
11 was going to be an adaptive reuse of a three-story  
12 building, and if you want me to, I will make the  
13 record.

14 MR. MATULE: No, I understand.

15 CHAIRMAN AIBEL: But, you know, at that  
16 point, I think the 50 percent limitation on  
17 demolition referred to basically the building that  
18 was going to be reused, and it was a further  
19 limitation. It wasn't a definition of what was an  
20 adaptive reuse.

21 So to me, the fact that there are two  
22 standing rubber walls on the north and south sides  
23 of the building that presumably are going to have no  
24 structural part in anything that's going on, and you  
25 know, if we want to put some photos in the record, I

1 think we can see that these are not the type of  
2 supports, this, you know, very responsible builder  
3 is going to use for constructing a five-story  
4 building.

5 So I have a lot of difficulty, because  
6 I decided -- I was one of the ones who was here, and  
7 I was persuaded this was a good application because  
8 we were going to take an old industrial building and  
9 reuse it.

10 So my conception, and I guess I was not  
11 intuitive enough or insightful enough or smart  
12 enough to understand the nuances of what it meant to  
13 take off -- to add steel.

14 I assumed that there would be the roofs  
15 on the second and third floor of the building that  
16 would be supporting the roof decks.

17 I was mistaken. So at the end of the  
18 day when I learned that there were two exterior --  
19 two side walls that were preserved in an effort to,  
20 you know, maintain some bricks from an old building,  
21 albeit, the developer made a very sound proposal to  
22 keep the chimney and to rebuild the facade, all of  
23 which was part of a very positive package, the  
24 package that I bought is not represented by the  
25 facts on the ground today.

1                   Had I seen this as basically a demo of  
2                   the entire building, we would have gone through the  
3                   analysis of whether the extra lot coverage and the  
4                   other things that the builder wanted to provide,  
5                   maintain the chimney, keeping the facade as it was  
6                   in the past would certainly have been considerations  
7                   that I would have taken into account in deciding  
8                   whether to grant the extra variances that were  
9                   requested.

10                   But at this point, I think we are at a  
11                   point of remedy, and the choices I think, you know,  
12                   are between basically denying or preventing the  
13                   applicant from moving forward as it is today on the  
14                   old plans. (B), I guess having amended plans  
15                   submitted --

16                   MR. MATULE: If I might just --

17                   CHAIRMAN AIBEL: Sure.

18                   MR. MATULE: -- and with all due  
19                   respect, I know we are not up here to have argument,  
20                   but I just have to take issue with the  
21                   characterization of demolishing the building, except  
22                   keeping up two unstable walls in the sense that, you  
23                   know, from the get-go the testimony was the front  
24                   and rear walls were coming off.

25                   Now, maybe the architect made certain

1       presumptions that people would understand, if the  
2       front and rear walls are coming off of a building,  
3       and you are going to keep the side walls up, that is  
4       the building, and perhaps that could have been  
5       explained better on the record.

6                       But, again, I agree, we are here why we  
7       are here --

8                       CHAIRMAN AIBEL: I am prepared to say  
9       for me only, and I have other Commissioners who will  
10      weigh in, and we'll call it a mutual mistake, but I  
11      think that leads us back to what the remedy is.

12                      But in the spirit of, you know, having  
13      everybody express their views, you know, we are a  
14      very egalitarian group, and I don't mean to cut off  
15      your presentation. It was, you know, very focused,  
16      and I think everybody understands the argument on  
17      the other side.

18                      Let me hear from somebody else.

19                      COMMISSIONER MURPHY: So in re-reading  
20      the transcript, I feel like I kept hearing  
21      repurposing, reusing, and part of the size of the  
22      building was dictated by the preexisting condition  
23      of that first floor, and I think I kind of  
24      understood that the sidewalls were going to need to  
25      be reinforced. But I am kind of with Jim in that

1 part of how that lot coverage was dictated was  
2 because we were reusing a building.

3 And I know for a fact that I love the  
4 fact that we were keeping the chimney, because that  
5 is the distinct part of that building. But it is  
6 kind of like we are pretty much starting from  
7 scratch with this building with a larger lot  
8 coverage than we probably would have allowed, if we  
9 were starting with a, you know, open slate or a  
10 vacant lot.

11 So I am torn. I think the building had  
12 a lot of pluses to it, but I feel like this is one  
13 of the problems we have in that developers take out  
14 more and lower land to cover in this idea of  
15 repurposing, reusing and using those things as our  
16 parameters, and I am torn because I think the  
17 building does have a lot of pluses to it, so...

18 CHAIRMAN AIBEL: Anyone else wish to  
19 comment?

20 COMMISSIONER GRANA: I have questions,  
21 comments and questions.

22 I'm just -- good evening, Mr. Matule.

23 MR. MATULE: Good evening, Mr. Grana.

24 COMMISSIONER GRANA: So I am reading  
25 through the transcript, and where we discussed the

1 front facade and the other three walls, and that the  
2 north, south -- the north, south and western walls  
3 will be saved, according to the transcript. I am  
4 reading the transcript dated back in February.

5 MR. MATULE: February 11th, the first  
6 transcript.

7 COMMISSIONER GRANA: February 11th.  
8 That is correct.

9 I am also in -- I also have a letter,  
10 which I know you have as well from the zoning  
11 officer, that indicates that there is the potential  
12 for instability in some of those walls. Is that  
13 correct, or do we need Mr. Minervini?

14 MR. MATULE: That is my understanding  
15 from the zoning officer's letter, but I can't  
16 comment one way or another.

17 Maybe we should have Mr. Minervini  
18 sworn, and he can -- or you are still under oath --

19 COMMISSIONER GRANA: I think it would  
20 be good to get the question --

21 MR. GLEASON: Was he sworn in last  
22 time?

23 MR. MATULE: Yes.

24 MR. GLEASON: Okay. Then you're still  
25 under oath.

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

3 THE WITNESS: No. What our structural  
4 engineer has designed and has installed supports  
5 shoring all down the east-west wall --

6 COMMISSIONER GRANA: Okay. So --

7 THE WITNESS: -- I am sorry -- so it  
8 may look precarious, but it is stable.

9 COMMISSIONER GRANA: Okay.

10 So I guess if I am looking at the  
11 letter that indicates that those walls are bowing,  
12 and that they may not be stable, we are not in  
13 agreement with that letter?

14 THE WITNESS: They were bowing from the  
15 beginning, and they have kept that condition in that  
16 shape.

17 COMMISSIONER GRANA: Okay.

18 If they were in that state, how will  
19 they be used in the future structure?

20 THE WITNESS: They wouldn't get  
21 structured. We would attach them to a new internal  
22 structure.

23 That was, if I may, as I thought I  
24 described, part of the reasoning for removing that  
25 front wall was because we had to infill, and I

1 described this, the parking that was below grade --

2 COMMISSIONER GRANA: Understood.

3 THE WITNESS: -- all of the windows  
4 then had to be realigned, because the floors were  
5 being realigned, and I also described how those  
6 floors would now be of steel.

7 So my thought was if the floors all had  
8 to be removed, we had to remove the front wall, we  
9 were removing the back wall because you are  
10 referring to February 11th, but the subsequent  
11 meeting is when we agreed to take that existing rear  
12 wall off --

13 COMMISSIONER GRANA: I recall, yeah.

14 THE WITNESS: -- so as I designed it,  
15 and my thought process was, walls, front and rear  
16 were gone. The floor system was gone, and I thought  
17 that I made it clear.

18 What we have kept was, and we went  
19 through extraordinary efforts to do that, the  
20 remaining walls that kept us over that 50 percent.

21 There was no -- there was no end run so  
22 to speak to try to keep more of this building than  
23 we thought was the proper way to do it.

24 But to your point, the February 11th  
25 didn't discuss the rear wall. The walls are bowed,

1 but we were going to attach them to the new  
2 structural internal support.

3 COMMISSIONER GRANA: Will the walls be  
4 seen and usable but inside the new construction, or  
5 they will be exterior to the new construction?

6 THE WITNESS: Exterior to the new  
7 construction, but in the garage they would be  
8 visible, because we have a series of columns that  
9 would be in the garage. Obviously in the  
10 residential portion of the building they have to be  
11 covered or partitions and insulation.

12 COMMISSIONER GRANA: Commentary?

13 CHAIRMAN AIBEL: Sure, if you wish.

14 COMMISSIONER GRANA: I think the points  
15 have been displayed.

16 This is -- the preservation of the  
17 front of this structure I think was a huge selling  
18 point on this application, the chimney, as well as  
19 Mr. Minervini testified the last time, I don't know  
20 the date of that transcript, that great efforts had  
21 been made to save both the bricks as well as I think  
22 some of the logo, and I think that that is --

23 THE WITNESS: The mural.

24 COMMISSIONER GRANA: -- I think that  
25 that is fantastic.

1                   I must admit, I feel like between a  
2                   rock and a hard place now, because I think we want  
3                   the preservation of that structure, and I think the  
4                   committee wants a preservation of the structure, but  
5                   I don't believe that that is what we approved back  
6                   on February 11th.

7                   CHAIRMAN AIBEL:   Anybody else wish to  
8                   comment?

9                   COMMISSIONER BRANCIFORTE:   Well, may I?

10                  CHAIRMAN AIBEL:   Please.

11                  COMMISSIONER BRANCIFORTE:   It seems  
12                  like there may be some conflict between the evidence  
13                  that you presented and the plans and the testimony  
14                  that you gave.

15                  Now that I looked at the plan, I see  
16                  that on the cover of the plans it says:   Renovation  
17                  of existing building, conversion of and addition to  
18                  an existing three-story building to become a  
19                  five-story building.

20                  And even in the plans you reference  
21                  existing walls on the second floor, and that is gone  
22                  now obviously.   The walls on the second floor are  
23                  gone --

24                  THE WITNESS:   Which, if you are asking,  
25                  yes, those walls are gone.   They were only kept

1       because at that point we thought we could use some  
2       structure. Obviously, they had no impact on the  
3       exterior of the building. You couldn't see them.  
4       They were two walls that at that point looked  
5       substantial enough that we could reuse, but they  
6       weren't. And, again, the thought process there was  
7       that wasn't included in what we were discussing and  
8       what I thought that I had presented.

9                   COMMISSIONER BRANCIFORTE: Well, in the  
10       testimony, the transcript -- I was the person that  
11       asked, you know, if this facade comes down, do you  
12       have to come back.

13                   And there was some discussion between  
14       Mr. Galvin, and then you stepped in to remind us  
15       that the testimony that Mr. Minervini gave was that  
16       the facade was going to come down --

17                   MR. MATULE: The facade was in fact  
18       coming down completely --

19                   THE WITNESS: With the exception of the  
20       chimney.

21                   MR. MATULE: -- with the exception of  
22       the chimney.

23                   COMMISSIONER BRANCIFORTE: And I  
24       understood that. In fact, I said: Okay. Now I  
25       understand. I understand what is going to go on.

1                   So I am waiting to hear the rest of the  
2                   comments from the rest of the Board. I am not  
3                   convinced either way right now. That is all I have  
4                   to say.

5                   I understand that the facade was going  
6                   to come down, and you were going to reuse the brick.

7                   And the brick is being stored  
8                   somewhere, and you still plan to reuse the brick?

9                   THE WITNESS: Yes, as well as I  
10                  mentioned before, the mural.

11                  MR. MATULE: The mural.

12                  CHAIRMAN AIBEL: Anybody else wish to  
13                  comment?

14                  VICE CHAIR GREENE: Well, I have a  
15                  question.

16                  Just to be clear, what is the  
17                  difference in the condition now as opposed to what  
18                  the anticipated condition was when you gave all of  
19                  your testimony, and we heard your presentation?

20                  What is different now?

21                  What is different now than in February?

22                  THE WITNESS: I don't think anything is  
23                  different from my testimony.

24                  I will say that what is different, as I  
25                  just discussed, the internal wall that I thought

1 would be load bearing. That building was at one  
2 time two structures that was combined. There was  
3 load bearing wall in the center, and what I thought  
4 early on in the process was that we could reuse that  
5 wall, the economic savings for load bearing.

6 That is the only wall, as I see it,  
7 that has come down, that I didn't think was going to  
8 come down, that I didn't think I presented was going  
9 to come down, but that was internal to the building.

10 VICE CHAIR GREENE: And the north wall  
11 and the south wall, you believe the condition they  
12 are currently in will make them -- they'll be  
13 usable?

14 THE WITNESS: They are not usable as a  
15 structural support. They will act as a shell of the  
16 building. A new concrete column system will be  
17 placed on the inside of that, and that wall  
18 attached.

19 You will see still that wall. The  
20 north wall is 30 feet high. You will still see that  
21 wall. From the outside, it will look like as it  
22 does now, but it's not holding any weight per se.

23 CHAIRMAN AIBEL: Okay.

24 COMMISSIONER FISHER: I have to ask one  
25 question.

1                   Reading through the transcript again, a  
2                   lot of focus on the lot coverage and I, you know, if  
3                   you remove all of those walls, the whole defense  
4                   that Mr. Kolling made, which you guys both made, was  
5                   the reason why 94 percent lot coverage was okay is  
6                   because it was an existing building. But when you  
7                   remove all of those buildings, it is just not an  
8                   existing building any more. Then the application  
9                   probably would have looked more like an 80 percent  
10                  or 75 percent, something greater, because everybody  
11                  always asks, but it wouldn't necessarily have been  
12                  94 --

13                  VICE CHAIR GREEN: It was at 85 --

14                  THE WITNESS: We were 85.

15                  VICE CHAIR GREENE: -- as amended, it  
16                  was 85.

17                  COMMISSIONER FISHER: -- oh. But my  
18                  point being, like had they started from scratch and  
19                  they came and said, we are just going to keep the  
20                  chimney, and we're going to bring everything down,  
21                  the argument around it being an existing building  
22                  and therefore getting about 85, 94, whatever the big  
23                  amount was, it would have been a different argument.

24                  You know, Commissioner DeFusco is not  
25                  here tonight, but this was, you know, his thing is

1 the donut, and the whole discussion on the donut,  
2 and it is unfortunate what happened. But I think  
3 had you come here and said, we just wanted to  
4 preserve just the chimney, it just would have been a  
5 different conversation. Maybe it would have been  
6 the same outcome or whatever, because I know there  
7 is a lot of public here. My guess is -- I don't  
8 know if they are here for this.

9 But there was a lot of public that  
10 night. They spoke highly, and people were really  
11 excited about the reuse, and being able to keep the  
12 chimney, and how this was going to position and add  
13 to the neighborhood, which is great, but as a Zoning  
14 Board, we focus a lot on kind of the longer term  
15 impacts, which is the donut and things, not just the  
16 front, but the back. So I think it is hard because  
17 the building is down, it's hard to make that  
18 argument --

19 THE WITNESS: Just to correct you, we  
20 haven't just saved the chimney.

21 COMMISSIONER FISHER: Yeah.

22 THE WITNESS: The chimney is obviously  
23 the most visible because it is on Madison Street,  
24 but we did save the 30 foot brick wall, which is on  
25 the north side, all of the brick that was the front

1 facade at one time to be rebuilt --

2 COMMISSIONER FISHER: What are you  
3 going to do exactly with the brick?

4 Like where is that -- the brick that  
5 you saved, how does that get now --

6 THE WITNESS: If you have the drawings,  
7 the front facade, as you see it, all of the brick  
8 that is shown, would be that brick.

9 The new design is sort of wrapped  
10 around the focus of the chimney.

11 COMMISSIONER FISHER: Yes. I see what  
12 you mean.

13 CHAIRMAN AIBEL: Okay.

14 I guess you noticed for the public, Mr.  
15 Matule, so I think I am going to open it up to the  
16 public for anybody who wishes to comment on the  
17 application.

18 Does anybody wish to comment on this  
19 application?

20 Mr. Soares?

21 MR. SOARES: Tony Soares, 551 Observer  
22 Highway.

23 I live a few blocks from the building.  
24 I was probably was one of the people -- I was  
25 definitely one of the people who spoke, and actually

1 my comments are in the resolution, which is thank  
2 you very much.

3 My concern, and I understand, you know,  
4 I was here not too long ago with a similar situation  
5 with another facade. The facade should be preserved  
6 when the applicant says they are going to preserve  
7 them, and I think it is the right thing to examine  
8 what has happened.

9 However, what I am thinking about is  
10 from this day forward, I lived on that block, I  
11 don't think anybody here lives anywhere near this  
12 building, but maybe Mr. Frank does.

13 But I will say, I loved the Attilius  
14 factory building. It was one of those buildings  
15 where I said, I wonder how long it will be before  
16 somebody just, you know, comes by and doesn't as of  
17 right bulldoze, and does a typical Hoboken 25 foot  
18 wide by 60 foot deep ugly building with little tiny  
19 windows and drivet or a synthetic stucco cornice,  
20 and it's just going to look like everything else,  
21 and that is exactly what they can do after tonight,  
22 and I don't want that in my neighborhood.

23 I live in this neighborhood. Most of  
24 the Commissioners probably don't even come through  
25 this neighborhood.

1                   So I think it is important that while  
2 we are preserving, they are keeping the chimney.  
3 That is the icon of the building.

4                   If Maxwell House had kept their  
5 chimney, that would have been a big icon. It is a  
6 landmark, that chimney. It's something to remember  
7 what was there. They are going to recreate it with  
8 the brick. I think that is important.

9                   But what I do like also about this  
10 project, which they don't have to do, if they go  
11 before the Planning Board, which is the green roof,  
12 all of the adaptive reuse of what they already said.  
13 They could just take everything down, chimney and  
14 all. They could either sell the lots to an  
15 unsympathetic developer, or they could do just  
16 another cookie cutter Hoboken building, and this is  
17 something that you can't do without that chimney.

18                   If you want to take it all down, you  
19 are not even going to have a say, so you are not  
20 going to get the co-gen. You're not going to get  
21 the green roof. You're not going to get the LEED  
22 platinum, or any of the other items.

23                   So if there is a way to work out the  
24 best of the situation from this point forward, I  
25 think it is important. But I think it is really

1 important. I think that chimney is an important  
2 part of that neighborhood, and it's a landmark.  
3 Projects around town will bulldoze the entire thing.  
4 And we just lost way too much, so I would like to at  
5 least recapture something, and I think this is the  
6 way to do it, is to work with them. I mean, I don't  
7 know what you can do.

8 I know you are in a situation, where  
9 you feel that you were told one thing, and like  
10 somebody back-doored something. But at the end of  
11 the day, this is about good design and a great  
12 neighborhood, and a neighborhood that needs a  
13 landmark.

14 Like I said that night when I  
15 testified, look at the other side of the block.  
16 It's three-story buildings that look like something  
17 that came from the 1960s, and they unfortunately  
18 were built in the 2000s. So, you know, we need to  
19 really kind of get back to doing some interesting  
20 stuff in town.

21 Again, as of right before the Planning  
22 Board, 40 feet over base flood elevation, 60 feet  
23 back, you know, a certain percentage of  
24 fenestration, and they're done, and you have nothing  
25 to say about it, and there is no give-backs in the

1 Planning Board, unless it is in the zoning  
2 approvals.

3 Thank you.

4 CHAIRMAN AIBEL: Thank you.

5 Anybody else wish to comment?

6 Please come forward. State your name  
7 and address, please.

8 MS. BULCHANDAI: Aneeshe Bulchandai.

9 A-n-e-e-s-h-e, B-u-l-c-h-a-n-d-a-i, 116 Madison  
10 Avenue, Apartment 2.

11 So I moved into this neighborhood  
12 fairly recently, if I can say so, and I am living in  
13 116 Madison Street right adjacent to this building.

14 And just within two or three months of  
15 moving in, the demolition work started, and  
16 obviously like we have demolition coming up.

17 Having said that, due to the  
18 demolition, and I don't know if it is the extent of  
19 the demolition, but there was damage to our north  
20 wall, and there was some cracks in our garage wall  
21 as well, which was fixed by the contractor, but then  
22 upon an independent review by a structural engineer,  
23 he came up with a few suggestions, and he asked us  
24 to get all of that assessed, and came up with some  
25 precautions he made as well to make sure that we

1 have vibration monitors and a crack study done.

2 So that structural report was submitted  
3 to the building inspector, and I don't know what the  
4 outcome of that is, but I just want to make sure if  
5 there are such constructions, and if there are some  
6 recommendations, that they be taken into  
7 consideration, given the fact we also have the  
8 113-121 project starting right behind us, so I don't  
9 know how we are going to manage the extent of the  
10 situations.

11 CHAIRMAN AIBEL: Well, we are probably  
12 not the right forum for this. It is probably the  
13 construction department, but I would encourage you  
14 to call Pat Carcone, and she will give you all of  
15 the right numbers, and you can pursue it that way,  
16 but thank you for your time.

17 MS. BULCHANDAI: Okay. Thank you.

18 CHAIRMAN AIBEL: Anybody else wish to  
19 comment?

20 MS. BULCHANDAI: So I just wanted to  
21 mention, they fixed it, but the issue is not  
22 completely resolved, and I was just trying to find  
23 out if this is the forum where I could discuss it,  
24 because there are simultaneous constructions  
25 happening, and we are in the middle of all of that,

1 so I didn't know how to approach it.

2 CHAIRMAN AIBEL: Understood.

3 Thank you.

4 MS. HEALEY: Leah Healey, 806 Park.

5 I found it curious that this  
6 application came back here because the zoning  
7 officer, and I didn't hear much testimony about the  
8 calculation of the 50 percent, and how that was  
9 proved or disproved. Somebody must have disagreed  
10 with how much of that building came down, so I  
11 wasn't sure if the Board had heard enough on that  
12 issue.

13 But the other thing that I think is  
14 very important to me is that we have a situation,  
15 where the Board is taking on what I would consider  
16 an amendment to the application very late in the  
17 process, and the public that may or may not have  
18 been here, I believe in February of 2014, a year and  
19 a half ago, and how this was originally noticed and  
20 a lot these things that get carried, and I am not  
21 sure how it was renoticed, and it was a pretty major  
22 change, it sounds like in the second go-round, where  
23 the applicant's attempt to perhaps garner the favor  
24 of the Board by increasing or decreasing the lot  
25 coverage ended up in a wall disappearing, and I

1 don't know how much the public understood what was  
2 happening then.

3 But my concern is that I think a Board,  
4 when it is dealing with an issue like this, should  
5 deny an application like this and send it back to  
6 square one, so that it can be reevaluated based on  
7 the existing conditions, because I don't think  
8 anybody thinks that two facade walls on the north  
9 and south have anything to do with the adaptive  
10 reuse of industrial building.

11 And I think if you don't do something  
12 clear with respect to this application, we are going  
13 to find this happening with a lot of the industrial  
14 buildings that we have, and until something is done  
15 with the northwest area of this city, you are going  
16 to see more applications coming with respect to  
17 those buildings.

18 Now, I realize that you may be getting  
19 a little better and learning about these  
20 applications as they come in and making your  
21 resolutions even better, but I do see the difference  
22 between the level of demolition and the question of  
23 adaptive reuse, and I don't see the two as  
24 necessarily governing the other. And if you don't  
25 do something like a denial and send them back to the

1 drawing board, then I don't think you are really  
2 reviewing this application as a holistic  
3 application.

4 You are just kind of reviewing a few  
5 facts at the end of the process to make it so that  
6 this developer doesn't have to go back to square  
7 one.

8 And it may be true that this developer  
9 decides, well, if we can't get it on this go-round,  
10 we are going to demolish the whole building. But I  
11 would say to you that I think that has already  
12 happened. And from the perspective of people  
13 walking around this community, it probably already  
14 happened, and who is to say the developer is not  
15 going to come back with a different application that  
16 still uses segments of the building.

17 We don't know, but I do know that they  
18 would have to do a whole new set of proofs with  
19 respect to that lot coverage, and lot coverage and  
20 density in this town is a very important issue right  
21 now.

22 So I would urge you to deny this  
23 application and have them go back and resubmit new  
24 proofs with respect to this, and I think that is  
25 really important because we are talking about taking

1 an industrial building and making it into a  
2 residential use. In this case giving it a density  
3 that it might not otherwise have because it was an  
4 industrial building. And if we are going to do  
5 that, I think we should look long and hard about how  
6 to do that.

7 Thank you.

8 CHAIRMAN AIBEL: Thank you.

9 Anybody else from the public wish to  
10 comment?

11 Please come forward.

12 MR. CAULFIELD: Hi, Board.

13 CHAIRMAN AIBEL: Your name and address,  
14 please.

15 MR. CAULFIELD: Joe Caulfield, 1016  
16 Hudson.

17 And I owned 116 Madison for 40 years.  
18 I bought it here at auction. We developed it into  
19 four dwellings. The buildings were attached. I  
20 constantly had fear that it would collapse or it  
21 would go on fire. It had been foul for many years.

22 We had some issues with our building  
23 shaking during demolition. The building department  
24 behaved accordingly and acted immediately. The  
25 contractor made a gallant effort to comply.

1           The contract -- the builder from what I  
2       seen has been competent. The site is clean. I am  
3       worried about a catastrophic issue of a snow load or  
4       another Sandy load while this ground is unstable.

5           I would suggest he is willing to put  
6       back the same facade that was there. It will still  
7       look like the antiquity with the chimney, and we  
8       should do everything that we can to proceed with it.

9           My apologies to the Board for the abuse  
10      of people saying that you don't go to certain  
11      neighborhoods. I have seen you walk the streets. I  
12      seen all of you on different sites, and I find it  
13      offensive for people to accuse you of not fulfilling  
14      your duties.

15          My suggestion is that we find a  
16      solution, that we put back this antiquity as soon as  
17      possible and not lose it with people's attitudes,  
18      but go on the principles of curing the problem. So  
19      I ask you to make sure that structurally it is  
20      sound. He still has to do a couple of things to our  
21      building, which he is willing to do, and to let the  
22      project proceed and let the neighborhood cure  
23      instead of having this blight because we don't know  
24      what can happen next.

25          So thank you.

1                   CHAIRMAN AIBEL: Thank you, Mr.

2                   Caulfield.

3                   Anybody else in the public wish to  
4                   comment?

5                   Seeing nobody, can I have a motion to  
6                   close public portion?

7                   COMMISSIONER BRANCIFORTE: Motion to  
8                   close public portion.

9                   COMMISSIONER GRANA: Second.

10                  CHAIRMAN AIBEL: All in favor?

11                  (All Board members voted in the  
12                  affirmative.)

13                  MR. MATULE: Before you deliberate or  
14                  make any decisions, I would just like to address for  
15                  the record a couple of comments that were made,  
16                  particularly by Ms. Healey.

17                  The original hearing date was February  
18                  11th, and it was on notice to the public, and notice  
19                  was given that night that we would be coming back  
20                  the following week, which was February 18th.

21                  And notice was given for tonight's  
22                  meeting, and in that notice we specifically said  
23                  that: The zoning officer has questioned the extent  
24                  of demolition, and the applicant requested the Board  
25                  to review same. Should the Board determine that the

1 applicant has demolished more than 50 percent of the  
2 building, then in such event the applicant shall  
3 seek modification of the condition and such other  
4 variances or design waivers, which the Board may  
5 deem necessary, or for the applicant to continue  
6 with the conversion and expansion of the building,  
7 including preserving the existing chimney in the  
8 front of the building and rebuilding the facade as  
9 originally presented to and approved by the Board  
10 with the old brick.

11 The other thing is, the comment about  
12 density, we are actually below the permissible  
13 density for the site. I believe the permissible  
14 density on the site is seven point some units, and  
15 we are at six units.

16 And while we do have 15 percent more  
17 lot coverage than the ordinance allows, it also has  
18 been reduced from 94 percent to 85 percent, so there  
19 has been a reasonable reduction in the lot coverage  
20 as part of the process.

21 So I don't think any point would be  
22 served, other than just being punitive to say to the  
23 applicant, you have to go back and start at square  
24 one in filing your application.

25 CHAIRMAN AIBEL: Thank you, Mr. Matule.

1           I hope you don't think I am punitive in  
2 making my belief known that you were told that there  
3 would be an adaptive reuse, and I didn't see that  
4 happening, but thank you.

5           MR. MATULE: I appreciate that.

6           As I said in my opening remarks, I  
7 think the real issue before the Board now is what  
8 the applicant has proposed and is still proposing a  
9 better community benefit and use of this property  
10 than going back to square one and perhaps building  
11 an as-of-right building with no bells or whistles.

12          CHAIRMAN AIBEL: Well, the way I see it  
13 there are three options for the board.

14          One would be to basically eliminate  
15 Condition 15 or deem it satisfied.

16          The other is to start over, and I am  
17 not sure that there is a middle ground that would  
18 suggest that, you know, a full amendment be made and  
19 we will get you into a cue.

20          We are trying to split the baby a  
21 little bit, but maybe that begs the question, which  
22 is how the Board is going to -- how the Board feels  
23 about whether this was an adaptive reuse, and  
24 whether the 50 percent limitation was met or not on  
25 the proofs, so I think we should do a little bit of

1 quick deliberation and then try to get to a vote.

2 VICE CHAIR GREENE: Mr. Chairman, if I  
3 may.

4 CHAIRMAN AIBEL: Please.

5 VICE CHAIR GREENE: I haven't heard any  
6 discussion here about as to whether or not it is or  
7 isn't at 50 percent.

8 So what we have been presented with is  
9 a calculation that says 53 percent, and the zoning  
10 official is saying she doesn't dispute it is 53  
11 percent. She disputes what was taken into  
12 consideration to come there.

13 It seems to me that if, in fact, more  
14 than 50 percent of the original building is still  
15 standing, there could be a very good case for  
16 acknowledging that, but I have not heard any  
17 discussion, certainly not from our professionals, as  
18 to whether or not we are at or above 50 percent.

19 MR. MATULE: Well, if I might just  
20 respond to that, I think that that goes to the heart  
21 of the issue because the architect's assumption that  
22 the architect was traveling on was preserving 50  
23 percent of the shell of the building as opposed to  
24 50 percent of the building, and the calculations he  
25 presented to the zoning officer, which I just

1       assumed were forwarded on to the Board members as  
2       part of their package, was that in terms of square  
3       footage of the four walls of the building, there is  
4       53 percent of the four walls left standing.

5               So I can't stand before the Board and  
6       try to present testimony that more than 50 percent  
7       of the entire building is there because it is not,  
8       and it never was apparently the intention of the  
9       architect for it to be, and again, that gets us back  
10      to the heart of the disconnect here.

11              VICE CHAIR GREENE: Well, 15 clearly  
12      says not more than 50 percent of the building. It  
13      doesn't say 50 percent of the walls or 50 percent of  
14      the shell --

15              MR. MATULE: I understand.

16              VICE CHAIR GREENE: -- and everybody  
17      had an opportunity to look at this before it was  
18      approved and signed, so I think that is the problem.

19              CHAIRMAN AIBEL: Anybody else wish to  
20      comment?

21              COMMISSIONER DE GRIM: Can I ask a  
22      question of Mr. Matule?

23              CHAIRMAN AIBEL: Okay. Go ahead.

24              COMMISSIONER DE GRIM: The 53 percent,  
25      does that include the facade once it is rebuilt or

1 is it just two the side walls?

2 MR. MINERVINI: 53 percent includes  
3 what would be left after you remove the front wall  
4 and rewall. It wasn't including the rebuilding of  
5 the front wall. If we did, it would be a higher  
6 number, but it is certainly not 50 percent of the  
7 building. I think that is obvious.

8 COMMISSIONER DE GRIM: No, I  
9 understand. I'm just talking about the shell.

10 CHAIRMAN AIBEL: Anybody else wish to  
11 comment?

12 COMMISSIONER GRANA: I actually want to  
13 comment on something you proposed, which is there  
14 were a number of benefits to the community that were  
15 stated in testimony, and we did accept a lot of  
16 conditions related to the building. Those had to do  
17 with a lot of the green elements, as well as the  
18 adaptive reuse element.

19 It seems to me, Chairman, that the  
20 debate here is whether or not we think all of those  
21 benefits now, which are all of the benefits that are  
22 in the resolution, as well as the reuse of the  
23 facade warrants the variance, and I don't see how 15  
24 stands in here any more because 50 percent of the  
25 structure is not standing. It seems to me we would

1 have to eject that element and accept as is.

2 COMMISSIONER DE GRIM: Or revise it to  
3 50 percent of the outside shell.

4 COMMISSIONER FISHER: Just to add into  
5 that discussion, just being there that night, and if  
6 you re-look at all of the transcripts, I mean, we  
7 had a lot of focus on the walls, and I think Frank  
8 had testified that almost all of the floors and  
9 interiors weren't going to be there.

10 So notwithstanding it says 50 percent  
11 of the structure, that just may have been an  
12 oversight.

13 One way to interpret it, if you look at  
14 what the discussion was that night, it was just not  
15 well drafted, and you know, it was more meant to be  
16 the external. We spent a lot of time talking about  
17 the back wall and the front wall, what they were  
18 going to do with it, and you testified that you were  
19 basically taking all of the floors down and  
20 rebuilding on the inside.

21 So 50 percent would have somehow  
22 contemplated something on the inside I think. I  
23 don't think we ever thought that the floors and  
24 ceiling would be part of that

25 COMMISSIONER GRANA: I will also add,

1 and I don't know if I see this correctly, but I  
2 think you are right.

3 I don't think Mr. Minervini ever  
4 actually testified this was an adaptive reuse. I  
5 think we specified. I didn't see that.

6 Did he?

7 COMMISSIONER FISHER: No, he didn't.

8 COMMISSIONER GRANA: I didn't see it in  
9 the testimony.

10 COMMISSIONER FISHER: Well, one of the  
11 conditions was an adaptive reuse --

12 COMMISSIONER GRANA: The conditions,  
13 yes, but I don't know if Mr. Minervini ever  
14 testified as such.

15 CHAIRMAN AIBEL: He testified: We have  
16 taken an old industrial building, repurposed it for  
17 residential use. We have kept as much of the  
18 existing structure as we can.

19 COMMISSIONER GRANA: I saw that, and  
20 maybe that is the definition there, but I did see  
21 that language.

22 CHAIRMAN AIBEL: Keeping the bulk of  
23 the building as it was, on Page 10 of the February  
24 11th transcript.

25 Does anybody else want to comment, and

1           then I think we should try to get a motion and vote.

2                       COMMISSIONER BRANCIFORTE: Well, I have  
3           to go back, and I have to actually -- what I said  
4           before, I think about the give and take between  
5           whether or not the facade was going to be saved.

6                       There is further testimony that says we  
7           are going to try to save most of the facade.

8                       So, you know, I am not convinced that  
9           they told us that the entire facade would come down.  
10          Most of the facade is going to come down, we're  
11          going to try to save the rest of it. But I don't  
12          know.

13                      I did expect some of the interior walls  
14          to be saved, but that is all I have to say. I am  
15          just going to stop there.

16                      Thanks.

17                      CHAIRMAN AIBEL: Last comments?

18                      Have we heard enough?

19                      Is anybody ready for a motion?

20                      COMMISSIONER MURPHY: I mean, you gave  
21          three options, so what --

22                      CHAIRMAN AIBEL: Somebody can choose an  
23          option, I guess.

24                      MR. MATULE: If I might just to ask  
25          Board Counsel, my understanding, and correct me, is



1 motion that it has been deemed -- number 15 --  
2 Condition Number 15 of the resolution to be met, and  
3 that we move the application along. I am not even  
4 quite sure how to say it.

5 We deem number 15 of the resolution to  
6 be met, and that is it.

7 CHAIRMAN AIBEL: I think you are saying  
8 you want to amend the resolution to eliminate  
9 Condition 15.

10 COMMISSIONER BRANCIFORTE: Hum --

11 VICE CHAIR GREENE: That isn't what he  
12 said.

13 COMMISSIONER FISHER: His language was  
14 better.

15 VICE CHAIR GREENE: But, no, I don't  
16 think so. I disagree.

17 COMMISSIONER BRANCIFORTE: Okay. I am  
18 open to -- what is your suggestion?

19 COMMISSIONER FISHER: Well, if you  
20 remove it, then they can take the chimney down.  
21 You don't want to remove it.

22 COMMISSIONER BRANCIFORTE: I don't want  
23 that.

24 COMMISSIONER GRANA: Perhaps it is  
25 amended to say that Condition 15 relates to 50

1       percent of either the structure that is remaining or  
2       50 percent of the shell of the building, but you  
3       can't remove it altogether, otherwise then the  
4       building goes down.

5                   CHAIRMAN AIBEL:   The building is down.

6                   COMMISSIONER GRANA:  I mean, the shell  
7       goes down.  Excuse me.  The chimney goes down, et  
8       cetera, et cetera.

9                   CHAIRMAN AIBEL:  Well, the resolution,  
10       the original resolution talks about saving the  
11       chimney and rebuilding the facade.

12                   COMMISSIONER GRANA:  Right.  So it is  
13       already in there.

14                   CHAIRMAN AIBEL:  So it's there.

15                   What we are basically saying is:  This  
16       is not an adaptive reuse and/or 50 percent of the  
17       building was maintained, and that would be the  
18       consequence of John's motion.

19                   COMMISSIONER GRANA:  I would agree.

20                   COMMISSIONER MURPHY:  And would that be  
21       that then the walls can come down, and the chimney  
22       is the only thing that gets saved, if they wanted it  
23       that way?

24                   CHAIRMAN AIBEL:  I don't think the  
25       walls mean anything.  They're --

1                   COMMISSIONER MURPHY: Well, he said in  
2 the garage, they will be visible.

3                   CHAIRMAN AIBEL: Okay.

4                   COMMISSIONER DE GRIM: And outside, one  
5 of the walls will be visible.

6                   CHAIRMAN AIBEL: What's that?

7                   COMMISSIONER DE GRIM: And outside, one  
8 of the walls would be visible.

9                   CHAIRMAN AIBEL: Not the two that are  
10 standing today.

11                  COMMISSIONER FISHER: Because the back  
12 wall down is down already, and the front wall is  
13 just the chimney.

14                  COMMISSIONER DE GRIM: Well, I thought  
15 he said one wall was like 30 feet high --

16                  CHAIRMAN AIBEL: Those are the side  
17 walls.

18                  COMMISSIONER FISHER: It's a side wall.

19                  COMMISSIONER DE GRIM: Yeah, the side  
20 walls.

21                  COMMISSIONER FISHER: It will be  
22 hidden.

23                  COMMISSIONER BRANCIFORTE: That will be  
24 hidden by the two sides of the building, correct?

25                  COMMISSIONER DE GRIM: I don't know --

1                   COMMISSIONER GRANA:  If somebody  
2                   decides to take down the building and put in  
3                   something shorter --

4                   (Everyone talking at once.)

5                   CHAIRMAN AIBEL:  Do you --

6                   MR. MATULE:  I don't want to moderate,  
7                   but I mean, our intention obviously is if the Board  
8                   modifies that condition, if they continue to  
9                   maintain the walls that are there, and do whatever  
10                  we have to do, to do that in the spirit of the  
11                  original approval.

12                  COMMISSIONER BRANCIFORTE:  Well, what I  
13                  said before, the motion that I said, it's obviously  
14                  not ready for a second.  It needs more discussion  
15                  and more nuance to get ready --

16                  CHAIRMAN AIBEL:  I am not sure --

17                  COMMISSIONER BRANCIFORTE:  -- before we  
18                  look at it, so let's discuss it some more.

19                  My motion has to be -- it hasn't been  
20                  seconded, I suppose, unless we need to refine it and  
21                  sculpt it, and then somebody else can make the  
22                  motion.

23                  CHAIRMAN AIBEL:  Well, the motion is to  
24                  eliminate Condition 15 and otherwise maintain the  
25                  other conditions of the approval.

1 COMMISSIONER BRANCIFORTE: Well --

2 CHAIRMAN AIBEL: Am I wrong, Mr.  
3 Matule?

4 MR. MATULE: That is my understanding  
5 of what the motion was.

6 COMMISSIONER BRANCIFORTE: No, not to  
7 eliminate. To accept that number 15 has been met.

8 VICE CHAIR GREENE: So what you are  
9 suggesting then is that --

10 MR. MATULE: He made a different  
11 motion.

12 VICE CHAIR GREENE: -- you are  
13 suggesting that by doing that, we are saying that  
14 this is -- we're defining adaptive reuse as hardly  
15 doing anything, which I completely disagree with.

16 My issue here is that, one, this is  
17 probably not an adaptive reuse except for the  
18 chimney.

19 COMMISSIONER BRANCIFORTE: Well, given  
20 that there is so much -- not so much objection, but  
21 discussion about it, I am going to basically  
22 withdraw my motion because it hasn't been seconded  
23 anyway, so it doesn't matter.

24 VICE CHAIR GREENE: Let somebody else  
25 draft it.

1                   COMMISSIONER FISHER: John, but  
2 generally you are just saying -- everybody is saying  
3 the same thing.

4                   What you are saying is you are okay  
5 with it as presented, and we are motioning to allow  
6 them to move forward, however we get there.

7                   COMMISSIONER BRANCIFORTE: I'm not  
8 saying I am okay with it. I'm just saying --

9                   COMMISSIONER FISHER: No, not okay, but  
10 you are making a motion to --

11                   COMMISSIONER BRANCIFORTE: -- I would  
12 rather see this moved along at this point, and in  
13 the future, you know, it is a fool me once, fool me  
14 twice situation, and we have already been fooled  
15 more than once on this already -- not on this  
16 particular application, but in general in the past.  
17 We have seen it coming back to bite us in the butt  
18 more than once, so I am tired of it, but I don't  
19 know what the alternative is.

20                   I mean, the only alternative is we make  
21 them reapply to the Zoning Board and come back, and  
22 I don't know if I am going to support something like  
23 that. That is really --

24                   COMMISSIONER GRANA: That risks the  
25 structure also.

1                   COMMISSIONER FISHER: Yeah. We may  
2                   lose the whole chimney, like they said, so --

3                   COMMISSIONER DE GRIM: Yeah.

4                   COMMISSIONER BRANCIFORTE: So I  
5                   withdraw my motion, and I will wait for somebody  
6                   else to --

7                   COMMISSIONER FISHER: The only people  
8                   that can make the motion are the five voting, right?

9                   VICE CHAIR GREENE: Yes.

10                  COMMISSIONER FISHER: Okay.

11                  VICE CHAIR GREENE: But you can  
12                  certainly chime in.

13                  COMMISSIONER BRANCIFORTE: You could  
14                  certainly suggest something and bring something up  
15                  for discussion.

16                  VICE CHAIR GREENE: I'm attempting to  
17                  craft what I am thinking, and I'm having difficulty  
18                  with it.

19                  MS. BANYRA: Can I just make a  
20                  suggestion?

21                  On Condition 15, I think there is a  
22                  disjoint, and that Mr. Greene brought it up in terms  
23                  of an adaptive reuse and not trying to identify it.

24                  So why doesn't 15 be changed to say:  
25                  This approval is not for an adaptive reuse, and that

1       however, and not more than 50 percent of the  
2       building has been demolished. But just don't say  
3       outside shell, and don't say it doesn't matter,  
4       because we're all going back and forth with inside,  
5       outside.

6                     In the next iteration of a new plan, a  
7       new project, I guess we have to specify inside or  
8       outside. However, to me this is not an adaptive  
9       reuse, and I think Mr. Greene's point is well taken  
10      that if we are redefining an adaptive reuse similar  
11      to this sentence, that that could be troublesome  
12      later on, and that we amend this condition as  
13      nominally and specifically as possible because this  
14      is not an adaptive reuse.

15                    But they appeared to have -- I am going  
16      to say from what I am hearing from the Board, they  
17      appeared to have met the 50 percent condition, if  
18      you are going in that direction.

19                    COMMISSIONER FISHER: Well, I think  
20      what the Board is saying is it doesn't really matter  
21      what the math is. Whatever is there right now is  
22      what is there right now, and it is satisfying  
23      something, so it is what it is. It can't change any  
24      further.

25                    MS. BANYRA: Well, the condition below

1 it says they are going to keep the chimney, and they  
2 are going to reuse the bricks, so we don't have to  
3 get into that perspective. So if you are going in  
4 that direction, I would make it clear that this is  
5 not an adaptive reuse.

6 We had this conversation before in  
7 another one, and it was a really silly conversation  
8 from my perspective because adaptive reuse is pretty  
9 much what it says it is, and this is not an adaptive  
10 reuse.

11 COMMISSIONER GRANA: I agree with that.

12 CHAIRMAN AIBEL: I thought an adaptive  
13 reuse, and I granted extra lot coverage in the other  
14 variances, so I am having difficulty understanding  
15 how we can just sort of, you know, give it up.

16 The public had an opportunity to  
17 comment, presumably may have felt the same way that  
18 I felt, and I would be in favor of allowing an  
19 amendment, recognizing that this is not adaptive  
20 reuse, recognizing, as I am sure everybody in the  
21 room understands that we value the chimney. We  
22 value the facade, and that ought to be part of an  
23 amendment to the plan. And I think I would be  
24 prepared to support that and avoid the -- cut the  
25 baby in half and avoid having you going back to the

1 beginning of time and start over.

2 We'll get you on and get you moving,  
3 but you will have to come and satisfy us that  
4 basically a knockdown of this building in exchange  
5 for the chimney and the facade and whatever other  
6 benefits you claim you are giving the community are  
7 sufficient to warrant the variances.

8 MR. MATULE: So that is coming back and  
9 re-presenting the matter to the Board?

10 CHAIRMAN AIBEL: Correct.

11 MR. MATULE: Okay. So that's --

12 CHAIRMAN AIBEL: That is as an  
13 amendment.

14 MR. MATULE: -- that is your position.

15 I am having a hard time distinguishing  
16 between that and revoking the approvals and letting  
17 us go back to square one.

18 CHAIRMAN AIBEL: Well, I think I am  
19 trying to save you some time and legwork.

20 MR. MATULE: I appreciate the fact you  
21 are trying to do that, but I am just not  
22 understanding how you are doing that.

23 MS. BANYRA: I think one of the  
24 other -- Mr. Matule, one of the conversations that  
25 came up I think two meetings ago was: What are you

1       actually here for, and it was to discuss a  
2       condition.

3                   I know what your notice said.  However,  
4       the original application came because it was  
5       referred to us by the zoning officer about a  
6       condition --

7                   MR. MATULE:  Right, exactly.

8                   MS. BANYRA:  -- so I think going into,  
9       you know, it's really dealing with that condition.

10                  MR. MATULE:  I am here for two things.  
11       Is the condition satisfied or violated, if you will,  
12       and if it has been violated, we are asking that it  
13       be amended to allow us to go forward.  That is what  
14       my notice says.

15                  MS. BANYRA:  No.  I know that is what  
16       your notice said.  I don't know that that was the  
17       original referral from the Zoning Board, and we  
18       raised it, and I think I actually raised it with Mr.  
19       Galvin last time saying what are we actually doing  
20       tonight, because the application -- is it a revision  
21       to the application?  Are we approving a revision  
22       because we have not really done that.

23                  Or what we were mostly doing was  
24       reviewing transcripts of a previous hearing and  
25       taking some clarification from Mr. Minervini on what

1 was testified to. We weren't going to be taking new  
2 testimony. We're not going to be doing new things  
3 per se, so I understood it as --

4 MR. MATULE: I understand --

5 MS. BANYRA: -- just kind of narrowing  
6 going through that.

7 MR. MATULE: -- if I may read from  
8 Ms. Holtzman's letter, in her last paragraph she  
9 says: "Taking all of this into consideration, I am  
10 referring this project back to the Zoning Board for  
11 them to review and either confirm or revise their  
12 approval based on the existing condition."

13 So I think that is what we are here  
14 for.

15 MS. BANYRA: I think we had this  
16 conversation previously with Mr. Galvin and myself  
17 as to actually what this application was.

18 You know, I don't have that transcript  
19 in front of me, Mr. Matule, but that is what I  
20 understood. I heard what you read in your notice  
21 tonight, but that is not what I understood.

22 I understand what Ms. Holtzman said as  
23 well, and I think the Board has to just decide which  
24 direction to go with that.

25 CHAIRMAN AIBEL: I am not inclined to

1 overlook Condition 15. I think that would -- in my  
2 view, that is not appropriate, so however that can  
3 be articulated in a motion, I would make it, and it  
4 could get voted up or down.

5 COMMISSIONER BRANCIFORTE: I am not  
6 going to take a second swing at this motion, so I am  
7 leaving it to somebody else to get voted up or down.

8 This is quite the curve ball to try to  
9 hit here, and I am not going to even try.

10 CHAIRMAN AIBEL: I will make a motion  
11 to affirm the resolution, whatever the date is.

12 Is there a date?

13 March 18th?

14 (Board members confer.)

15 CHAIRMAN AIBEL: I'll make a motion to  
16 affirm the resolution, dated February 18th --

17 VICE CHAIR GREENE: It's March 18th.

18 CHAIRMAN AIBEL: -- it was approved  
19 February 18th, and adopted March 18th, 2014, with  
20 the conditions that -- and all of the other  
21 provisions that exist.

22 Is anybody prepared to second it or  
23 modify it?

24 COMMISSIONER GRANA: What are the  
25 implications of that motion?

1                   CHAIRMAN AIBEL: At this point Mr.  
2 Matule hasn't suggested that it's anything other  
3 than start over.

4                   VICE CHAIR GREENE: Am I correct in  
5 saying that you won't accept an amendment striking  
6 the sentence, including adaptive reuse?

7                   CHAIRMAN AIBEL: Correct.

8                   I think we either maintain the  
9 resolution as is or eliminate the condition.

10                  If you keep the condition, I don't  
11 think the construction can proceed, and the  
12 applicant would have to pursue whatever rights he  
13 has, whether that is filing a new application,  
14 coming in for some other relief to the Board, going  
15 to court.

16                  If you eliminate it, I guess without  
17 any other -- without any further adieu, they  
18 continue their project. That is the way I see it.

19                  MS. BANYRA: Chairman Aibel, you did  
20 suggest also that there could be an amended  
21 application. Is that still on the table then, too?  
22 Because I didn't hear that.

23                  CHAIRMAN AIBEL: Well, I threw that  
24 out, but Mr. Matule wasn't interested, so right now  
25 we are up or down.

1                   VICE CHAIR GREENE: It sounds like a  
2 motion without a second.

3                   CHAIRMAN AIBEL: Anybody want to second  
4 it?

5                   COMMISSIONER FISHER: Or give other  
6 color?

7                   CHAIRMAN AIBEL: I can't remember being  
8 deadlocked.

9                   Do you have anything you can add,  
10 Antonio?

11                  COMMISSIONER GRANA: Hum, no. I mean,  
12 we are between two things, which is to either let it  
13 go or not let it go.

14                  COMMISSIONER FISHER: That's the thing,  
15 right?

16                  COMMISSIONER GRANA: So let 15 go or  
17 not let it go.

18                  COMMISSIONER FISHER: Well, maybe said  
19 differently --

20                  COMMISSIONER GRANA: We haven't hit the  
21 middle road yet.

22                  COMMISSIONER DE GRIM: But if you let  
23 it go, then you can't let it be an adaptive reuse.

24                  COMMISSIONER FISHER: Said differently,  
25 you are solving for letting them move forward --

1 COMMISSIONER GRANA: Right.

2 COMMISSIONER FISHER: -- or not.

3 VICE CHAIR GREENE: Right.

4 COMMISSIONER FISHER: So if you start  
5 with the "Do you want to move forward or not," then  
6 you can tailor language around it, so maybe that is  
7 a better starting point. If you are -- we can come  
8 up with a motion around generally if you are okay  
9 moving forward or not.

10 VICE CHAIR GREENE: I mean, to me, the  
11 critical issue hangs on the term "adaptive reuse"  
12 that we used in the resolution, but really was not a  
13 critical element in the testimony.

14 I mean, throughout the testimony, they  
15 talked about replacing timber with steel, with  
16 redoing the floors, taking the back wall down to  
17 bring the building in, and with the exception of the  
18 chimney, which is going to stay, I don't think this  
19 ever was going to be an adaptive reuse.

20 This was not going to be a building  
21 that was an industrial building that is now going to  
22 be a residential building.

23 It was a lot that contained an  
24 industrial building, and now it is going to be a lot  
25 that contains a residential building that retains

1       some elements of the industrial building that was  
2       there, in my view.

3                   COMMISSIONER GRANA:  I actually agree  
4       with that.

5                   I think that the struggle here is that  
6       we put that condition in, and we put 57 percent of  
7       the building, and nobody raised a flag and said, you  
8       know, that is actually not what is going to occur.

9                   When I read the testimony, I read the  
10      testimony there is a lot of language about reusing  
11      the industrial structure, but the technical  
12      specifics in that testimony really had to do about  
13      saving walls and replacing inners.  Nobody raised  
14      the flag when Condition 15 came up.  That is the  
15      problem --

16                   COMMISSIONER FISHER:  Well, --

17                   COMMISSIONER GRANA:  -- that's the way  
18      I see it.  No one raised the flag.

19                   COMMISSIONER FISHER:  -- right, but  
20      that is what we are interpreting.  So there is  
21      however number of conditions, and you guys both  
22      basically just said the same thing, which is  
23      Condition 15 maybe doesn't have as much weight  
24      individually versus the aggregate of all of the  
25      conditions --

1                   VICE CHAIR GREENE: Well, I don't think  
2                   it really reflects the testimony. However, having  
3                   said that, some folks who voted for it relied on  
4                   that in order to grant the extra lot coverage, so  
5                   that is the catch.

6                   COMMISSIONER GRANA: That's true --

7                   CHAIRMAN AIBEL: Mr. DeFusco said --

8                   COMMISSIONER GRANA: -- Mr. DeFusco --

9                   CHAIRMAN AIBEL: -- I think this is a  
10                  beautiful adaptive reuse of the building.

11                  Mr. Greene said: I think this is an  
12                  interesting adaptive reuse.

13                  Then Mr. Galvin laid out the  
14                  conditions. This approval is for an adaptive reuse.

15                  I am just having trouble, you know,  
16                  overlooking the direct testimony, and maybe I was  
17                  foolish in not seeing what was being sought. But at  
18                  the end of the day, I granted an adaptive reuse, and  
19                  this was not it. Keeping two sides walls buried in  
20                  new construction is not an adaptive reuse, so that  
21                  is my problem right now.

22                  I don't know if anybody else disagrees.  
23                  Let's just move on, but let's get a motion up and --

24                  COMMISSIONER FISHER: Yeah. Well, but  
25                  that's important, and it sounds like you guys are

1 slightly off.

2 John, I'm just trying to move this  
3 along. So, John, do you have a view that is similar  
4 to Chairman Aibel's or the other two Commissioners?

5 COMMISSIONER BRANCIFORTE: I agree with  
6 Jim. I do.

7 Unfortunately, I think we made the  
8 mistake of never putting Mr. Minervini on the spot  
9 and asking him directly straight out, "Is this an  
10 adaptive reuse."

11 I am not sure if it was asked. I mean,  
12 somebody can point it out to me, but maybe that is  
13 on us, but --

14 CHAIRMAN AIBEL: I disagree with you  
15 there, John. We wrote it very clearly in the  
16 resolution, so I think that conveyed our intent.

17 COMMISSIONER BRANCIFORTE: Well, Mr.  
18 Minervini and Mr. Matule at any time could have  
19 stood up and said, Wait a second, guys, this isn't  
20 an adaptive reuse. We are not calling it that.

21 We gave them a chance, you know. We  
22 threw it out there, and they never disagreed that it  
23 wasn't, so on that they have to take some  
24 responsibility also.

25 So I don't disagree with you, Jim. I

1 think we were making the assumption it was going to  
2 be one, and I was under the assumption that the  
3 interior walls were going to remain. I knew the  
4 floors were going to come down, but I thought some  
5 of the walls would remain and some of the brick  
6 interior would remain, so --

7 MR. MATULE: With your permission, I  
8 think it is very important if we could have Mr.  
9 Minervini just say what his --

10 MR. GLEASON: The Board is in  
11 deliberations --

12 MR. MATULE: -- understanding of an  
13 adaptive reuse is, because we are throwing a word  
14 around, which I think we haven't defined, and I  
15 think that's one of the problems --

16 COMMISSIONER BRANCIFORTE: This is the  
17 same discussion we had with Jeff White's building on  
18 First Street, what adaptive reuse is. You tried at  
19 that point to --

20 MR. MATULE: Well, the American  
21 Institute of Architects defines --

22 COMMISSIONER BRANCIFORTE: -- put in  
23 evidence from Wikipedia, so we're not going to go  
24 back. I don't want to open up testimony.

25 I mean, that is not up to me. That's

1 up to the Chair and the rest of the Board. I'm  
2 sorry.

3 CHAIRMAN AIBEL: I agree. We are in  
4 deliberations. Let's try to get to the conclusion.

5 COMMISSIONER GRANA: So I agree with  
6 the Chairman, too.

7 I think there is confusion on both  
8 sides. I tend to agree with the Chairman, and I  
9 hate to lose what we have.

10 COMMISSIONER BRANCIFORTE: Well,  
11 honestly, I agree with Jim so much, it is hard to  
12 disagree with him at times because he makes so much  
13 sense, so I see his point, and I hate to disagree  
14 with him on it.

15 COMMISSIONER GRANA: I am going to  
16 second the motion.

17 COMMISSIONER BRANCIFORTE: Which motion  
18 was that?

19 COMMISSIONER MURPHY: Which motion?

20 VICE CHAIR GREENE: To let it stand.

21 MS. CARCONE: To affirm the resolution,  
22 dated 3/18/14, with conditions that exist --

23 MS. BANYRA: Can you speak up, Pat?

24 MS. CARCONE: I'm sorry. To affirm the  
25 resolution, dated 3/18/14, with conditions that

1 exist.

2 CHAIRMAN AIBEL: Correct.

3 Okay. Do we have a second?

4 We have a second.

5 COMMISSIONER GRANA: I seconded it.

6 CHAIRMAN AIBEL: Okay. Let's call the  
7 roll.

8 MS. CARCONE: Commissioner Greene?

9 VICE CHAIR GREENE: No.

10 MS. CARCONE: Commissioner Grana?

11 COMMISSIONER GRANA: Yes.

12 MS. CARCONE: Commissioner Murphy?

13 COMMISSIONER MURPHY: No.

14 MS. CARCONE: Commissioner Branciforte?

15 COMMISSIONER BRANCIFORTE: No.

16 MS. CARCONE: Commissioner Fisher?

17 VICE CHAIR GREENE: She can't vote.

18 COMMISSIONER FISHER: I'm not voting.

19 Just those five.

20 MS. CARCONE: Oh, I'm sorry.

21 Commissioner Aibel?

22 CHAIRMAN AIBEL: Yes.

23 Then nos have it.

24 COMMISSIONER FISHER: So what do they

25 have?

1                   CHAIRMAN AIBEL: We eliminated the  
2                   condition, so --

3                   VICE CHAIR GREENE: No.

4                   (Everyone talking at once.)

5                   COMMISSIONER BRANCIFORTE: All we have  
6                   done is --

7                   VICE CHAIR GREENE: -- we just need --

8                   COMMISSIONER FISHER: So we've agreed --

9                   COMMISSIONER BRANCIFORTE: -- that we  
10                  need to adopt some kind of amendment to the  
11                  resolution --

12                  MR. MATULE: Counselor, I think someone  
13                  would have to make an affirmative motion.

14                  MR. GLEASON: Yes. Now we need a new  
15                  motion that will be --

16                  CHAIRMAN AIBEL: To eliminate  
17                  conditions --

18                  COMMISSIONER GRANA: Making a motion to  
19                  eliminate --

20                  COMMISSIONER MURPHY: Oh --

21                  COMMISSIONER BRANCIFORTE: Can we just  
22                  amend Condition 15, rather than eliminate it  
23                  completely?

24                  VICE CHAIR GREENE: No, I don't want to  
25                  eliminate it completely --

1                   COMMISSIONER FISHER: Just remove that  
2                   reference to adaptive reuse --

3                   VICE CHAIR GREENE: That is my motion.

4                   COMMISSIONER FISHER: So his motion is  
5                   to eliminate adaptive reuse from Condition 15.

6                   COMMISSIONER GRANA: Okay. That is the  
7                   motion. It needs a second.

8                   CHAIRMAN AIBEL: It needs a second.

9                   COMMISSIONER BRANCIFORTE: Second.

10                  MS. CARCONE: Commissioner Greene?

11                  VICE CHAIR GREENE: Yes.

12                  MS. CARCONE: Commissioner Grana?

13                  COMMISSIONER GRANA: No.

14                  MS. CARCONE: Commissioner Murphy?

15                  COMMISSIONER MURPHY: No.

16                  MS. CARCONE: Commissioner Branciforte?

17                  COMMISSIONER BRANCIFORTE: Yes.

18                  MS. CARCONE: Commissioner Aibel?

19                  CHAIRMAN AIBEL: No.

20                  So where does that leave us?

21                  COMMISSIONER GRANA: That leaves us  
22                  nowhere.

23                  (Everyone talking at once.)

24                  COMMISSIONER FISHER: Let's revisit  
25                  what would you like to see -- how -- are you saying

1 remove it altogether?

2 VICE CHAIR GREENE: No. If that motion  
3 fails, then doesn't the resolution stay the way it  
4 is, and essentially -- no decision is made --

5 COMMISSIONER FISHER: But, Antonio,  
6 what are you saying that -- how should it be  
7 amended? Do you want to just remove it altogether?  
8 He voted -- he voted --

9 CHAIRMAN AIBEL: No. He voted  
10 consistently --

11 COMMISSIONER GRANA: I voted yes and  
12 no.

13 COMMISSIONER FISHER: Got it. Okay.

14 COMMISSIONER GRANA: That's how I  
15 voted. I voted yes and no.

16 (Everyone talking at once.)

17 COMMISSIONER FISHER: Sorry, my  
18 apologies.

19 COMMISSIONER MURPHY: And it might be  
20 because maybe I was confused on your first motion.  
21 Well, I mean -- don't laugh, because I thought that  
22 you were -- I don't know what I'm thinking any  
23 more -- I think you were saying that we -- to get  
24 rid of that resolution basically.

25 CHAIRMAN AIBEL: No. I meant the

1 opposite, so you may have --

2 COMMISSIONER MURPHY: To keep it?

3 The second motion was to modify it, so  
4 it didn't say --

5 MR. GLEASON: The first motion was a  
6 motion to retain the Condition 15 as it was, no  
7 changes.

8 COMMISSIONER MURPHY: The second motion  
9 was a motion to modify it, so it didn't say adaptive  
10 reuse.

11 MR. GLEASON: So the first motion was a  
12 motion to retain Condition 15 as it was, no changes.

13 The second was a motion to modify  
14 Condition 15 only to remove the first sentence  
15 saying that this was an adaptive reuse.

16 COMMISSIONER MURPHY: So when -- back  
17 to what Commissioner Greene was saying before, where  
18 are we on this 50 percent, and that is where I am  
19 unclear in terms of what you were saying to keep  
20 that -- are we at 50 percent of saving or are we not  
21 at 50 percent of saving the building?

22 VICE CHAIR GREENE: I was following Ms.  
23 Banyra's recommendation and not addressing it.

24 COMMISSIONER GRANA: In other words, by  
25 not addressing it, they need to meet the other

1 conditions, which is save the walls, save the  
2 chimney, save the bricks and proceed.

3 That is what I think your condition  
4 means. It means proceed --

5 VICE CHAIR GREENE: Yeah,  
6 essentially --

7 COMMISSIONER GRANA: -- proceed with  
8 everything else.

9 VICE CHAIR GREENE: Correct.

10 COMMISSIONER BRANCIFORTE: This is  
11 basically what I understood.

12 That everything that is there now  
13 stays. No more walls come down. The chimney stays  
14 up. The facade gets rebuilt, like you said, and we  
15 allow the project to go on.

16 VICE CHAIR GREENE: Well, I think at  
17 the end of the day, isn't that the question?

18 You know, it is not to be or not to be.  
19 It's: Is it to be or not to be. That is the  
20 question.

21 (Laughter)

22 COMMISSIONER GRANA: So if you vote yes  
23 on that, that is what we are saying, proceed.

24 COMMISSIONER FISHER: Proceed with all  
25 of the other conditions. The second one is proceed

1 with all of the other ones.

2 COMMISSIONER BRANCIFORTE: We could  
3 have a new motion that is much more specific and  
4 addresses the questions.

5 CHAIRMAN AIBEL: Maybe I am being  
6 simplistic here, Diane, but what I intend by saying  
7 we have to maintain -- I am moving to maintain the  
8 resolution as is, including resolution number 15 --  
9 Condition Number 15. Their obligation is to build a  
10 building that is an adaptive reuse and not to  
11 demolish more than 50 percent of that building.

12 That cannot happen because it has  
13 basically been -- that condition has failed, so they  
14 can't comply with the resolution. They need to come  
15 back to the Board. That is what my intention and  
16 understanding is.

17 COMMISSIONER MURPHY: Okay. Then if I  
18 could amend my vote, that would be a yes because --

19 CHAIRMAN AIBEL: That is what you  
20 intended.

21 COMMISSIONER MURPHY: Yes.

22 MR. GLEASON: So we will do another  
23 motion, another vote.

24 CHAIRMAN AIBEL: Mr. Grana?

25 CHAIRMAN AIBEL: I guess it was my

1 motion.

2 COMMISSIONER GRANA: It was your  
3 motion.

4 CHAIRMAN AIBEL: Pat, what was the  
5 original motion?

6 MS. CARCONE: To affirm the resolution,  
7 dated March 18th, 2014, with conditions that exist.

8 COMMISSIONER GRANA: Second the motion.

9 CHAIRMAN AIBEL: Okay. Let's take  
10 another vote.

11 MS. CARCONE: Okay.

12 Commissioner Greene?

13 VICE CHAIR GREENE: No.

14 MS. CARCONE: Commissioner Grana?

15 COMMISSIONER GRANA: Yes.

16 MS. CARCONE: Commissioner Murphy?

17 COMMISSIONER MURPHY: Yes.

18 MS. CARCONE: Commissioner Branciforte?

19 COMMISSIONER BRANCIFORTE: No.

20 MS. CARCONE: Commissioner Aibel?

21 CHAIRMAN AIBEL: Yes.

22 Thank you, gentlemen.

23 MS. CARCONE: So three to two.

24 CHAIRMAN AIBEL: Thanks, everybody, for  
25 watching democracy in action.

1                   Have a good evening, everybody.

2                   VICE CHAIR GREENE: We are going to  
3                   take a five-minute break before we hear 1420 Willow.

4                   (The matter concluded at 8:30 p.m.)

5                   (Recess taken)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

-----

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300  
 Notary Public of the State of New Jersey  
 My commission expires 11/5/2015.  
 Dated: 8/20/15  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

----- X  
RE: 1420 Willow Avenue : REGULAR MEETING  
APPLICANT: 1420 Willow Hoboken, LLC :August 18, 2015  
Preliminary & Final Site Plan Review :Tuesday 8:44 p.m.  
C & D Variances :  
----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel (recused)
- Acting Chair Elliot H. Greene
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Frank DeGrim

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

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

PHYLLIS T. LEWIS  
CERTIFIED COURT REPORTER  
CERTIFIED REALTIME COURT REPORTER  
Phone: (732) 735-4522

## 1           A P P E A R A N C E S:

2                   LAW OFFICE OF DENNIS M. GALVIN  
3                   730 Brewers Bridge Road  
4                   Jackson, New Jersey 08527  
5                   (732) 364-3011  
6                   BY: STEVEN M. GLEASON, ESQ.  
7                   Attorneys for the Board.

8                   GREENBAUM, ROWE, SMITH & DAVIS, LLP  
9                   99 Wood Avenue South  
10                  Iselin, New Jersey 08830-2712  
11                  BY: MERYL A.G. GONCHAR, ESQ.  
12                  (732) 549-5600  
13                  Attorneys for the Applicant.

14

15

16

17

18

19

20

21

22

23

24

25

## I N D E X

1

2

3

WITNESS

PAGE

4

5

LAWRENCE BIJOU

95

6

MATT TESTA

109

7

LUCAS KOVALCIK

175

8

9

## E X H I B I T S

10

11

EXHIBIT NO.

DESCRIPTION

PAGE

12

13

A-1

Packet of Slides

110

14

A-2

LEED Core &amp; Shell Checklist

111

15

A-3

Presentation slides

120

16

17

18

19

20

21

22

23

24

25

1                   ACTING CHAIRMAN GREENE: It is now  
2                   8:44. We are back in session.

3                   This application is 1420 Willow Avenue,  
4                   Block 123, Lots 7, 8, 9, 10, 11 12, and 14. I don't  
5                   know what happened to 13.

6                   (Laughter)

7                   Ms. Gonchar?

8                   MS. GONCHAR: Good evening.

9                   Meryl Gonchar with the firm of  
10                  Greenbaum, Rowe, Smith & Davis, and I am  
11                  representing the applicant, 1420 Willow Hoboken,  
12                  LLC.

13                 This evening we are seeking preliminary  
14                 and final major site plan approval, together with  
15                 use variances to permit the property to be used for  
16                 commercial recreation, commercial uses and retail.

17                 There is on the site now existing  
18                 vacant industrial buildings, which we propose to  
19                 modify, including increasing the height of those  
20                 buildings and using them for the uses I have  
21                 identified.

22                 We are in an I-1 Industrial Zone, and  
23                 retail uses are not permitted, nor are commercial or  
24                 commercial recreation.

25                 When we say commercial is one of the

1 uses we are seeking and we describe the building  
2 that we are proposing to work on, office is a  
3 permitted use. And while that may be one of the  
4 uses that might be used in the building, we are  
5 seeking the broadest possible category of use by  
6 calling it commercial, so that we can keep our  
7 options open.

8 Presently there are 27,357 square feet,  
9 and when we are done, we will have over 45,000  
10 square feet, of which approximately 16,000 is  
11 proposed to be used for a rock climbing gym, and the  
12 others, as I indicated -- the rest of the square  
13 footage would be for retail use, fronting on Willow  
14 Avenue and other commercial uses, which might  
15 include office filling the second and third floors  
16 of the building that fronts on Willow.

17 We are also seeking a number of C  
18 variances, in addition to the D-1 variances that I  
19 have identified, including some, which are existing  
20 conditions, and some, which are conditions that are  
21 being created.

22 The lot widths are not complying on any  
23 of the streets we front on, which are Willow Avenue,  
24 Clinton Street and 15th Street.

25 We are also -- we exceed lot coverage.

1       There is a hundred percent coverage now, which we  
2       seek to maintain, while a total of 75 percent is  
3       permitted in the zone for industrial uses, which, of  
4       course, we are not seeking.

5               We are also seeking variances with  
6       regard to setbacks. The size of the loading area,  
7       we do have one, but it does not meet the code  
8       requirement in terms of the dimensions.

9               Finally, we are seeking a variance with  
10      regard to parking. We are not proposing to provide  
11      parking. There is no parking there to serve the  
12      existing buildings on the site, and we are seeking a  
13      variance in that regard.

14              We have a number of witness this  
15      evening: Larry Bijou from the applicant; Matt  
16      Testa, the Director of Construction for Bijou; Larry  
17      Kovalcik from The Gravity Indoor Rock Gyms, who is a  
18      perspective tenant, who would operate the rock  
19      climbing gym; Dean Marchetto who is our architect.

20              We also have Charlie Miller who will  
21      speak to the green roof and the stormwater on the  
22      project.

23              Grant Lewis, our civil engineer, and  
24      Gary Dean, our engineer, who will deal with traffic  
25      and parking, and finally Ed Kolling, who is our

1 planner. It is probably a little optimistic to  
2 think we will get through all of those this evening.

3 We have submitted our affidavit of  
4 proof of service and publication and would ask that  
5 Board counsel acknowledges receipt and review it,  
6 and that jurisdiction is properly before the Board.

7 MR. GLEASON: We received the notice,  
8 and we reviewed it, and jurisdiction is proper, and  
9 the Board has jurisdiction to proceed tonight.

10 MS. GONCHAR: Thank you.

11 Finally, we have received a review  
12 letter from Jeff Marsden from H2M. The most recent  
13 one we have is August 11th, 2015, and we also have a  
14 memorandum from your planner, most recently August  
15 14th, 2015, and it is our hope that we will deal  
16 with most, if not all of the issues raised in those  
17 or comments raised in those letters by our  
18 affirmative testimony, and certainly we will go  
19 through whatever your consultants think is  
20 necessary, if we have not covered something that the  
21 Board wishes to discuss with us.

22 Unless the Board has anything from me,  
23 I would like to call Larry Bijou first and have him  
24 sworn.

25 ACTING CHAIRMAN GREENE: Sure.

1                   Just one moment.

2                   (Board members confer)

3                   MS. BANYRA: So as was indicated by  
4                   counsel, I spoke with her earlier this evening,  
5                   there are a number of, I'm going to say,  
6                   inaccuracies in my report, and I apologize for that,  
7                   and I will be issuing a revised report for the next  
8                   meeting, if we don't finish it.

9                   And if we do get to a point, where the  
10                  planner is going to be testifying, and there is a  
11                  point that I should be weighing in specifically  
12                  relative to the number of use variances, I spoke  
13                  with Ms. Gonchar about it and indicated that while  
14                  my report indicates there is one use variance,  
15                  there's one for each that is not permitted. They  
16                  appropriately noticed, as they indicated, for  
17                  commercial. Commercial includes retail and office.

18                  If they have office uses, that would be  
19                  permitted in the zone. Retail is not permitted.  
20                  But as it stands and pursuant to her notice, they  
21                  have three use variances relative to this  
22                  application.

23                  Again, I apologize. There are some  
24                  inaccuracies in my report, and should we get that  
25                  far, I will go through that with the Board.

1 Thank you.

2 ACTING CHAIRMAN GREENE: Thank you.

3 MS. GONCHAR: And for the record, I  
4 have forgiven her.

5 ACTING CHAIRMAN GREENE: That is good  
6 to know.

7 (Laughter)

8 MS. GONCHAR: Larry?

9 MR. GLEASON: Could you raise your  
10 right hand?

11 Do you swear or affirm that the  
12 testimony you are about to give is the truth, the  
13 whole truth, and nothing but the truth?

14 MR. BIJOU: I do.

15 L A W R E N C E B I J O U, having been duly sworn,  
16 testified as follows:

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

19 THE WITNESS: Lawrence Bijou,  
20 B-i-j-o-u.

21 MR. GLEASON: Okay. Thank you.

22 MS. GONCHAR: Larry, briefly could you  
23 just remind the Board of some of the things that you  
24 developed in Hoboken, and in particular, some of the  
25 other commercial development that you have done?

1                   THE WITNESS: Well, I was going to  
2 chime in before. I have done adaptive reuse.

3                   (Laughter)

4                   Luckily that is not the case.

5                   It's one of my -- one aspect of the  
6 business that I really enjoy, and I renovated and  
7 restored the Hostess Cupcake building. That was an  
8 adaptive reuse, and we changed that to a 42,000  
9 square foot retail building.

10                  We saved all of the brick, took it all  
11 out, repointed it, put it back in. We put a green  
12 roof on top of that building, a 20,000 square foot  
13 roof. The site is 20,000 square feet.

14                  So the windows, we kept most of the  
15 window lines, the existing ones, and some we had to  
16 change.

17                  We had to make some changes in terms of  
18 like backyard stairwells for exits and fire exits,  
19 but that was in the back of the building, but the  
20 integrity of the entire building was adaptively  
21 reused. That was one.

22                  I then went on to do the Garden Street  
23 Lofts, which was formerly the desiccated --  
24 Philippine Desiccated Coconut building, and I found  
25 a -- I interviewed a number of architects from

1 Midtown Manhattan, shop architects. I had done a  
2 building similar to Garden Street Lofts called the  
3 Porter House, and it was an adaptive reuse. We  
4 restored an old warehouse, beautifully done  
5 warehouse. It was a strong warehouse, and it had  
6 good bones, as they say, and we were able to restore  
7 that, and then add a new addition that was stepped  
8 back from the street, and sort of like it was an  
9 inverted "L," and it was, you know, clad in zinc, so  
10 we added two floors on to that building. I got  
11 variances for all of this.

12 It had no parking, and neither did the  
13 Hostess building, in which case, you know, many  
14 years later, that's a thriving neighborhood now.

15 We have a school, we have the  
16 Montessori School. We have a physicians group in  
17 Garden Street Lofts. We have Chase Bank. We have  
18 CVS, and we have New York Sports, which occupies the  
19 entire second floor and the mezzanine, so it is a  
20 thriving building, and I have to tell you that  
21 nobody up until that time that building was rented  
22 out, not too many people crossed 14th Street unless  
23 you parked in my garage.

24 Sort of like Monopoly, so -- but I have  
25 been accused of that in that area, but, you know,

1       those are all areas that drew me -- that is what  
2       drew me to the area. You know, this was there  
3       for -- it wasn't there for the taking, but you could  
4       actually feel and see the need for something to  
5       happen in that part of town.

6                 So I have done other buildings. Right  
7       now we are doing 15th Street, 1426 Willow, which is  
8       the new Anthony Pino Restaurant that is going in.  
9       Again, we stripped the old building down, saved the  
10      old brick, restored it, and we're just finishing up  
11      on that, and we are putting new windows in that  
12      building, so it really looks like -- it really looks  
13      great. It is an old antique building. It was  
14      probably built in the thirties, but, you know, it is  
15      nice to have that, you know, save that building like  
16      that. We have six apartments. That is the only  
17      residential component on that block.

18                And then, you know, other than that, I  
19      can't remember, but I have done other buildings.

20                MS. GONCHAR: Larry, what is it that  
21      attracted you to this location, which is next to the  
22      one that you just described?

23                What is it about this building or this  
24      location that attracted you to make the revisions?

25                THE WITNESS: Well, I think if you are

1 going to be in the business of developing, you have  
2 to develop where there is nothing there. It was  
3 really -- it is pretty open, you know, country up  
4 there at the time. And, you know it is nice to  
5 have, you know, have the integrity of those  
6 buildings saved, and I don't think anybody would  
7 ever say that it doesn't fit in. It fits in  
8 completely actually.

9 MS. GONCHAR: All right.

10 And the site that we are discussing  
11 this evening on Willow and Clinton, the buildings  
12 that are there, do they have the same -- anything  
13 worth preserving in terms of the facades as they  
14 exist currently?

15 THE WITNESS: You mean 1420?

16 MS. GONCHAR: Yes.

17 THE WITNESS: Well, that is basically  
18 an old warehouse. It's gone through a lot of  
19 machinations. It's not really well built. It  
20 doesn't have a lot of curb appeal. It is really a  
21 one-story building and it covers 20,000 feet.

22 There is a corner that was redone ten  
23 years ago, so -- and but, you know, it is really not  
24 great construction, you know. So basically what you  
25 do have there, though, which is interesting, you

1       have a really strong foundation, so I would like to  
2       tell you about that project, if I can --

3                   MS. GONCHAR: Please.

4                   THE WITNESS: -- just a little bit.

5                   You know, I started to feel like a kid  
6       with this project. A lot of it wasn't planned. We  
7       bought it and couldn't figure out what to do with  
8       it. We didn't want to do residential. I wanted  
9       just to spare us all of the acrimony that goes along  
10      with that, especially with all of the variances.

11                  But I will say that we were lucky to  
12      have two tenants that came to us, and it is  
13      unbelievable. One is a rock -- one of the top rock  
14      climbing facilities probably in the northeast, and  
15      we really got behind this use because, you know, I  
16      knew very little about it. My son is a climber.  
17      But anybody in the climbing community knows this  
18      group, and we felt that that building could support,  
19      if we were able to raise the height of it, we could  
20      really develop a nice 15,000 foot use in the volume  
21      of the building, you know, for the climbing gym. So  
22      we had to go up -- one side of the building had to  
23      go up 15 feet, and the other one I think it had to  
24      go another -- how high is it going up on the south  
25      side?

1 MS. GONCHAR: It's going to end up  
2 being three stories on both sides.

3 THE WITNESS: Yeah. So, you know, you  
4 want to make the building so that it's symmetrical.

5 And we found out the other tenant we  
6 had was -- so we have Gravity Vault as one tenant,  
7 and the other tenant we had was West Elm Furniture.  
8 It is part of William Sonoma. They are taking  
9 10,000 feet.

10 So when we -- Matt will walk through  
11 all of the details, but we had some space, extra  
12 space in the middle, and we want to use that as --  
13 for commercial use. We have so many people who have  
14 come to us, you know, for all different kinds of  
15 uses, and none of them require parking. I don't  
16 believe in parking lots in urban areas. There is  
17 plenty of parking around there.

18 We just completed Park and Garden,  
19 which is the old 1415 Park Garage Site, and we have  
20 383 spaces. We have 212 apartments there, but we  
21 have -- we provide parking for the neighborhood, a  
22 brownstone community in that part of town, and we  
23 handle all the retail as well, so I am very happy  
24 with that.

25 You know, I never knew anything about

1 the parking business, but one of the best parts  
2 about parking is that people pull out and new people  
3 pull in, so nobody owns a parking space, and that is  
4 a great thing. So you can really accommodate maybe  
5 a 350 car garage or 180 car garage, where you could  
6 park 500 people in a day, so that is how that works,  
7 so that is quite interesting.

8           There is lots of parking coming on  
9 line, and there's a lot of parking in the  
10 neighborhood. Quite frankly, none of these tenants  
11 want to have special parking for themselves.

12           You know, that is very interesting,  
13 too, because it is sort of a C change, because, you  
14 know, you wouldn't get a major tenant coming in from  
15 the outside unless they had parking, and I started  
16 in the days when the bank wouldn't come into town  
17 unless they had, you know, a drive-in teller, and  
18 you know, you can't do that in an urban area.

19           So right now what you are seeing is  
20 these companies are really, instead of going to the  
21 burgs, they are coming into areas like Hudson  
22 County, and I think that is a real change, and I am  
23 really happy to see that, and they are not doing it  
24 in a big way.

25           So, you know, West Elm, I think there

1 is a lot of young people moving into the area, and  
2 that is a great store. And Gravity Vault is a great  
3 use for the city itself, and I think all of the  
4 young people, you know, it gives them something, you  
5 know, something else to do besides play basketball.  
6 They were going to go bowling, but you know, that  
7 didn't happen.

8 (Laughter)

9 So with that, I'll -- do you have any  
10 further questions?

11 MS. GONCHAR: No. Unless the Board has  
12 questions of you about this.

13 ACTING CHAIRMAN GREENE: Just the West  
14 Elm is going to be in the Willow section next --

15 THE WITNESS: Yeah. There is only 75  
16 feet --

17 ACTING CHAIRMAN GREENE: -- next to  
18 Bataglia's?

19 THE WITNESS: -- on Willow Avenue,  
20 facing Willow, and that is where their entrance is  
21 going to be.

22 ACTING CHAIRMAN GREENE: Where is  
23 their -- are they going to have a loading dock?

24 THE WITNESS: There is a loading dock.  
25 I am glad you mentioned that.

1                   They don't want -- this is not for  
2                   people to come in and pick, you know, this is not a  
3                   pick and pack place. This is for them. They are  
4                   not bringing in any big trucks. Everything is  
5                   brought in by UPS. That is how they restock. They  
6                   use panel trucks. It is just not a big truck. This  
7                   is not a -- this is a walk-in, walk-out. You can  
8                   carry most of the stuff. If they can't, you know,  
9                   UPS delivers it, or you find a way to carry it.

10                   ACTING CHAIRMAN GREENE: Okay.

11                   THE WITNESS: If you are familiar with  
12                   the product, you know, I could have the person who  
13                   is from West Elm, they are West Coast based, they  
14                   are a hip company, but they travel all over the  
15                   place. He couldn't make this meeting, but, you  
16                   know, I could get testimony on that concerning the  
17                   little trucks and --

18                   COMMISSIONER FISHER: But I mean, they  
19                   do have furniture, though, right?

20                   So at some point they build out the  
21                   store and change their inventory?

22                   THE WITNESS: Well, a lot of it,  
23                   Ms. Fisher, is that it is ordered. It is a lot of  
24                   it that is ordered.

25                   MS. GONCHAR: I think you mean the

1 floor models, what's in there.

2 COMMISSIONER FISHER: Yeah. Like the  
3 store itself is mostly furniture, so not for people  
4 to take home, but --

5 THE WITNESS: The thing I see is  
6 that --

7 MS. GONCHAR: To get it in there, the  
8 way you set up, like having a moving van that comes  
9 in --

10 THE WITNESS: -- you know, I have a  
11 building just south of there -- well, almost south  
12 of there, The Edge. I am not about to have tractor  
13 trailers coming down the street, so that was  
14 really -- I mean, I dealt with retailers, you know,  
15 a lot. I am not a retail developer, but I can tell  
16 you that it is very hard to get the right mix for  
17 retail in this town, and this is really a digression  
18 from the normal stuff, you know. I think it will  
19 really jazz up that area.

20 You know, we have the new restaurant  
21 going in there at, you know, 1426 next door. That  
22 is going to open up in the springtime. You know, I  
23 think it is going to be a great neighborhood, and it  
24 is also going to help, you know, Bataglia's next  
25 door, the furniture, and like, you know, two

1 lawyers -- give me two lawyers in the town to make  
2 any money, and you are going to need two furniture  
3 stores, so I think it is a good fit, and Brian  
4 supports that.

5 Then you have right on the other side  
6 of Bataglia's, you have Hertz, so it's basically  
7 that's -- it is a commercial section. There is no  
8 doubt about it.

9 And I think that, you know, it is  
10 almost too good to pass up I think for the town. I  
11 think it is going be a big shot in the arm for it.  
12 I am behind it. I wasn't at first, but you know, I  
13 saw the light.

14 You know, we are sponsors of the Bike  
15 Share Program, and I really believe in that, so I  
16 think that is going to take up traffic. We are only  
17 one square mile, and people are going to want to be  
18 here to use these facilities.

19 ACTING CHAIRMAN GREENE: Any questions,  
20 Board members?

21 Mr. Winters?

22 MR. WINTERS: No.

23 COMMISSIONER BRANCIFORTE: Well, I am  
24 going to ask you this question, but I'd also like to  
25 ask the architect later, okay? So we're going to

1 get two answers. They may be the same.

2 You mentioned that you have done  
3 adaptive reuse in the past, and from what I see  
4 already, the facade of this building on Willow  
5 Street is going to have to be redesigned.

6 THE WITNESS: Yes.

7 COMMISSIONER BRANCIFORTE: So are you  
8 going to consider this one of your adaptive reuse  
9 buildings?

10 THE WITNESS: No, absolutely not.

11 COMMISSIONER BRANCIFORTE: Absolutely  
12 not?

13 THE WITNESS: No.

14 ACTING CHAIRMAN GREENE: He said a  
15 conditional --

16 COMMISSIONER BRANCIFORTE: I just  
17 wanted to make sure that I had it clear.

18 (Laughter)

19 MS. GONCHAR: Really? After we sat  
20 through the last hearing?

21 THE WITNESS: Listen, I know what  
22 adaptive reuse is, okay, and this is not it.

23 COMMISSIONER BRANCIFORTE: Okay. That  
24 is fine. Then I won't have to ask the architect the  
25 same question.

1 I am fine.

2 No more questions.

3 Thanks.

4 ACTING CHAIRMAN GREENE: Antonio, do  
5 you have a question?

6 COMMISSIONER GRANA: No. I have no  
7 questions.

8 Thank you.

9 ACTING CHAIRMAN GREENE: Great.

10 Thank you.

11 Well, I guess we have to open it up to  
12 the public, right?

13 MR. GLEASON: Are you finished with  
14 your --

15 THE WITNESS: I am.

16 MR. GLEASON: Then, yes.

17 ACTING CHAIRMAN GREENE: Anybody from  
18 the public have questions of this witness?

19 COMMISSIONER GRANA: Seeing none,  
20 motion to close public portion.

21 COMMISSIONER DE GRIM: Second.

22 ACTING CHAIRMAN GREENE: All in favor?

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

25 MR. BIJOU: Thank you.

1                   ACTING CHAIRMAN GREENE: Thank you.

2                   MS. GONCHAR: What I would like to do,  
3 just so that you can follow, we have copies of the  
4 slides, and can we have one of these -- well, I  
5 guess we should -- let's swear Matt in, and then he  
6 can identify it and we will have that marked.

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

10                  MR. TESTA: I do.

11                  M A T T H E W   T E S T A, having been duly sworn,  
12 testified as follows:

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

15                  THE WITNESS: Sure.

16                  It's Matthew Testa, T-e-s-t-a.

17                  MS. GONCHAR: And can you just advise  
18 the Board before we identify that, with whom you are  
19 associated and your position with the company?

20                  THE WITNESS: Yes.

21                  I am with Bijou Properties,  
22 Construction Director. I manage the design and  
23 construction of all of our buildings.

24                  MS. GONCHAR: Okay.

25                  And can you just identify the packet

1 that we are going to ask to have marked as our first  
2 exhibit this evening?

3 THE WITNESS: Sure.

4 This is just a copy of slides that  
5 include some brand overview of our corporate  
6 branding, and also a couple of slides that have to  
7 do with the civil engineering, and some slides that  
8 have to do with one of our retail tenants, Gravity  
9 Vault, and that is what this is here.

10 MS. GONCHAR: Okay. If I may, I am  
11 going to mark this Exhibit 1-A with today's date.

12 MR. GLEASON: Sure.

13 ACTING CHAIRMAN GREENE: A-1.

14 MS. GONCHAR: A-1.

15 (Exhibit A-1 marked.)

16 I don't know if you have enough for  
17 everybody, but there should be enough.

18 Now, just so you know, there are slides  
19 in there that are going to be addressed by various  
20 witnesses. I assume calling them all A-1 is  
21 acceptable.

22 MR. GLEASON: Yes, sure.

23 MS. GONCHAR: And people can introduce  
24 them as they are sworn.

25 I will give it to them, so they can

1 mark it.

2 ACTING CHAIRMAN GREENE: All right.

3 Please proceed.

4 MS. GONCHAR: If I may, the second  
5 thing that Matt is going to address, this is the  
6 LEED Core & Shell Project Checklist, which he will  
7 address. Again, if I could mark this as Applicant's  
8 Exhibit 2, and again I apologize, we may not have  
9 enough for everybody, but at least you can take a  
10 look at this.

11 (Exhibit A-2 marked)

12 COMMISSIONER GRANA: Thank you.

13 MS. GONCHAR: Just as a matter of  
14 housekeeping, all of the plans, I don't remember  
15 what I was told the last time, all of the plans, the  
16 application packet do not need to be marked. Those  
17 are all part of the record by virtue of the  
18 submission?

19 MR. GLEASON: Yes. If it was presented  
20 to the Board earlier, it doesn't need to be marked  
21 in as an exhibit tonight unless there were any  
22 modifications, if you added color or anything to it.

23 MS. GONCHAR: Okay.

24 So the reports, the traffic, the letter  
25 and planning stuff, that's all in already?

1 MR. GLEASON: Yes, those are already  
2 in.

3 MS. GONCHAR: Okay. Terrific. Thank  
4 you.

5 Okay. Matt, why don't you start by  
6 describing, since you are first giving this type of  
7 information, just orient us to where the property is  
8 located and what is on the site presently.

9 THE WITNESS: Sure.

10 So my first slide is a photo that I  
11 took yesterday, so this is the northwest corner of  
12 Clinton and 15th Street. So as we see, it is an  
13 existing building that was previously used for  
14 industrial uses. It is situated between some of our  
15 previous projects, which were mixed-use, as well as  
16 a historic building -- not a historic building -- a  
17 residential building with retail below it, which  
18 Larry mentioned before, will have a restaurant soon.

19 It is bordered on the south side by  
20 Bataglia's Home Good Furniture, and on the other  
21 part of the block there is The Edge Lofts, where you  
22 see on the right-hand side of the slide, which was a  
23 mixed-use project we completed in 2013, and behind  
24 that to the east is the Hertz Rent A Car.

25 So this slide kind of tells us a lot, I

1 think. It shows in the distance kind of what is  
2 going on with 1415 Park, one of our latest projects.

3 It shows for a new restaurant, where  
4 six tenants are currently living in an older  
5 building on the corner, and it shows The Edge Lofts  
6 to the right.

7 So this is kind of a special project  
8 because it is different in many ways from what we  
9 have been doing, and I think that a lot of  
10 developers have been doing as of late.

11 Our core goals are always to include a  
12 sustainable living component, refined detail  
13 component, and to always keep the Hoboken involved  
14 in anything that we do.

15 So just to go back to kind of take a  
16 look at what we've done in the past, Larry mentioned  
17 that Garden Street Lofts was a quasi-adaptive reuse,  
18 where there was an old component to an old structure  
19 and new components of a new structure come together  
20 for a very interesting modern building that was  
21 completed back in 2009, a multi-family mixed-use  
22 with some good retail components there.

23 The Edge Lofts was completed in 2013,  
24 as I said previously, another mixed-use with some  
25 interesting retail, a cooking school and a

1 children's performing arts theater. Both of these  
2 projects are within three blocks or so from the  
3 project we are talking about tonight.

4 Two new ones, so the one on the right,  
5 Park and Garden, just opened up about six weeks ago,  
6 so another mixed-use high-rise, a lot of cool things  
7 going on there that I am sure everybody knows about.  
8 It is pretty brand new.

9 Then on the left-hand side is a  
10 rendering of The Vine, which is in the back of town  
11 a little bit away from this neighborhood, but a  
12 similar stature, high-rise, another LEED project,  
13 and once again, a mixed use.

14 To take a look at, you know, a map of  
15 the northwest of Hoboken, you know, our goal is to  
16 kind of build neighborhoods.

17 So as you see, our focus continued to  
18 be for the last 12 or so years to kind of work on  
19 this northwest and kind of revitalize it, the Garden  
20 Street Lofts, The Edge Lofts, Park and Garden and  
21 now 1420 situated in the same area. The cool thing  
22 about this project is there is no residential.

23 It is a strategic move of ours to try  
24 to figure out a way to take this corner and pump  
25 some life into it and continue our brand, bring

1 something that has athletic use, retail use. It has  
2 a really nice feel to it already, and we think that  
3 by bringing in these tenants and doing what we are  
4 going to do to the outside of the building as far as  
5 design, it would be a great anchor for this  
6 neighborhood that is already starting to become one  
7 of the coolest neighborhoods of Hoboken.

8 So before I get into architecture with  
9 Dean, I would just like to talk really quick about  
10 our sustainability initiatives with the project.

11 So for this project we are going to use  
12 the LEED Core & Shell Program, which is something  
13 new for us. LEED Core & Shell is unique in the fact  
14 that it sets guidelines for us to do improvements to  
15 the building as the landlord, but also give  
16 guidelines to the tenants, so when they do their  
17 fit-out separately, they have to follow suit, and it  
18 is interesting because of the fact that not only are  
19 we going to do a lot of things to put a new  
20 infrastructure in the building to create a high  
21 performance core and shell, but we are also going to  
22 follow through with all of our tenants to assure  
23 that they abide by all of these different  
24 performance standards.

25 This is a way that a property like this

1 we can get in, we can do what we need to do to get  
2 the landlord work complete, get the core and shell  
3 where it needs to be, so that the tenants can come  
4 in seamlessly, do their fit-outs and continue with  
5 all the sustainable design attributes that we set  
6 forth now.

7 So I passed out that LEED matrix, and  
8 there is nothing that is too much out of the realm  
9 of what you already kind of learned from LEED.

10 It has your same four principles of  
11 sustainable sites, which we all know being in  
12 Hoboken, you kind of get a lot of those points as a  
13 given because of your location to public  
14 transportation and all sorts of other offerings that  
15 a city has to offer.

16 Water efficiency, energy and  
17 atmosphere, which has to do with the energy use of  
18 the building. Materials and resources, which takes  
19 into consideration materials that could be used that  
20 will not pose any sort of indoor air quality issues  
21 and also, you know, virgins us to reuse materials as  
22 opposed to new materials.

23 Indoor environmental quality, once  
24 again, talks about making sure that the indoor air  
25 is as clean as possible, and then innovation design

1 process credits, which are also creative credits you  
2 can get for doing things to educate the tenants and  
3 all of the customers about why we made certain  
4 decisions on the project for design construction.

5 So if there are no questions, I would  
6 like to bring the architect up to talk about the  
7 design of the building.

8 ACTING CHAIRMAN GREENE: Do we have any  
9 questions, Board members?

10 Let's open it up to the public.

11 Does anybody from the public have any  
12 questions for Mr. Testa?

13 Seeing no one.

14 COMMISSIONER BRANCIFORTE: I have one  
15 question for him quickly.

16 ACTING CHAIRMAN GREENE: Well, first  
17 let's close public.

18 COMMISSIONER BRANCIFORTE: Yeah, sure.

19 ACTING CHAIRMAN GREENE: Motion?

20 COMMISSIONER BRANCIFORTE: Motion to  
21 close public portion.

22 COMMISSIONER DE GRIM: Second.

23 ACTING CHAIRMAN GREENE: All in favor?

24 (All Board members answered in the  
25 affirmative)

1                   COMMISSIONER BRANCIFORTE: Just one  
2 quick question.

3                   Under "Alternative Transportation:  
4 Bicycle Use," could you explain a little bit more  
5 where the bicycle racks are going to be put?

6                   They're going to be put on the  
7 sidewalks or inside of the building?

8                   THE WITNESS: I am going to have Dean  
9 talk about that because it is part of his stuff.

10                  COMMISSIONER BRANCIFORTE: All right.  
11 Thank you.

12                  ACTING CHAIRMAN GREENE: Thank you.

13                  I guess we should swear --

14                  MS. GONCHAR: They just have to switch  
15 computers.

16                  ACTING CHIARMAN GREENE: Time out for  
17 technology.

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

21                  MR. MARCHETTO: Yes, I do.

22                  D E A N   M A R C H E T T O, having been duly sworn,  
23 testified as follows:

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

1 THE WITNESS: Yes. It is Dean  
2 Marchetto, M-a-r-c-h-e-t-t-o.

3 MR. GLEASON: And the Board is familiar  
4 with Mr. Marchetto's credentials.

5 ACTING CHAIRMAN GREENE: Yes, we are,  
6 and despite that, we are going to let him talk.

7 (Laughter)

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

10 Do you have a copy of your plans?

11 THE WITNESS: Yes.

12 MS. GONCHAR: But we will get them  
13 copies later.

14 THE WITNESS: I have one exhibit.

15 Basically I have a presentation that  
16 involves about 30 slides, a PowerPoint. So with the  
17 design of the building, what I propose to do is  
18 basically show you the existing conditions, describe  
19 the building by flying you around a 3D simulation,  
20 and then go through the floor plans to show you how  
21 the building is laid out, and then come to a photo  
22 simulation again, which shows the rendering.

23 So those slides are here in this  
24 presentation that I listed here as Exhibit 3, I  
25 guess.

1 MR. GLEASON: A-3.

2 MS. GONCHAR: We will mark this, and  
3 this one I don't have a copy of. If the Board  
4 wants, we certainly will provide it, if you want  
5 copies

6 (Exhibit A-3 marked.)

7 THE WITNESS: Okay. Thank you.

8 So what you heard before I guess from  
9 Larry and Matt about Bijou Properties, I just would  
10 like to add one thing. Maybe one of the best things  
11 that Bijou Properties has done in Hoboken is not a  
12 building, it's the Garden Street Mews. You may know  
13 that Bijou Properties funded the creation of the  
14 Garden Street Mews, which is a part of a street  
15 north of 14th Street on Garden Street that was  
16 closed, funded by Bijou Properties, to make a public  
17 outdoor open space.

18 You know, when you talk about building  
19 communities, and this is one of the reasons why I  
20 like working for Bijou Properties, it is not just a  
21 building, it is not just the green conscious design  
22 that they do, it is also making spaces in  
23 neighborhoods, like I said, and you will see that in  
24 the other projects, like The Vine and 1415, but the  
25 Garden Street Mews is not a building. It is just --



1       you for residential use. This is a little bit of a  
2       reprieve. We have an opportunity to do something  
3       that supports the residential community as a form of  
4       recreation. And if you know in the master plan of  
5       Hoboken, creating recreational opportunities is  
6       something that is a goal, and this project is doing  
7       that, and this site is particularly well suited for  
8       that, and I will explain.

9                        So looking on Willow, this is a  
10       contextual photograph. The Viaduct it on the left,  
11       and on the very left-hand corner of the block is a  
12       commercial sales and rental for Hertz.

13                      Then there is an empty lot right here,  
14       which is used for parking.

15                      And then in the middle of the block is  
16       Bataglia's Home, which is a three-story commercial  
17       building that also does furniture, so it is a little  
18       place of a node.

19                      This is the kind of retail that you  
20       can't get on Washington Street because Washington  
21       Street and corner stores in residential districts  
22       usually provide small retail establishments that  
23       might be 2500 square feet at best.

24                      There is an opportunity in this part of  
25       town to put a retail user in that wouldn't fit

1 elsewhere in the city. It is a need that we have.

2 This is the stretch of property along  
3 Willow, which is a 75 foot frontage that the  
4 property occupies.

5 This is a gorgeous building and --

6 ACTING CHAIRMAN GREENE: Was that one  
7 of your early designs?

8 (Laughter)

9 THE WITNESS: I would venture to say  
10 that this is, after listening to the last hearing, I  
11 want to make it perfectly clear, there is an  
12 existing building here that was formerly an  
13 industrial use, and as such, it has an incredible  
14 floor slab because it was designed to carry paper  
15 goods, and it has great exterior bearing walls that  
16 are masonry.

17 This plan is not an adaptive reuse. We  
18 are taking this facade down, but we are using some  
19 of the structure of the existing building because it  
20 is perfectly stable, and I will go through that,  
21 too.

22 So this is the corner -- this is the  
23 frontage on Willow.

24 And to the right side of the block,  
25 ending the block, is another Bijou property that's

1 currently under construction. It has residential  
2 use above, but this will be a restaurant down on the  
3 ground floor. So the entire frontage of Willow  
4 Avenue, while it is an industrial zone, is  
5 commercial, and we are proposing to keep that  
6 commercial.

7 I think it is an appropriate use for  
8 Willow. It is a major thoroughfare coming into the  
9 city. And when you come in, it would be a great  
10 place to show retail and non-industrial -- I mean  
11 industrial use in the 75 foot property here is  
12 probably inappropriate, and so it is a use variance  
13 we are seeking.

14 So this is how you turn the corner, and  
15 this here is Clinton and 15th Street, and this is  
16 the back side of the building.

17 As I mentioned in the aerial  
18 photograph, the site goes through. It goes right  
19 through to Clinton here and then it occupies this  
20 corner. This seems to be the former warehouse for  
21 Metro Web Printing.

22 So this here is the site. To describe  
23 the site, this is The Edge here. This is also a  
24 Bijou property, and you can see 1415 Park and Garden  
25 up here in the back, and this is the corner that

1 will have the Anthony Pino restaurant.

2 So with that, I would like to open up  
3 the view model and kind of present the design for  
4 you. Okay.

5 So these images are the same images  
6 that are in the exhibit. You can see at the top of  
7 my screen, I have scenes saved, 1 through 18, and  
8 then some additional ones here, so I have a total of  
9 about 20 or 21 images, which I am going to fly  
10 around, and that is what you will see in the  
11 exhibit.

12 So here this is an aerial view. This  
13 here is Willow. This is the Viaduct on 14th Street.

14 This is the gas station on the corner,  
15 The Edge, and this is the property here. It is a  
16 T-shaped piece of property, as I mentioned earlier.

17 The frontage is 75 feet here on Willow.  
18 It goes through the block, and this is the bulk of  
19 the property right here on the corner of Clinton and  
20 15th.

21 You can see right off in the aerial  
22 photo that, you know, right away you can see the  
23 largest part of the building, it has a green roof.

24 By the way, you can see some of the  
25 other Bijou properties here. This is the Hostess

1 building. It has a green roof. The Garden Street  
2 Mews is here.

3 This is the Garden Street Lofts. This  
4 is 1415, you see with a green plaza on the side  
5 there. The Edge is here. The roof of that building  
6 is loaded with solar panels. It speaks to the  
7 greening of Hoboken that Bijou brings.

8 So now I will tilt this up, and we can  
9 start to see a 3D image of the property again.

10 Again, the Viaduct, 14th Street Viaduct  
11 and Willow Avenue, so the property is right in here.

12 What I will do is, as we mentioned  
13 earlier, this facade basically has three stories.  
14 The top two stories are a commercial user, office  
15 space, which is a permitted use, but the ground  
16 floor is going to be a tenant for what's now -- so  
17 we will get a little closer. Here is Hertz.

18 This is Batalia's Home, and this is our  
19 proposal, a three-story proposal, with the West Elm  
20 on the ground floor, so now I can bring you down to  
21 the ground floor level.

22 You can see we modeled Batagalia's Home  
23 here. We modeled the corner building, so that you  
24 can see our building proposal in context.

25 This is a modern facade. It will be

1 done with a metal skin and an interesting set of  
2 contemporary windows, and the West Elm kind of an  
3 iconic detailing around the corner with that  
4 rust-colored cork and seal that provides a look that  
5 is a branding look for West Elm.

6 If I get directly in front, you get to  
7 see a better view.

8 The entrance is right in here. You can  
9 see the contemporary windows. You can see this  
10 canopy, and you can see the West Elm logo here, but  
11 three stories.

12 it looks like it is several feet above  
13 the Batalia's height. Again, these are commercial  
14 stories. I think we have residential here and  
15 residential here, so this building is slightly  
16 taller.

17 Now, if I tilt down, we can start to go  
18 around.

19 Here is the location for one of the  
20 bike racks that we are proposing on the sidewalk on  
21 Willow.

22 And then if you turn this way, you  
23 start to see the 3D view from the other side.

24 This corner here, like I mentioned  
25 earlier, is in construction. This will be a green

1 wall that circulates around, and there will be vines  
2 growing up, so it will have a green look. This is  
3 the restaurant.

4 Our proposal is this building, and I  
5 mentioned to you earlier, it goes through the block  
6 and comes out on the other side.

7 The ground level view of the corner,  
8 you can start to see the rock gym on the corner  
9 behind this, so now we are looking in the other  
10 direction.

11 This is equivalent to a three-story  
12 building, although this corner is really two  
13 stories, because inside of the building there is  
14 this large mountain that is being built, which is an  
15 activity that goes with the rock climbing. It is a  
16 structure inside that becomes part of the climbing  
17 recreation facility.

18 It is two stories, and actually right  
19 in here, there is a hole in the second floor, so it  
20 goes from floor to roof clear height, so it is one  
21 big tall space, even though it is three stories in  
22 height, it is one space in the corner. It provides  
23 an elevating kind of space that you usually don't  
24 see in Hoboken.

25 Down here at street level, you can see

1       how the building -- what we have done is we simply  
2       tilted the parapets up to create a different look,  
3       suggestive of its use. It has a little bit more of  
4       an industrial exterior, made of a metal panel, a  
5       corrugated metal panel with custom windows, and then  
6       a canopy that goes around.

7               The office building entrance is located  
8       right here on 15th Street, and the entrance to the  
9       rock gym is located here on Clinton Street.

10              I just have to tilt this a little  
11       further. So here, you can see the entrance to the  
12       rock gym and the entrance to the office.

13              When you go in the building on the  
14       office location, you go in, and there will be an  
15       elevator and a stairway and a bike storage room, and  
16       you will be able to go up to the second and the  
17       third floor, which is on the Willow side. Remember,  
18       the gym occupies the full height on the Clinton  
19       side.

20              There is users. There is the West Elm  
21       on the ground floor on Willow, and actually I will  
22       show you in the plan, which has its backer house  
23       going through to Clinton. You have the gym on the  
24       corner that occupies the full height, and then in  
25       the front on top of West Elm, the two stories above,

1 those are office buildings. Three uses, truly a  
2 mixed-use, and none of them are residential.

3 So now I will give you a perspective as  
4 if you were walking up from the low part of Hoboken  
5 here, and you were coming up Clinton Street.

6 You know now that the Viaduct goes up,  
7 they built this arch. It is a pedestrian arch, and  
8 it would be likely that a large population of users  
9 for this facility would come through that arch, and  
10 this is what the approach would feel like.

11 That is The Edge on the right. In this  
12 particular establishment on the ground floor is the  
13 cooking school that Matt Testa spoke about.

14 The building on the left is the  
15 Artisan, and you may know that the Artisan houses  
16 the Mile Square Theater inside of it, so that is an  
17 interesting cultural use on the ground floor that is  
18 being created, and this is our rock gym. You can  
19 see it in perspective with the other buildings here.

20 So what I would like to do now is take  
21 you down to the ground level. As I mentioned  
22 earlier, this is the I-1 Industrial Zone, and this  
23 zone permits -- it permits four stories, 80 feet in  
24 height.

25 The building that is proposed is three

1 stories. It is somewhat less than -- it's something  
2 like 50-some, but I don't have the number, but it is  
3 50 feet in length.

4 But this here, I have a little example  
5 of what the allowable volume is on this site, so the  
6 point we want to make here is that the building and  
7 the site is being underdeveloped. It is being  
8 underdeveloped because if you were to take the site  
9 that you have, and you have 75 percent allowable lot  
10 coverage, and you multiply that times four allowable  
11 stories, you could build a total of 65,949 feet.  
12 That is what the site is designed to hold in the I-1  
13 District by floor area.

14 The total floor area for our proposal  
15 is 43,388, so we are about 65 percent of the  
16 allowable density on the site.

17 So, you know, when we come before the  
18 Board with residential projects and many other  
19 projects, it is always something that we are trying  
20 to do to maximize the benefits and it occupies the  
21 site, but here to try to get this use, which  
22 requires a bigger footprint, the industrial location  
23 on a block, where the donut doesn't exist, where all  
24 of the buildings practically cover a hundred  
25 percent, this is a perfectly suited location to put

1       this kind of use because it occupies a wide -- you  
2       know, we didn't want to kill it and overdo it, so we  
3       just put in the use that we need to put in, which is  
4       those three uses to make the project viable.

5               So what I would like to do now is just  
6       return to the PowerPoint and show you a simulation.  
7       I have a rendering here of before and after.

8               So this view is a photograph of the  
9       existing conditions, and if I hit this button here,  
10      you can start to see the rendering, so I can go back  
11      and forth, existing conditions and the proposed  
12      rendering on site, so that is an overall exterior  
13      view.

14              I would like to now take you through  
15      the plans that were submitted, so you can see how  
16      the interior works.

17              The drawings I am presenting to you are  
18      exactly the same drawings that were submitted as  
19      part of the application. Page 1, C1, shows the  
20      sites, the lots, the location and the zoning chart.

21              MS. BANYRA: Mr. Marchetto, can you  
22      just indicate the date of those plans just for the  
23      record?

24              THE WITNESS: Do you have the date?

25              MS. GONCHAR: These plans were

1 originally dated March 19th, 2015 and show revisions  
2 through July 28th, 2015.

3 MS. BANYRA: So is that right?

4 THE WITNESS: Yes.

5 MS. BANYRA: Great. Thank you.

6 THE WITNESS: So this is again the  
7 cover page. The design variances are listed here.  
8 Our planner will speak to each of the zoning  
9 variances and the project data and 200 foot list.

10 This is an existing conditions plan.  
11 As I mentioned earlier, this drawing is intended to  
12 show you what parts of the building that we plan to  
13 save.

14 Again, we are not saying we are an  
15 adaptive reuse here. We have a structure, and it  
16 has some very good parts to it, and we are going to  
17 use them.

18 So this building shows the floor slab  
19 that we plan to keep, as well as these walls that  
20 are dark. They are perimeter walls. They are  
21 masonry walls that exceed -- they go from one end to  
22 the other through the block all the way across, and  
23 those walls are existing masonry walls that we plan  
24 to preserve, not for any other purpose for an  
25 adaptive reuse, but just because they exist, and we

1 are not trying to make our application proofs  
2 dependent upon this. It is just for your  
3 information, we are keeping these walls because they  
4 are worth keeping. They actually provide a function  
5 for this use.

6 So I am going to zoom in just a little  
7 bit. This is the actual ground floor plan. Here is  
8 the ground floor plan.

9 Clinton Street is on the left, 15th  
10 Street on the left, and Willow Avenue.

11 You can see on Willow Avenue where I  
12 mentioned that we had the entrance for West Elm,  
13 this is the retail. The retail on this floor, the  
14 showroom, it's basically -- West Elm at this  
15 location, these small urban sites, it's pretty much  
16 a showroom. They deliver their furniture and their  
17 large pieces when they open, and then if you order a  
18 bed or a piece of furniture on large scale, it  
19 doesn't come from here. It gets shipped from some  
20 warehouse some place, and it gets shipped to your  
21 place. This is simply a showroom, so it doesn't  
22 have the need to have large trucks coming in all the  
23 time.

24 However, there is a backer house  
25 facility. You can see that the showroom occupies

1 about 7,000 square feet, and in the backer house  
2 facility, which is here, is where you would have  
3 linens and pillows and things like that, that are  
4 walkable items.

5 We also have a mechanical room here in  
6 the lower corner, and we also have a loading dock.  
7 Now, we mentioned earlier, it is not loading dock  
8 for a tractor trailer, but some things may be  
9 delivered by a van, like a regular Econoline type of  
10 van.

11 So we have a loading dock that's inside  
12 of the building. You can come in off of Clinton  
13 Street, and you can put a van in here to deliver  
14 certain small things, anything that would fit inside  
15 of a van.

16 We have a rear entrance that comes out,  
17 and this main space on the ground floor is the rock  
18 gym, so it occupies the corner. The entrance is  
19 right here on Clinton. There is a pro shop, and  
20 maybe I can zoom in a little bit.

21 The tenant representative is here, so  
22 you will be able to ask him specific questions about  
23 the operations. But you see we have a pro shop, a  
24 front desk. We have an office. There are different  
25 rooms for different functions. If you are going to

1 have a party function or lockers, there's lockers to  
2 put your equipment in, but he could best explain  
3 that.

4 The entrance on 15th Street here is the  
5 office entrance, and you come into a commercial  
6 lobby. This mechanical room is being repurposed.  
7 It turns out that the mechanical room that we  
8 need -- I'm sorry -- the mechanical room that we  
9 have down here on Clinton Street is where the  
10 services will be coming in. I am sorry.

11 Okay. Down here is where the services  
12 will be coming in, so this mechanical room is going  
13 to be repurposed as a bike storage room.

14 We also have a bicycle rack going out  
15 here on Clinton Street by the entrance to the gym,  
16 and when you come in the commercial lobby, you have  
17 a stairway and an elevator to get you up to the  
18 second and the third floors.

19 So now if I continue down the page,  
20 this here, and I will zoom out, so you can see the  
21 whole thing, you can look at the whole plan again.

22 You can see here this is the second  
23 floor, and in the second floor you can see this big  
24 X. There is no floor here. This is that open space  
25 that the rock gym looks down into, and you have

1       7,000 square feet approximately of office space, and  
2       you have additional space for the gym, the Gravity  
3       Rock Gym right in here.

4                You can see the offices, the conference  
5       rooms, and other exercise and fitness areas that is  
6       an open area in here, and this is a railing that  
7       looks down. It has a nice three-dimensional effect  
8       because it really makes a very exciting vertical  
9       space.

10               And then the next floor is this third  
11       floor. You can see that there is only two floors  
12       here on the Clinton Street side.

13               This is a very tall ceiling, so that  
14       you have a large space with a high volume ceiling,  
15       but the third floor of the office is up here, too,  
16       so that floor is 7,000 square feet, so it is  
17       approximately 14,000 square feet of office between  
18       those two commercial floors.

19               And then on the roof, we have a full  
20       green roof on top of this Clinton Avenue section of  
21       the building, and we have a roof deck here on top of  
22       the office space, a roof deck, so there could be  
23       some exercise or use of the roof on this level.

24               The elevations are shown here, and I  
25       guess -- I didn't remember the height of the

1 building off the top of my head, but I am going to  
2 read it for you from my plan. The building height  
3 is 47 feet 8 inches to the roof.

4 And these are some drawings that are  
5 required to look at the entire block context shown  
6 on Page A-6 along with some photographs.

7 I believe that generally describes the  
8 overall plan. That is the conclusion of my  
9 presentation, and so I am happy to answer any  
10 questions.

11 MS. GONCHAR: So --

12 ACTING CHAIRMAN GREENE: I'm sorry,  
13 Board members?

14 COMMISSIONER BRANCIFORTE: I have one.

15 ACTING CHAIRMAN GREENE: Go ahead.

16 COMMISSIONER BRANCIFORTE: On A-4 --

17 THE WITNESS: Yes.

18 COMMISSIONER BRANCIFORTE: -- you show  
19 a carpentry roof deck.

20 THE WITNESS: Yes.

21 COMMISSIONER BRANCIFORTE: It looks  
22 like you're going to have an occupancy of 100 people  
23 there.

24 THE WITNESS: There is a roof deck up  
25 there, and what that means by "carpentry" is that

1 it's made out of wood --

2 COMMISSIONER BRANCIFORTE: Right, so  
3 there's --

4 THE WITNESS: -- we are not doing  
5 carpentry projects up there. As opposed to a green  
6 roof, it is a wood deck.

7 COMMISSIONER BRANCIFORTE: Yeah. My  
8 point is, I mean, tell us why this roof deck is an  
9 important part of either the climbing operation or  
10 the West Elm operation.

11 THE WITNESS: Oh, because it's a great  
12 space. You are on a big wide roof deck. You can  
13 use it --

14 COMMISSIONER BRANCIFORTE: So is it  
15 going to help them sell furniture, or is it going to  
16 help them --

17 THE WITNESS: Oh, I am sure it has to  
18 do with the rock gym and the office. It's a  
19 recreation space. It is so people can get outside.

20 COMMISSIONER BRANCIFORTE: There is no  
21 climbing up there?

22 THE WITNESS: No. But there could be  
23 exercise out there, or there could be, you know,  
24 could be for outdoor lounging up there, maybe to get  
25 some air after you work out.

1                   The roof exists. It is a big roof. It  
2 would be wasteful not to use it for a good purpose  
3 in a city like Hoboken, where recreation space is at  
4 a premium.

5                   COMMISSIONER BRANCIFORTE: Well, I  
6 guess the question is going to be for your planner,  
7 but I will throw it out here now, so we can think  
8 about it.

9                   Is this allowed?

10                  Are you allowed to use a roof deck for  
11 commercial purposes?

12                  That is a question for the planner that  
13 I would like to ask.

14                  THE WITNESS: Well, it is being  
15 proposed. It is being proposed.

16                  COMMISSIONER BRANCIFORTE: Okay. We  
17 will talk to the planner about that later.

18                  So that doesn't -- I am fine. We will  
19 talk to the planner about it.

20                  ACTING CHAIRMAN GREENE: Anybody else?

21                  COMMISSIONER FISHER: Yes. I have a  
22 couple of questions.

23                  Just on that line of thought, why  
24 wouldn't the roof deck be on the Clinton side?

25                  Why would it be on the Willow side?

1                   THE WITNESS: Well, because the Clinton  
2 side is the largest side, and we wanted, you know,  
3 we decided that the smaller side wasn't large  
4 enough, so you know, it seemed logical just to have  
5 it -- and it also faces New York City, so, you know,  
6 if you are up on that roof, you have a nice view  
7 east.

8                   COMMISSIONER FISHER: I guess I asked  
9 the question, and maybe again this will probably be  
10 a question for the planner is we think about Willow  
11 Avenue and its evolution, whether or not having a  
12 bunch of people standing and looking over and on  
13 that main road is the appropriate place for a roof  
14 deck, but I think that's a question for the planner.

15                   THE WITNESS: Well, let me just  
16 respond.

17                   We do have a setback of 11 feet, so you  
18 can't go to the edge. But there are no residences  
19 that you are looking down on. You are not looking  
20 into somebody's personal backyard. You are looking  
21 at a road, and you know, the gas station is across  
22 the street, and I think it is a vacant property.

23                   It is certainly not a place where it  
24 would be considered intrusive to a neighbor.

25                   COMMISSIONER FISHER: Okay. Thanks.

1                   The other question I have is: Can you  
2                   just -- the commercial space -- the office space,  
3                   the proposed wide-open I guess office space that  
4                   would be above West Elm, how do you get that?

5                   You come in from the first floor --

6                   THE WITNESS: You come in the  
7                   commercial lobby --

8                   COMMISSIONER FISHER: -- so you go in  
9                   the commercial lobby --

10                  THE WITNESS: -- and you come into the  
11                  elevator --

12                  COMMISSIONER FISHER: -- and the  
13                  elevator is two sided, front and back?

14                  THE WITNESS: -- yeah. So you come up  
15                  in the elevator and you get up to the second floor  
16                  or the third floor, and the elevator will open up  
17                  into that space.

18                  COMMISSIONER FISHER: Okay.

19                  ACTING CHAIRMAN GREENE: Commissioner  
20                  Grana?

21                  COMMISSIONER GRANA: I have some  
22                  questions on heights after looking at the graphic  
23                  right here.

24                  THE WITNESS: Yes, yes.

25                  COMMISSIONER GRANA: I just wanted to

1 be clear when you said 47 feet 8 inches, is that  
2 height consistent throughout the proposed property,  
3 or is that just on the Willow Street side, or  
4 there's different heights on the 15th Street side,  
5 or is the height uniform for the structure?

6 THE WITNESS: Let me just find Clinton  
7 Street.

8 Okay. On the Willow Street, it is  
9 actually 45 feet. So all along Clinton, it is what  
10 I said, 47 foot 8 inches.

11 On 15th and on Clinton and when you get  
12 over to Willow, it is 45 feet.

13 COMMISSIONER FISHER: And that's  
14 because of the elevation difference or the group  
15 difference?

16 It's taller? It's not a flat roof?

17 (Board members confer)

18 COMMISSIONER GRANA: Thank you.

19 And then I was just looking at the  
20 graphics. It looks like there is almost a  
21 cornice-like structure that comes up at the corner  
22 of 15th and Clinton.

23 Is that raised above the roof line?

24 THE WITNESS: Yes, it's a parapet --

25 COMMISSIONER GRANA: It's a parapet.

1                   THE WITNESS: -- yes, and it is  
2                   dimensioned on the plan. It is just a parapet.  
3                   It's just decorative. It is designed to give it not  
4                   a flat roof, but it's suggestive of a slope or a  
5                   mountain. It's just part of the architecture.

6                   COMMISSIONER GRANA: Thank you.

7                   COMMISSIONER FISHER: I have just one  
8                   more quick question.

9                   So the space looks really dramatic,  
10                  which is, you know, good for climbing. I am not a  
11                  target user.

12                  If something happens and this tenant is  
13                  not as successful for whatever reason, what other  
14                  uses can -- what can you do with this space?

15                  I mean, do you have to rip everything  
16                  out and kind of start from scratch for most of your  
17                  down walls?

18                  THE WITNESS: I didn't think it out  
19                  that far, but I mean, this is designed for a  
20                  specific user.

21                  Clearly that floor could be closed in  
22                  some day and made a whole second floor, and maybe  
23                  you wouldn't need the full 40 foot height for a  
24                  particular use down the road.

25                  COMMISSIONER BRANCIFORTE: So you would

1 have an adaptive use at that point?

2 (Laughter)

3 A VOICE: Whoa, whoa.

4 COMMISSIONER BRANCIFORTE: You would be  
5 adapting the use at that point.

6 THE WITNESS: Maybe, yeah.

7 COMMISSIONER FISHER: A different kind  
8 of adaptive reuse.

9 THE WITNESS: Yeah.

10 Matt Testa said that he had some  
11 comments on the potential reuse of that space --

12 MR. TESTA: It's not that I have any  
13 doubts at all to our tenant, however, you know,  
14 traditionally rock climbing gyms are big, large  
15 warehouses that are, you know, completely solid with  
16 just punched openings, so part of our design  
17 strategy was to make it open, light and airy.

18 But also in the event, you know, 50,  
19 60, 80 years down the road, they are not there any  
20 more, you could definitely put interstitial floors  
21 in there, and you would have enough fenestration to  
22 bring light and air all the way up to the third  
23 floor.

24 ACTING CHAIRMAN GREENE: I have a  
25 couple questions.

1 THE WITNESS: Yes.

2 ACTING CHAIRMAN GREENE: Going back to  
3 the height again, on A-6 --

4 THE WITNESS: Yes.

5 ACTING CHAIRMAN GREENE: -- I guess  
6 number three and number four you show a building  
7 height of 59 feet. Is that -- what is that  
8 referring to?

9 THE WITNESS: 59 feet?

10 Where do you see that, sir?

11 COMMISSIONER FISHER: In the middle.

12 ACTING CHAIRMAN GREENE: If you look in  
13 the bottom left, it says floor block elevation  
14 Clinton Street?

15 COMMISSIONER FISHER: Number three,  
16 right?

17 ACTING CHAIRMAN GREENE: Well, not  
18 three.

19 MS. BANYRA: I think that was a prior  
20 plan.

21 MR. GLEASON: Yeah. It had been  
22 revised I think. I think it was originally 59 feet  
23 and then that must just be left over from the --

24 MS. GONCHAR: I think it is a  
25 carry-over, the bottom left, the smaller one.

1                   THE WITNESS: It could be the very top  
2 of the elevator bulkhead, but I don't know if  
3 it's -- but I will scale that for you.

4                   It could be the mechanical equipment,  
5 Mr. Greene. I will have to scale it and see.

6                   It looks like an errant note, so during  
7 the other testimony, I will get back to you on that.

8                   ACTING CHAIRMAN GREENE: Terrific.

9                   Thank you.

10                  And going back to this roof deck,  
11 because it just seems strange to me, so this is  
12 going to be a LEED platinum building.

13                  Would that make --

14                  MR. TESTA: To stand corrected, just  
15 LEED certified.

16                  ACTING CHAIRMAN GREENE: -- LEED  
17 certified.

18                  So since this is a LEED building and  
19 you are all about energy, why wouldn't that space be  
20 used for solar panels?

21                  THE WITNESS: Well, it could be. It  
22 could be, but, you know, it is already LEED  
23 certified, but to use it for a recreational use also  
24 gives you LEED points, because you are using your  
25 roof. You're using your building in a more

1 efficient way.

2           There is no open space, outdoor space,  
3 backyard or ground level space on this property  
4 built out at a hundred percent. So using the roof  
5 as an outdoor place to go and catch some air or just  
6 take a view or relax is all part of the recreational  
7 experience.

8           ACTING CHAIRMAN GREENE: Okay.

9           MR. TESTA: One other thing, we did  
10 analyze that. You know, there is always the risk  
11 for the building on the south to be built up to what  
12 the current approved height is, which would put a  
13 shadow over that whole roof.

14           So obviously, we are not going to  
15 invest a lot of money in something that five years  
16 down the road would get blocked by shadow.

17           ACTING CHAIRMAN GREENE: Or you could  
18 make that a green roof and put the solar panels on  
19 the Clinton Street side, where it won't be blocked  
20 because you know what your south neighbor is.

21           THE WITNESS: Yes. But then we  
22 wouldn't have any outdoor space, which we find it a  
23 desirable thing.

24           ACTING CHAIRMAN GREENE: And every  
25 office building or commercial building or industrial

1 building has outdoor space?

2 THE WITNESS: No, but the best ones do.

3 ACTING CHAIRMAN GREENE: I see. Okay.

4 COMMISSIONER BRANCIFORTE: I -- I am  
5 sorry.

6 Go ahead.

7 COMMISSIONER DE GRIM: The roof, the  
8 green roof, is that flat, or does that follow the  
9 contour of the slope?

10 THE WITNESS: No. The roof is flat.  
11 It's just the parapet --

12 COMMISSIONER DE GRIM: It's just the  
13 parapet --

14 THE WITNESS: -- it's just the parapet.  
15 The wall of the building extends past the roof to  
16 create a slope.

17 Typically when you see flat parapets,  
18 they usually have a cornice line on them. This is  
19 different. It is not a residential building. It is  
20 an opportunity to try something new or different and  
21 more refreshing, and it's not in an area of town,  
22 where that would be out of context. It is an  
23 industrial zone, so...

24 COMMISSIONER DE GRIM: And it is a  
25 mountain climbing --

1 THE WITNESS: It's a mountain climbing  
2 place, yes, precisely.

3 (Laughter)

4 COMMISSIONER MURPHY: I have a  
5 question.

6 Are you proposing within the rock  
7 climbing area any kind of concession?

8 I can't imagine not having like --

9 THE WITNESS: There is a pro shop.  
10 They will be selling goods. I will let them answer  
11 that question.

12 MS. GONCHAR: We have somebody here  
13 from the gym, so they will be able to answer that.

14 COMMISSIONER MURPHY: Okay.

15 ACTING CHAIRMAN GREENE: Ms. Marsh, any  
16 questions?

17 COMMISSIONER MARSH: No.

18 ACTING CHAIRMAN GREENE: Please, go  
19 ahead.

20 MS. BANYRA: This is for Mr. Testa.

21 So the preliminary checklist that you  
22 handed out, you just said was LEED certified. This  
23 indicates LEED platinum on the numbers that likely  
24 110 points likely, so --

25 MR. TESTA: This was generated by our

1 LEED consultant, and it was a typo, so I will make  
2 sure any of that stuff is updated properly.

3 But the design is for in ten years to  
4 meet LEED certified core and shell.

5 A VOICE: One more question --

6 MS. BANYRA: Can I just go one more  
7 with that?

8 So this is atypical for one of these  
9 properties, for Bijou Properties, because I know you  
10 normally are doing LEED gold and LEED platinum, so  
11 how come on this one you are not going higher?

12 I'm just curious.

13 MR. TESTA: Part has to do with the  
14 core and shell is the fact that you're relying on  
15 your tenants to buy into a certain level, and by  
16 going --

17 MS. BANYRA: So a certain level of  
18 improvements?

19 MR. TESTA: -- of certifications.

20 So, you know, if we were demanding such  
21 stringent performance with water and energy, we  
22 might preclude ourselves from certain clients.  
23 Therefore, we are taking a step in the right  
24 direction to try to give all of our tenants the  
25 guidelines to get to a level that is much more than

1 the code. However, not to a point that would scare  
2 away potential tenants because of the higher cost of  
3 living to fit out the space.

4 ACTING CHAIRMAN GREENE: Can I just  
5 follow up on that?

6 Just out of curiosity, I am not  
7 suggesting anything here, but since West Elm is  
8 going to be your tenant, and again, I am not  
9 categorizing their furniture is non-sustainable, but  
10 suppose they had -- their products were created, I  
11 don't know, from teak or Brazilian rain forest  
12 products, would that be a negative in terms of LEED?

13 Would that be taken into consideration  
14 as all?

15 Or if the opposite were true, if they  
16 did all of their furniture out of bamboo, would that  
17 be a positive?

18 MR. TESTA: It doesn't address their  
19 product. It addressed the build-out of the space,  
20 so technically it doesn't.

21 ACTING CHAIRMAN GREENE: Thank you.

22 Did you have another question?

23 COMMISSIONER MURPHY: Yeah. I just --  
24 you had brought up the bicycle situation. I  
25 understand that, you know, you can't necessarily

1 tell us how many internally, but externally how many  
2 bicycles racks?

3 I heard one on the front, and one on  
4 the back. They generally hold like four or five  
5 bikes, and no parking. You are going to probably  
6 need a little bit more than just one on each side.  
7 In that area there are not a lot of bike racks. I  
8 had to put my bike to a tree going to the movies the  
9 other day, so I can't see it on the plan --

10 THE WITNESS: I believe there is a city  
11 bike facility coming on that block.

12 COMMISSIONER MURPHY: On the same block?

13 THE WITNESS: Clinton Street, yeah.

14 Is that right?

15 COMMISSIONER MURPHY: Yeah, but --

16 THE WITNESS: Clinton Street under the  
17 arch.

18 COMMISSIONER MURPHY: Yeah. But that's  
19 a park and share.

20 What about somebody that owns their own  
21 bicycle?

22 THE WITNESS: We could add a bike  
23 rack --

24 COMMISSIONER MURPHY: Yeah. I think  
25 you might need to add a bike rack.

1                   COMMISSIONER BRANCIFORTE: Are you  
2 going to -- I'm sorry. Are you done?

3                   COMMISSIONER MURPHY: Yes. Go ahead.

4                   COMMISSIONER BRANCIFORTE: But going to  
5 that, 15th Street, Willow Avenue and Clinton, are  
6 they county roads?

7                   THE WITNESS: Willow is I believe a  
8 county road.

9                   COMMISSIONER BRANCIFORTE: So you  
10 understand you will probably have to make an  
11 application to the --

12                   MS. BANYRA: Yeah.

13                   THE WITNESS: Yes.

14                   COMMISSIONER BRANCIFORTE: -- and you  
15 agree to do that, right, make an application to the  
16 City Council and --

17                   THE WITNESS: Yes.

18                   MS. BANYRA: No, the county.

19                   COMMISSIONER BRANCIFORTE: -- just so  
20 you understand, you'll have to do that as part of  
21 the resolution?

22                   THE WITNESS: Yes.

23                   COMMISSIONER BRANCIFORTE: I am kind of  
24 curious. Vice Chair Greene pointed this out about  
25 the elevator bulkheads.

1                   They do look rather tall, I mean even  
2                   on that slide they have up there.

3                   What are they going to look like?

4                   What is the facade and --

5                   THE WITNESS: They're really not that  
6                   great. They're just painted block, and they are in  
7                   the middle of the space.

8                   COMMISSIONER BARNCIFORTE: Painted  
9                   block?

10                  THE WITNESS: Yes. So let's look on  
11                  the roof plan.

12                  I will point you to Page A-4. The  
13                  stairway and the elevator reach the roof, and that  
14                  is that box in the middle of the plan, so that is  
15                  one story above the roof.

16                  Then the elevator itself has a four  
17                  foot override, so the elevator doesn't just stop at  
18                  the ceiling. It actually has an expansion in case  
19                  the elevator -- all elevators go, it is about a  
20                  four-foot override. So you need two stairways for  
21                  fire code. They go up one story and then the  
22                  elevator goes up another four feet.

23                  COMMISSIONER BRANCIFORTE: I'm sorry.  
24                  Do you have -- could you put up A-4, the slide?

25                  THE WITNESS: I do.

1                   I wonder if, and I will just check  
2                   this. See if maybe this helps.

3                   COMMISSIONER BRANCIFORTE: Okay. That  
4                   does help.

5                   ACTING CHAIRMAN GREENE: And those are  
6                   to scale?

7                   THE WITNESS: They should be to scale.  
8                   Yes, I hope so.

9                   (Laughter)

10                  I mean, I could measure it for you and  
11                  see. Basically it is just one story to get the  
12                  vestibule up there. It is one story.

13                  And basically it is a stair, a stair,  
14                  and then there is a little vestibule, so when you  
15                  get off the elevator, it doesn't open up to the  
16                  climate and the weather. You have a little room,  
17                  and you can see it's a little room. It's about five  
18                  feet by ten feet, so that the elevator door is  
19                  protected from the elements. It is not a habitable  
20                  room. It's just a service room.

21                  ACTING CHAIRMAN GREENE: But if that  
22                  space were not a carpentry roof deck, the elevator  
23                  bulkhead wouldn't have to come up that high.

24                  THE WITNESS: That's correct.

25                  ACTING CHAIRMAN GREENE: And also the

1 stairwells.

2 THE WITNESS: That's right.

3 But remember, it is an 80 foot zone.  
4 We are way under the height issue.

5 COMMISSIONER BRANCIFORTE: You could  
6 zone for an industrial use, but you are asking --  
7 are you asking for a use variance for this?

8 THE WITNESS: We are.

9 COMMISSIONER BRANCIFORTE: So  
10 everything like --

11 THE WITNESS: Okay.

12 COMMISSIONER BRANCIFORTE: -- goes out  
13 the window at that point.

14 COMMISSIONER FISHER: Is the reasons  
15 for the two sets of staircases for the roof --

16 THE WITNESS: Yes.

17 COMMISSIONER FISHER: -- the roof deck,  
18 sorry --

19 THE WITNESS: The roof deck needs to  
20 have two safe means out. In case one set of stairs  
21 is on fire, the other one has to get out.

22 ACTING CHAIRMAN GREENE: Anybody else?  
23 Speak now.

24 MR. WINTERS: I just wanted to add one  
25 note for clarification --

1                   ACTING CHAIRMAN GREENE: Yes, please.

2                   MR. WINTERS: -- in the discussion  
3 about the loading zone, I just wanted a little bit  
4 more clarification about the vans coming in.

5                   Was that expected to be coming in the  
6 pickup loading dock, or was that in regard to the  
7 on-street striped parking, loading one on Clinton?

8                   THE WITNESS: Are you asking me what  
9 the loading dock is for?

10                  MR. WINTERS: Not the dock. You were  
11 talking about the loading, and I didn't know if that  
12 was pertaining only to the customer pickup loading  
13 dock, or if there was any discussion that needed to  
14 be made about the on-street loading relative to the  
15 stores --

16                  THE WITNESS: I will let the civil  
17 engineer or the traffic consultant talk about that.

18                  MR. WINTERS: Fine.

19                  MS. BANYRA: Go ahead, John, and then  
20 I'll go.

21                  COMMISSIONER BRANCIFORTE: You  
22 mentioned Mr. Bijou has ownership of The Edge and of  
23 the Anthony Pino restaurant building, that  
24 building --

25                  THE WITNESS: Yes.

1                   COMMISSIONER BRANCIFORTE:  -- does he  
2                   have any interest in any of the other buildings,  
3                   like the Hertz building or the --

4                   THE WITNESS:  You can ask him.  I can't  
5                   answer that question.

6                   COMMISSIONER BRANCIFORTE:  Then Mr.  
7                   Bijou can answer the question.  He's still under  
8                   oath.

9                   Is he here?

10                  MR. BIJOU:  Yes..

11                  COMMISSIONER BRANCIFORTE:  Mr. Bijou,  
12                  do you have an interest in any of the other  
13                  properties, the Hertz property or the property where  
14                  Bataglia's is now?

15                  MR. BIJOU:  Can you get them for me?

16                  (Laughter)

17                  COMMISSIONER BRANCIFORTE:  Is that yes  
18                  or no?

19                  So you don't.

20                  MR. BIJOU:  Not at the moment, no

21                  COMMISSIONER BRANCIFORTE:  Well, or the  
22                  parking lot to Bataglia's.

23                  MR. BIJOU:  Yes.  That's your parking  
24                  lot --

25                  MR. BATAGLIA:  Yeah.  I am still using

1 it.

2 COMMISSIONER BRANCIFORTE: The parking  
3 lot -- do you own the parking lot?

4 THE REPORTER: Who was the man saying  
5 "I am still using it"?

6 ACTING CHAIRMAN GREENE: Hold on a  
7 second.

8 COMMISSIONER BRANCIFORTE: No. It's  
9 okay. I got the answer. I got the answer.

10 ACTING CHAIRMAN GREENE: One second.  
11 Who said, "I still own it?"

12 COMMISSIONER FISHER: She just wants to  
13 know who it was for the record.

14 ACTING CHAIRMAN GREENE: She wants to  
15 know who it was. Can you identify yourself?

16 COMMISSIONER FISHER: Brian Bataglia.

17 MR. BATAGLIA: Brian Bataglia. I own  
18 Bataglia's Home.

19 COMMISSIONER BRANCIFORTE: Thanks.  
20 That's the only questions I had.

21 MS. BANYRA: This is for Mr. Marchetto.

22 So, Dean, there wouldn't be any problem  
23 putting green screens around the bulkheads, if the  
24 Board wanted that?

25 THE WITNESS: I don't think there is a

1 problem.

2 MS. BANYRA: Yeah. That's similar to  
3 what we have done before, if the Board has a problem  
4 with the look of those. Even though they are  
5 internal, we can green screen them, and we have also  
6 done green roofs on top of those, so, you know, we  
7 have done a bunch of things with them, so that is  
8 kind of the tail wagging the dog, but certainly that  
9 could be addressed.

10 THE WITNESS: You can see from the  
11 ground level, you would never see those.

12 COMMISSIONER BRANCIFORTE: But the air  
13 conditioners and bulkheads, do they have lights on  
14 them, like light bulbs?

15 I understand now that a lot of these  
16 air conditioning units need to be eliminated. I  
17 want to make sure that when we put lights on top of  
18 this roof, that the neighbors in The Edge building  
19 or across the street, wherever, aren't going to have  
20 lights shining in their building now.

21 THE WITNESS: We don't have lighting  
22 planned for the roof. In fact, that is the air  
23 conditioner, and what we did was we put a screen  
24 around it, so that it is not something that's loud  
25 or unsightly. We tried to screen it.

1 COMMISSIONER BRANCIFORTE: Okay.

2 THE WITNESS: And if there is a service  
3 light there for a mechanic, it would be below that  
4 screen.

5 MS. BANYRA: One more question.

6 ACTING CHAIRMAN GREENE: Are we done?

7 MS. BANYRA: I just have one more  
8 question relative to the building on the corner, the  
9 Pino property, there's residential uses in that.

10 What is the relationship between this  
11 building and the height and the separation and what  
12 is it going to look like?

13 I remember roof decks on top of that,  
14 on one of those units?

15 THE WITNESS: To be honest with you, I  
16 didn't design this building, so I don't know the  
17 details of that. But the windows are facing here,  
18 and they are facing out this way, so it is a  
19 corner --

20 MR. TESTA: There is not a roof deck on  
21 the top of the building. There is a small private  
22 deck --

23 MS. BANYRA: That drops down.

24 MR. TESTA: -- that drops down where  
25 the roof comes down over the --

1                   COMMISSIONER FISHER: Like internal,  
2 right?

3                   MR. TESTA: -- in the new restaurant.

4                   MS. BANYRA: So what does that look  
5 like with this change then, internal to that -- what  
6 will they be looking at from that drop down?

7                   I think it's a story down, and there's  
8 some walls around it.

9                   You know, you don't have to answer that  
10 question. I'm just curious as to what --

11                   MR. TESTA: I mean, it would basically  
12 be that corrugated panel is going to come straight  
13 down, so they are going to be in like a well there.

14                   MS. BANYRA: Yeah.

15                   COMMISSIONER BRANCIFORTE: The owner of  
16 the rock climbing gym, is he going to give  
17 testimony?

18                   ACTING CHAIRMAN GREENE: Yes.

19                   MR. TESTA: Yes.

20                   COMMISSIONER BRANCIFORTE: Okay.

21                   COMMISSIONER GRANA: One more question  
22 for Mr. Marchetto.

23                   ACTING CHAIR GREENE: Antonio?

24                   COMMISSIONER GRANA: On A-1, the  
25 loading dock, it says "loading dock and customer

1 pickup."

2 Is the intended use of that dock only  
3 for the use of West Elm, or is it for all of the  
4 tenants in the facility?

5 THE WITNESS: It's just for West Elm.

6 COMMISSIONER GRANA: So anything that  
7 would be delivered to the mountain climbing or the  
8 offices would be done on the street?

9 THE WITNESS: Yes.

10 COMMISSIONER GRANA: And is there an  
11 intended zone on Clinton identified here where --

12 THE WITNESS: Again, I will let the  
13 civil engineer answer that question about the  
14 loading zone.

15 COMMISSIONER GRANA: Okay. Thank you.

16 COMMISSIONER BRANCIFORTE: Well, will  
17 Mr. Bijou agree that all deliveries to the building  
18 will be done on Clinton Street and not on Willow?

19 MR. BIJOU: Yes.

20 COMMISSIONER BRANCIFORTE: We can write  
21 that in the resolution.

22 COMMISSIONER GRANA: Basically you  
23 would have a challenge on Willow --

24 THE WITNESS: What --

25 COMMISSIONER BRANCIFORTE: You know

1       what, we will wait until the traffic engineer comes  
2       up I guess.

3                   MR. BIJOU:  If I may, the other uses  
4       on --

5                   MS. BANYRA:  Mr. Bijou, you have to  
6       come up, so the transcriber can hear you.

7                   MR. BIJOU:  -- you had a question  
8       before about the other uses on the street.

9                   You know, you have Bataglia's Furniture  
10       and then you have Hertz.  That is a transitional  
11       piece of space.  I think that probably will be sold  
12       to somebody, and I don't know what the use is and  
13       what they have planned.

14                   COMMISSIONER BRANCIFORTE:  Right.  But  
15       you don't own it.  That's what I was getting at.

16                   MR. BIJOU:  No, I am not involved in  
17       any of that.

18                   We tried to make this -- this whole  
19       block is really commercial.

20                   COMMISSIONER BRANCIFORTE:  That's fine.

21                   MS. BANYRA:  Mr. Bijou, can I just ask  
22       you one question?  I'm sorry.

23                   I thought that when we had a meeting  
24       with your professionals, that you did have an  
25       interest in the property that is relative to the

1 parking lot next door because I thought that that  
2 came up in one of our discussions.

3 MR. BIJOU: No. I was quite happy with  
4 what we have.

5 (Laughter)

6 MS. BANYRA: I'm just saying that that  
7 is what I understood.

8 MR. BIJOU: We obviously -- we had an  
9 issue with, you know, our building, The Edge,  
10 borders the Hertz building and right now, you know,  
11 all of those people have, you know, pretty good  
12 light and air, and I don't know what the use is  
13 going to be, if somebody else buys it.

14 MS. BANYRA: Okay. That's not what I  
15 understood from one of our review meetings I guess  
16 with your professionals, so that I think --

17 MR. BIJOU: I mean, from what I have  
18 heard, I heard that it is under contract with  
19 somebody else, but it is not signed --

20 MS. BANYRA: Okay. No problem. I'm  
21 glad for the clarification. I just wanted  
22 clarification.

23 MR. BIJOU: -- I am not involved in it  
24 at all. I might be back here complaining about it.

25 (Laughter)

1                   ACTING CHAIRMAN GREENE: Diane?

2                   COMMISSIONER MURPHY: I have one more  
3 question.

4                   Did you give any kind of consideration  
5 to having any kind of maybe like a little bit of a  
6 curb cut for drop-off, since you are redoing that  
7 part of that building on the Clinton side?

8                   Because even though you are not  
9 providing parking, when I was looking at everything  
10 the other day, I was kind of thinking how, you know,  
11 parents want to drop off kids to let them go in,  
12 and I know it is not a through street, but, you  
13 know, it is a one-way road.

14                   I am just thinking that if you are  
15 thinking family-friendly, that there might be some  
16 issues there.

17                   ACTING CHAIRMAN GREENE: It's actually  
18 a two-way. It's like a box canyon. You can go in,  
19 but you have to make a U-turn to go back.

20                   COMMISSIONER MURPHY: U-turn and go  
21 back. Right, right.

22                   THE WITNESS: It's a complicated street  
23 there. But, again, I will let the traffic and civil  
24 engineer talk about drop-off and loading zones.

25                   COMMISSIONER MURPHY: Okay.

1 COMMISSIONER GRANA: Anything else?

2 Let's open it up to the public.

3 Are there questions for Mr. Marchetto?

4 Ms. Healey, please come up and identify  
5 yourself.

6 MS. HEALEY: Leah Healey, 806 Park.

7 Mr. Marchetto, I think you said that  
8 you were going to have 43,488 square feet in the  
9 building, so that's only 65 percent --

10 THE WITNESS: Right.

11 MS. HEALEY: -- of the allowable?

12 THE WITNESS: Yes.

13 MS. HEALEY: Did you include -- what's  
14 the square footage of the roof deck?

15 THE WITNESS: 5,395.

16 MS. HEALEY: Is that included in your  
17 number, 43,488?

18 THE WITNESS: No, it's not.

19 MS. HEALEY: You also I guess indicated  
20 that you felt the roof deck was a best -- I think  
21 you said something about, the best commercial  
22 buildings would include an outdoor roof deck?

23 THE WITNESS: Yes.

24 MS. HEALEY: What did you mean by that?

25 THE WITNESS: Well, I just did an

1 office building in Morristown, and it was very, very  
2 important to the tenant to have a roof deck, so  
3 people can go out there and have lunch.

4 I mean, if you work in a place and you  
5 have a place to go up on the roof and be outside and  
6 have lunch or just to be outside and take a break, I  
7 mean, how could you not like that?

8 MS. HEALEY: Okay. So that was in  
9 Morristown?

10 THE WITNESS: Yes.

11 MS. HEALEY: Are there any roof decks  
12 in Hoboken?

13 THE WITNESS: There's lot of roof decks  
14 in Hoboken.

15 MS. HEALEY: Associated with  
16 commercial?

17 THE WITNESS: I don't know. I don't  
18 know. I imagine there are, but I just don't know.

19 MS. HEALEY: So I guess you are saying  
20 it is the best commercial for Morristown, but are  
21 there other examples of the best commercial in  
22 Hoboken?

23 THE WITNESS: No. Any office building  
24 that has an outdoor space is something people desire  
25 to do. Even in my building, I have an office

1 building. They like to go outside. I have a park  
2 next door. But if I didn't have a park, and I had a  
3 roof deck, people would go up there for lunch.

4 MS. HEALEY: With respect to -- are you  
5 familiar with the roof deck ordinance that was just  
6 adopted?

7 THE WITNESS: Not specifically, no.

8 MS. HEALEY: So you don't know whether  
9 this would have complied with that ordinance. Are  
10 you're seeking a variance for that?

11 THE WITNESS: No, I don't.

12 If there was a variance required, we  
13 would have listed it, yes.

14 MS. HEALEY: Okay.

15 And with respect to the bike racks that  
16 you have identified, I know one of the Commissioners  
17 asked you about that.

18 Do you know whether or not you are  
19 willing to put bike racks that are more than just  
20 one or two, preferable for more than just one or two  
21 bikes, but rather multiple bikes?

22 THE WITNESS: We are open to more  
23 bikes, absolutely.

24 MS. HEALEY: Okay.

25 And I think there was testimony by Mr.

1 Testa about interstitial floors should the Gravity  
2 in 80 years leave us.

3 What do you mean by interstitial  
4 floors?

5 How many interstitial floors would  
6 there be?

7 MR. TESTA: We don't know.

8 I was just saying that usually these  
9 gyms are just completely opaque or just solid.

10 We punched a lot of windows openings in  
11 for this use primarily to get light and air in, but  
12 we also thought down the road, if a mezzanine, an  
13 office floor wanted to go in there, they could do it  
14 without having to punch through a structural facade  
15 because this facade is going to be structural.

16 MS. HEALEY: And If you know, do you  
17 have any idea long the lease is for the Gravity use?

18 MR. TESTA: I don't know off the top of  
19 my head, but the tenant can answer that.

20 MS. HEALEY: Or if it is a lease?

21 A VOICE: There's a lease --

22 MS. BANYRA: You can't, sir.

23 MR. TESTA: There is a lease.

24 (Everyone talking at once.)

25 ACTING CHAIRMAN GREENE: Hang on, hang

1 on.

2 THE REPORTER: I can't hear you.

3 MR. TESTA: He could explain the lease  
4 better. He will be up here soon.

5 MS. HEALEY: Okay, great. Thank you.

6 ACTING CHAIRMAN GREENE: Anyone else?

7 MR. BIJOU: If I may, I wanted to  
8 address Ms. Murphy. It's Ms. Murphy, correct?

9 COMMISSIONER MURPHY: Yes.

10 MR. BIJOU: You had the question about  
11 a dropoff.

12 There is a place where we are closing  
13 off a -- it is a large door on the street there --  
14 what is it --

15 THE WITNESS: I am not sure what you  
16 are referring to.

17 MR. BIJOU: -- the loading dock.

18 There are three loading docks to that  
19 building. One of them is being closed down. It is  
20 closer to the 15th Street side.

21 THE WITNESS: Oh, you mean in the  
22 existing building?

23 MR. BIJOU: Yes. It's Clinton and  
24 15th, so we could have a dropoff there. There is  
25 essentially one there now almost.

1 MS. GONCHAR: You mean there is a curb  
2 cut?

3 MR. BIJOU: Yes. We can work on it.

4 COMMISSIONER MURPHY: You're saying  
5 there's loading?

6 MR. BIJOU: I think we can work on  
7 that.

8 MS. GONCHAR: What he means is that --

9 COMMISSIONER MURPHY: What I'm  
10 thinking --

11 MR. BIJOU: -- right --

12 (Everyone talking at once.)

13 ACTING CHAIRMAN GREENE: One at a time,  
14 please.

15 MR. BIJOU: It is not right in front of  
16 the door.

17 THE WITNESS: There.

18 MR. BIJOU: Right, okay.

19 ACTING CHAIRMAN GREENE: It's probably  
20 a discussion for the traffic engineer.

21 COMMISSIONER MURPHY: Yeah. We'll wait  
22 for the traffic --

23 ACTING CHAIRMAN GREENE: Anyone else  
24 from the public have questions of this witness?

25 COMMISSIONER GRANA: Seeing none,

1 motion to close public portion.

2 COMMISSIONER BRANCIFORTE: Second.

3 ACTING CHAIRMAN GREENE: All in favor?

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

6 ACTING CHAIRMAN GREENE: Thank you, Mr.  
7 Marchetto.

8 MR. MARCHETTO: Thank you.

9 MS. GONCHAR: What is your timing?

10 ACTING CHAIRMAN GREENE: I would say  
11 that we have another twenty minutes.

12 MS. GONCHAR: Okay.

13 (Counsel confers)

14 MS. GONCHAR: In the 20 minutes, we  
15 are going to put the tenant up, so he could answer  
16 some of your questions --

17 ACTING CHAIRMAN GREENE: I think that's  
18 an excellent idea.

19 MS. GONCHAR: -- instead of starting  
20 with the engineer and the green roof, so if we could  
21 have him sworn.

22 MR. GLEASON: Please raise your right  
23 hand, sir.

24 Do you swear or affirm that the  
25 testimony you are about to give is the truth, the

1 whole truth, and nothing but the truth?

2 MR. KOVALCIK: I do.

3 L U C A S K O V A L C I K, The Gravity Vault, 107  
4 Pleasant Avenue, Upper Saddle River, New Jersey,  
5 having been duly sworn, testified as follows:

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

8 THE WITNESS: Sure.

9 Lucas Kovalcik, K-o-v, like Victor,  
10 a-l-c, like Charlie, i-k.

11 MR. GLEASON: Okay. Thank you.

12 Ms. Gonchar, your witness.

13 MS. GONCHAR: Thank you.

14 All right. Can you tell us, first of  
15 all, about the company and your position with the  
16 company?

17 You can sit down, Matt.

18 THE WITNESS: My name is Lucas  
19 Kovalcik. I am the co-founder of the Gravity Vault,  
20 Indoor Rock Climbing Gyms, and we've been in  
21 business for just over ten years.

22 MS. GONCHAR: Okay.

23 And tell us something about the  
24 operation, other locations, and what you propose for  
25 this location.

1 THE WITNESS: Sure.

2 We operate large indoor rock climbing  
3 facilities that are very customer service focused as  
4 well as educational driven.

5 We consider ourselves to be a  
6 recreational family-friendly environment, where we  
7 both cater to existing climbers and offer  
8 state-of-the-art facilities for them to come, train  
9 and climb, as well as introduce people to the sport  
10 of climbing through different programming that we  
11 have from beginner classes to corporate team  
12 building events for corporations, to memberships.

13 I guess we offer a breadth of services  
14 and different types of membership options, climbing  
15 options to folks to come in and climb with us.

16 Our operation on average is about  
17 14,000 plus square feet in footprint, and so this  
18 facility here, being just a little over 16,000  
19 square feet, we are excited to basically make a  
20 flagship location for our brand new location. We  
21 opened our first location in Bergen County, New  
22 Jersey, just over ten years ago. In July of this  
23 year, we celebrated ten years there in Upper Saddle  
24 River.

25 We opened our second facility in

1 Chatham, New Jersey following that, and we opened  
2 our first franchise just last year in Middletown,  
3 New Jersey.

4 We have also been seeking to come to  
5 the City of Hoboken for a number of years. Some of  
6 the Board members may recall different properties  
7 that we have been looking at, and we're pretty  
8 excited to have found a partner, both Larry Bijou  
9 and Bijou Properties, and we're kind of seeing our  
10 vision, and what we see is this location here in  
11 Hoboken being a flagship location, being a large  
12 state-of-the-art facility.

13 MS. GONCHAR: Can you tell us where you  
14 anticipate the clientele will come from and how they  
15 will get there?

16 THE WITNESS: Sure.

17 Mainly from the Hoboken area, and  
18 immediately surrounding communities, including New  
19 York City.

20 We currently draw a number of residents  
21 from both the Hoboken, Jersey City and New York City  
22 area actually for our current facilities. Our  
23 Chatham facility was directly -- with a lot of  
24 public transportation available to it, we see a  
25 number of climbers that come in from Hoboken

1 directly, and one of the reasons why we had in years  
2 past looked for a facility located here in Hoboken  
3 to kind of cater to what is somewhat of an  
4 interesting client base that comes from this area  
5 and this community as well already.

6 MS. GONCHAR: We have some of the  
7 slides up. Do you want to just describe what --  
8 these were part of the packet that were given out as  
9 Exhibit A-1.

10 THE WITNESS: Sure.

11 These are just some pictures of our  
12 existing facilities.

13 So on the left-hand side is our Chatham  
14 facility, and on the right is our Upper Saddle River  
15 facility, which was our first facility.

16 I am going to show you some of the  
17 structures similar to that, which we will build here  
18 in the Hoboken location.

19 With that, you know, in talking about  
20 programming and what we do, we offer different types  
21 of climbing and different disciplines of climbing  
22 from top roping all the way to the left, bouldering  
23 in the center, lead climbing, similar to that, which  
24 you experience in outdoor climbing environments and  
25 training, as well as to the right just showing the

1 breadths of the ceiling heights and such that are  
2 necessary, and again, a critical part of our  
3 proposal and our building is having clear ceiling  
4 heights to accommodate these types of structures and  
5 these types of climbing walls.

6           You know, climbing is also a very  
7 social sport. It's something that, you know, caters  
8 to the young and old.

9           We always say that our member base and  
10 our client base ranges from the age of five to 75,  
11 and you see the people talk about it.

12           And, you know, this individual that we  
13 see is having his hand up talking about the climb  
14 and the problem that lies before him and trying to  
15 solve that problem through climbing.

16           Talking about the educational side of  
17 things and kids programing, on the left-hand side we  
18 have an instructor kind of teaching the kids' class.

19           On the right-hand side, we have  
20 staff-led programs. We have individuals who come in  
21 and climb on their own. Here on the right, we have  
22 one of our staff members, who is the belaying, which  
23 is the action of managing the ropes for an  
24 individual who is on the wall with parents standing  
25 by taking pictures, so we have all programs where

1 people can come in and climb on their own as well as  
2 programs for people who come in and work with our  
3 staff.

4 Each of our locations incorporates a  
5 pro-shop. I know it was mentioned a little bit  
6 earlier, but in the floor plans, this is just an  
7 example of one of our existing pro shops selling  
8 things that are client-related from guidebooks to  
9 apparel, as well as climbing training materials and  
10 otherwise.

11 Again, spanning the spectrum from what  
12 we see as a lifetime sport, so talking about how  
13 long we will be around, we have a relationship with  
14 Bijou that will allow us to stay there with our  
15 options for upwards of 20 years. And with that, we  
16 basically have been around for over ten years and  
17 see ourselves being there and being part of that  
18 community and being part of that new neighborhood  
19 and catering to those lifetime climbers, as well as  
20 the first-time climbers and the kids coming in and  
21 experiencing climbing for the first time.

22 MS. GONCHAR: All right.

23 And can you discuss where your  
24 employees might come from, and how many employees  
25 you would anticipate having?

1 THE WITNESS: Sure.

2 We always hire locally. We find it  
3 very beneficial having local both, you know, adults  
4 and students alike.

5 We have typically two to three  
6 full-time employees, and 10 to 15 part-time  
7 employees working at each facility, and that is in  
8 total, not necessarily working at the same time.

9 MS. GONCHAR: What do you anticipate  
10 your hours might be, seven days a week and what kind  
11 of --

12 THE WITNESS: Seven days a week, we  
13 currently operate in our more suburban locations  
14 from usually 10 a.m. Monday through Friday, 9 to 8  
15 on Saturdays and Sundays. But in an urban  
16 environment, we want, you know, to reserve the right  
17 and ability to basically adjust those based on  
18 demand.

19 We see there will be people with  
20 different work schedules and work life balances  
21 coming in for an early morning climbing session,  
22 maybe as early as 6 a.m., and people staying or  
23 coming back from work a little bit later potentially  
24 from, you know, Manhattan or otherwise and wanting  
25 to stay until maybe 12 or 1 a.m., as we see our

1       busiest hours in our current locations after 7 p.m.,  
2       say between 7 p.m. and 9 p.m. weekdays and all day  
3       Saturdays and Sundays would be our busiest times.

4                   MS. GONCHAR:  There was a question  
5       before about food concessions.

6                   You would have parties in some of the  
7       pictures you have shown --

8                   THE WITNESS:  Sure.

9                   MS. GONCHAR:  -- children's parties,  
10       and how are those handled?

11                  THE WITNESS:  It's all prepared foods,  
12       so we do not do any food preparation on site.  We  
13       won't have any kitchen facilities or otherwise.  It  
14       would all be prepackaged and prepared foods or  
15       catered in foods from a local vendor.

16                  MS. GONCHAR:  And there has been a lot  
17       of discussion about having the ability to store  
18       bicycles.

19                  Do you anticipate that your clientele  
20       will come by a bicycle, walking?

21                  What do you anticipate their means of  
22       getting there would be?

23                  THE WITNESS:  Sure.

24                  I mean, I know in Hoboken, we see  
25       public transportation being the main way that people

1 will come to our facility. We did our own due  
2 diligence on the different bus routes and the  
3 distance to the ferry, and the distance to the light  
4 rail station just to basically understand it as  
5 well, and foot traffic, I mean, we are a fitness  
6 facility. I think people would come by foot. Maybe  
7 some would come by bike, and we also, you know, we  
8 looked around at local garages for anybody that did  
9 need to be parking to see what was available, and we  
10 were satisfied with the amount of parking that was  
11 available and that was necessary for those number of  
12 people as well.

13 MS. GONCHAR: That is what we have for  
14 our direct, subject to recall.

15 ACTING CHAIRMAN GREENE: Thank you.

16 COMMISSIONER FISHER: Let me ask a  
17 specific question.

18 ACTING CHAIRMAN GREENE: Go ahead.

19 COMMISSIONER FISHER: About how many  
20 people, like on a busy Saturday afternoon, like how  
21 many people are there like at the same time?

22 THE WITNESS: Sure.

23 An average programming lasts about an  
24 hour to an hour and a half, and an average climber  
25 comes for a session that lasts somewhere between an

1 hour or an hour and a half as well.

2 So rotating in and out on a busier  
3 Saturday or a typical evening, I'd say about 50 or  
4 60 individuals would be an average number.

5 COMMISSIONER DE GRIM: Is that for the  
6 whole day or --

7 THE WITNESS: At any one time.

8 COMMISSIONER DE GRIM: At any one time?

9 THE WITNESS: Yeah.

10 Being that people rotate in and rotate  
11 out, it's kind of like a work-out session, if you  
12 will, if you weigh it to that directly. It is  
13 different, but like our programming lasts one hour  
14 that we call a staff climbing session. You will  
15 come in and hire one of our staff members for an  
16 hour of time. We will take you around the facility  
17 and work out with you. Again, we will have  
18 memberships and members that will come in and check  
19 themselves in on any average point, if you took a  
20 snapshot in time of some of the, you know, busier  
21 times on average.

22 ACTING CHAIRMAN GREENE: What is your  
23 capacity?

24 I mean, given your layout, how many  
25 people could you have on a wall at a time?

1                   THE WITNESS: The internal design of  
2                   our facility, you know, we have prospective designs  
3                   and layouts done.

4                   You know, we are looking at, you know,  
5                   whatever the fire occupancy is obviously, as far as  
6                   the number of people that could climb at any point  
7                   in time, upwards of a hundred to 150, you know, with  
8                   every rotation or every station were being used  
9                   simultaneously, you know, in working together with,  
10                  again a two-person sport, two-person activity. One  
11                  person working with ropes, or if you're bouldering,  
12                  you are working with a spotter or somebody else with  
13                  you.

14                  ACTING CHAIRMAN GREENE: This is going  
15                  to be a corporate facility as opposed to a  
16                  franchise?

17                  THE WITNESS: Yes.

18                  ACTING CHAIRMAN GREENE: And what about  
19                  proposed signage?

20                  THE WITNESS: What was shown on the  
21                  architect's renderings is what we put together, so  
22                  what is shown on there is what we proposed.

23                  ACTING CHAIRMAN GREENE: I don't  
24                  actually recall it.

25                  THE WITNESS: It is two large logos. I

1           guess one was on the Clinton side, and one was on  
2           the 15th Street side that were above the --

3                    ACTING CHAIRMAN GREENE:  Oh, I see it.  
4           Okay.

5                    COMMISSIONER DE GRIM:  Here it is.

6                    THE WITNESS:  Two signs.

7                    ACTING CHAIRMAN GREENE:  Thank you.

8                    COMMISSIONER FISHER:  On that corner.

9                    MS. GONCHAR:  For the record, we did  
10          check with -- we did talk with the zoning officer to  
11          describe that and try to get some interpretation on  
12          the language, and we do believe that the goal was  
13          that what's proposed is to be in accordance with  
14          what is permitted.

15                    It was not our objective to exceed what  
16          is permitted in there, so we had not asked for a  
17          variance for that.

18                    ACTING CHAIRMAN GREENE:  Okay.  Thank  
19          you.

20                    Anyone else?

21                    COMMISSIONER BRANCIFORTE:  Yes.

22                    You don't prepare foods, so I am not  
23          worried about waste as far food goes, but, you know,  
24          at one of your other locations, I mean, how many  
25          bags of garbage is put at the curb every night, and

1 typically what's in it?

2 I mean, it is not food waste, because  
3 there is no food being prepared, right?

4 THE WITNESS: No. It's mostly  
5 recyclables, and with the LEED certification, there  
6 are certainly recycling guidelines that we are going  
7 to be following with that.

8 It probably would be empty water  
9 bottles or Powerade drinks.

10 COMMISSIONER BRANCIFORTE: So at the  
11 end of the night in Chatham, there may be one or two  
12 big garbage bags at the curb?

13 THE WITNESS: Yeah. I think two to  
14 three tops on a busy night.

15 COMMISSIONER BRANCIFORTE: Then on  
16 weekends when you have kids' parties, all of that  
17 excess food just sits at the curb until it gets  
18 picked up or --

19 THE WITNESS: No. You can't leave any  
20 excess food around the gym. It will get eaten up by  
21 every employee that's there.

22 (Laughter)

23 Just one slice of pizza goes a long  
24 way. There is very little food waste I guess that  
25 goes into it. You know, depending on how much food

1 gets ordered, the additional food is offered to  
2 parents to take with them, if they want to. There  
3 is never any left over food.

4 COMMISSIONER BRANCIFORTE: Okay. I'm  
5 just curious, if there is going to be a lot of kid  
6 parties on weekends and there's, you know, a lot of  
7 junk left over.

8 But the roof deck, do you have any  
9 other roof decks on any of your other locations?

10 THE WITNESS: We do not.

11 COMMISSIONER BRANCIFORTE: Okay.

12 MS. BANYRA: Yes.

13 So am I to understand that the roof  
14 deck is for your purposes or for the office building  
15 purposes or could it be both, do you know?

16 THE WITNESS: I would say I would let  
17 the developer discuss that. It is not something  
18 that's exclusively ours, so I will defer to one of  
19 them to answer that question.

20 MS. BANYRA: Okay. I will wait on that  
21 one.

22 The second question I have: Will there  
23 also be -- I think you have weight training. Is it  
24 also like a gymnasium, other athletic training  
25 that's going on there besides the climbing, and how

1 does that fit into the numbers that you were telling  
2 us, like a hundred to 150 climbers, and could there  
3 be some other kind of classes going on?

4 THE WITNESS: We have small weight  
5 training areas, so I think it is even on the  
6 design -- on the floor plan, I think it says  
7 training area, so it could be the things that are  
8 associated with climbing that basically help people  
9 get fit and get stronger.

10 We typically have a handful of  
11 additional cardiovascular piece of equipment because  
12 climbers also could avoid having to have a secondary  
13 membership at a traditional gym by being able to  
14 work out at one of our facilities, not only  
15 climbing, but maybe getting your heart rate up maybe  
16 on a treadmill or using an elliptical machine, so  
17 this facility will have some of those extra weight  
18 training items involved in, you know, in that range  
19 of individuals, I included, you know, there is maybe  
20 a half dozen people that at any point in time are  
21 utilizing that area. It is not a tremendously large  
22 area with a separate client base.

23 MS. BANYRA: It's mostly going to be  
24 climbers doing that as opposed to fitness people  
25 using it. That is what your understanding is?

1                   THE WITNESS: Correct. Our focus is on  
2 climbing, and that is what the...

3                   MS. BANYRA: So showers and locker  
4 rooms?

5                   THE WITNESS: Yes.

6                   MS. BANYRA: So you expect people to  
7 come and change and take, you know, showers similar  
8 to another gymnasium type facility?

9                   THE WITNESS: We don't have any showers  
10 on purpose. But we see in an urban environment,  
11 where people are off to work, going for the early  
12 morning climb, typically it's matter of changing  
13 clothes, putting on their work clothes.

14                   We have locker rooms in our Chatham  
15 facility, and they do utilize the lockers. You  
16 know, get changed from work clothes, if you will.

17                   Climbing involves wearing a pair of  
18 climbing shoes. You need to place your street  
19 shoes, if you will, somewhere, and we thought of  
20 that. It is not extensive, you know, maybe two  
21 showers in each of the rest rooms.

22                   MS. BANYRA: And you do realize that I  
23 live in New Paltz, New York, right, which is a big  
24 climbing area, so --

25                   THE WITNESS: No.

1 MS. BANYRA: -- so there is no showers  
2 basically.

3 THE WITNESS: There are showers --

4 MS. BANYRA: Two showers --

5 THE WITNESS: -- at this facility in  
6 Hoboken, this proposed one, there are showers in  
7 both the men's and women's locker room areas, yes.

8 MS. BANYRA: But like two showers?

9 THE WITNESS: Correct.

10 MS. BANYRA: Great.

11 Thank you.

12 COMMISSIONER BRANCIFORTE: The  
13 questions of showers, I mean, in your sports club,  
14 they provide towels, which means they have to have  
15 laundry and trucks that come and pick up the laundry  
16 or they do it there.

17 Are we talking about that sort of  
18 thing, where you're going to have to people coming  
19 out, outside vendors coming in every day to deliver  
20 or pick up?

21 THE WITNESS: No. We don't generally  
22 have any plans to offer any type of towel service.  
23 It is much more of a self-sufficient climber base.

24 COMMISSIONER BRANCIFORTE: I just  
25 wanted to --

1                   ACTING CHAIRMAN GREENE: You just shake  
2 off.

3                   (Laughter)

4                   COMMISSIONER BRANCIFORTE: -- I just  
5 wanted to make sure there is not a truck pulling up  
6 in front of your place every day then. So you don't  
7 expect a lot of trucks pulling up and parking on  
8 Clinton Street or whatever?

9                   THE WITNESS: We don't, no.

10                  MS. BANYRA: They come on bike.

11                  (Board members confer)

12                  ACTING CHAIRMAN GREENE: Anybody else?

13                  COMMISSIONER DE GRIM: When you talk  
14 about an individual climbing by themselves, it is  
15 actually somebody climbing with somebody on the  
16 ground that people come -- basically have to come in  
17 pairs?

18                  THE WITNESS: They often come in pairs.  
19 There are a few select stations, which we call auto  
20 belay devices, which are utilized for individuals  
21 who maybe come, it's a mechanical device to make it  
22 as simplistic as possible to allow you to clip into  
23 your harness and allows you climb without having a  
24 partner with you.

25                  But, yes, the majority of individuals



1 and we are not really sure what the future holds for  
2 that area. Maybe it is going to be residential.  
3 Maybe it's going to be industrial, so I think, you  
4 know, you always try to minimize any kind of off  
5 site impacts, whether it be lighting or traffic or  
6 anything. You minimize anything, and everything  
7 kind of stays contained, so --

8 COMMISSIONER GRANA: So if we have,  
9 again, 42 foot, you know, glass entries on both  
10 sides, is there -- do we have any guidelines that we  
11 follow?

12 MS. BANYRA: We typically don't, but,  
13 you know, this is something that the applicant is  
14 going to be hearing you say, so there was going to  
15 be probably some kind of -- I am going to say  
16 opaqueness or a way to minimize that.

17 So if that is the line of questioning  
18 you have, and they will have to address that. It is  
19 not this witness.

20 COMMISSIONER GRANA: Thank you.

21 THE WITNESS: Thank you.

22 (Laughter)

23 MS. GONCHAR: Subtle,

24 (Laughter)

25 ACTING CHAIRMAN GREENE: Anyone else?

1                   COMMISSIONER BRANCIFORTE: Just one --  
2           it's not so much a question, but an item that we  
3           need to discuss is whether or not we want to put  
4           some limits on their hours of operation, and if we  
5           wanted to consider limiting the hours they can go  
6           out on this roof deck, if it's approved, so I mean  
7           it's something that we will have to discuss.

8                   ACTING CHAIRMAN GREENE: Well, counsel  
9           is making a note of it even as we speak, so that we  
10          can discuss it further when we reach that point.

11                   Anybody else?

12                   I will open it up to the public for  
13          this witness.

14                   Ms. Healey?

15                   MS. HEALEY: I believe you said you  
16          have been in business ten years in your first  
17          location in Saddle River. Is that the ten-year one?

18                   THE WITNESS: Yes.

19                   MS. HEALEY: And how about Chatham and  
20          Middletown, how many --

21                   THE WITNESS: Chatham was opened  
22          November of 2009, and in February of 2014 we opened  
23          in Middletown.

24                   MS. HEALEY: Have you ever had a  
25          location that closed?

1 THE WITNESS: No.

2 MS. HEALEY: Who will do the build-out  
3 on your lease?

4 THE WITNESS: As far as internal  
5 fit-out of the rest rooms and otherwise, we are  
6 basically hoping to work with Bijou Construction to  
7 do some of that build-out, but it has not been  
8 finalized as of that.

9 MS. HEALEY: And how about the  
10 mountain?

11 THE WITNESS: The climbing walls  
12 themselves?

13 MS. HEALEY: Yes.

14 THE WITNESS: We use one of three major  
15 manufacturers. We have basically been in touch with  
16 one specifically to do some of our preliminary  
17 designs, so it will be one of the three major rock  
18 wall builders.

19 MS. HEALEY: And you indicated you  
20 would like to stay up to 20 years.

21 Is that what you proposed to the owner,  
22 or do you have an option for 20 years or a lease for  
23 20 years?

24 THE WITNESS: We have a signed lease in  
25 place that allows us to occupy the space for up to

1 20 years.

2 MS. HEALEY: And what is the minimum  
3 that you can occupy it for?

4 THE WITNESS: Ten years.

5 MS. HEALEY: If you were not permitted  
6 to have access to the roof deck, would you be unable  
7 to operate your climbing walls technically or in the  
8 fashion that you would like?

9 THE WITNESS: In a fashion that I would  
10 prefer, I think it would be a nice benefit again to  
11 have the outdoor space.

12 Climbing is an outdoor activity, and  
13 many climbers enjoy climbing both outside and  
14 inside. I think having outdoor space and fresh air  
15 is a very nice attribute to the location, which we  
16 don't have available at our other three locations.

17 MS. HEALEY: You don't mean that they  
18 would be climbing on the roof deck?

19 (Laughter)

20 THE WITNESS: No. I do not, but rather  
21 enjoying some fresh air.

22 They are typically outdoor people that  
23 I would associate with this sport of climbing,  
24 people that enjoy the outdoors, and other  
25 recreational outdoor activities, mountain biking,

1 hiking, things of that nature, so people that  
2 appreciate the sunshine and appreciate the outdoors,  
3 so I think it is a nice add-on feature.

4 MS. HEALEY: Are you familiar with our  
5 wonderful parks and waterfront walkway and other  
6 things that provide outdoor space in Hoboken?

7 THE WITNESS: I am. But being right on  
8 site is really nice.

9 MS. HEALEY: Okay. So you do know that  
10 we have a park and a waterfront park about a block  
11 from here?

12 THE WITNESS: Yes.

13 MS. HEALEY: Thank you.

14 ACTING CHAIRMAN GREENE: So I guess  
15 there will be no propelling over the parapet?

16 (Laughter)

17 THE WITNESS: If you let us, we would  
18 love to. It sounds like a grand opening to me.

19 (Laughter)

20 ACTING CHAIRMAN GREENE: Anybody else?  
21 Seeing no one else?

22 COMMISSIONER BRANCIFORTE: Motion to  
23 close --

24 ACTING CHAIRMAN GREENE: Oh, excuse me.

25 UNIDENTIFIED VOICE: Is it a time to

1 say good things about them?

2 ACTING CHAIRMAN GREENE: No, no.

3 You can say good things, bad things, or  
4 neutral things later. This part of the proceeding  
5 is just for questions for the witness.

6 A VOICE: Oh, then actually then --

7 ACTING CHAIRMAN GREENE: Well, you have  
8 to come up. You have to identify yourself.

9 MR. DELANEY: Ned Delaney, N-e-d,  
10 D-e-l-a-n-e-y, a resident of 1426 Willow Avenue, so  
11 next door.

12 Do you guys offer classes, yoga, like  
13 just climbing core stuff, not equipment? Is that  
14 something that you guys would be interested in using  
15 the roof deck for because that would be great.

16 (Laughter)

17 THE WITNESS: Yes. We plan on offering  
18 fitness classes, and we will have instructors  
19 leading the classes, and we will have things that  
20 will incorporate things like yoga on the walls and  
21 things like that are part of our plan, absolutely.

22 MR. DELANEY: Great, excellent.

23 ACTING CHAIRMAN GREENE: We do allow  
24 leading questions, so I guess that one is okay.

25 Anybody else?

1 Now seeing no one?

2 MS. BANYRA: So I just have one  
3 question maybe just to follow up based on that  
4 question.

5 THE WITNESS: Yeah.

6 MS. BANYRA: So you are looking at the  
7 roof deck for active or passive use, mostly for  
8 passive uses?

9 You're not offering --

10 THE WITNESS: Yes.

11 MS. BANYRA: -- based on that question,  
12 it's not --

13 THE WITNESS: -- it is not even  
14 inclusively part of our space, so it would be, if  
15 anything, a shared use, and it would be passive, I  
16 think is the right word, not active.

17 MS. BANYRA: Okay.

18 ACTING CHAIRMAN GREENE: We have to  
19 close public.

20 COMMISSIONER GRANA: Motion to close --

21 ACTING CHAIRMAN GREENE: I'm sorry.

22 Hang on.

23 Come up and identify yourself, please.

24 MR. MELACHRINOS: Matthew Melachrinos,  
25 938 Willow.

1                   THE REPORTER: How do you spell your  
2 last name?

3                   MR. MELACHRINOS: Melachrinos,  
4 M-e-l-a-c-h-r-i-n-o-s.

5                   So as a climber and a student at  
6 Stevens, I am just curious if you have any plans on  
7 working with the college, whether for student  
8 membership discounts, or you know, for any plans you  
9 have for the college.

10                  THE WITNESS: We do. We work with a  
11 lot of the local universities that are near us now.  
12 Our Upper Saddle River location has Ramapo College.

13                  Down in Chatham, we have number of  
14 universities that come in, including West Point  
15 Military Academy that uses our facility to host  
16 their CCS competitions.

17                  So our goal is to help Stevens to  
18 develop what is called the CCS, which is the  
19 Collegiate Climbing Series of climbing, where you  
20 would say climbing is a governing body for our spot,  
21 trying to move, climbing to the Olympics, which we  
22 are all a big advocate of as part of our  
23 organization and kind of cultivate, you know,  
24 climbing through both youth as well as through  
25 collegiate climbing, and we would hope to sponsor

1       Stevens and make Stevens part of a collegiate  
2       climbing series as a host facility for them in the  
3       future, a place where you got to train and a lot of  
4       you come out to Chatham to even climb with us  
5       sometimes, so it is great to have a facility right  
6       here in Hoboken for you.

7                   MR. MELACHRINOS:   That sounds great.

8                   Thank you.

9                   ACTING CHAIRMAN GREENE:   Last call.

10                   COMMISSIONER BRANCIFORTE:   Motion to  
11       close.

12                   COMMISSIONER DE GRIM:   Second.

13                   ACTING CHAIRMAN GREENE:   All in favor?

14                   (All Board members answered in the  
15       affirmative.)

16                   ACTING CHAIRMAN GREENE:   Any other  
17       questions from the Board of professionals?

18                   Thank you.

19                   So we have to talk about your next  
20       date.

21                   MS. GONCHAR:   We do have about four  
22       more witnesses, so we have a substantial part of the  
23       hearing.

24                   ACTING CHAIRMAN GREENE:   So we can give  
25       you October or November.

1 MS. CARCONE: October 20th or the 27th.

2 MS. GONCHAR: October 20th?

3 ACTING CHAIRMAN GREENE: October 20th,  
4 that can't be. That is a Thursday.

5 COMMISSIONER MARSH: No. You are in  
6 the wrong year.

7 (Laughter)

8 ACTING CHAIRMAN GREENE: Oh, I was in  
9 the wrong month.

10 (Laughter)

11 MS. GONCHAR: I'm just checking.

12 MR. MARCHETTO: I am good for October  
13 20th.

14 (Counsel confers.)

15 MS. BANYRA: Pat, on October 20th, do  
16 we have anybody else on that schedule?

17 MS. CARCONE: 901 Bloomfield, a  
18 continuation of 901 Bloomfield.

19 MS. BANYRA: Okay. That will be a  
20 full night.

21 MS. CARCONE: That will be a full night  
22 and then it will be done, yeah.

23 MS. BANYRA: So this would be second.  
24 It would be October 20th, and this would be the  
25 second application on that evening.

1 MS. GONCHAR: Okay. If we go on the  
2 27th, are we the first applicant or would we likely  
3 get bumped anyhow?

4 MS. CARCONE: We don't know what is  
5 going to happen in September. I mean, we have full  
6 agendas for three meetings in September and things  
7 getting carried and --

8 ACTING CHAIRMAN GREENE: But if we  
9 scheduled them for the 27th, they would be in the  
10 first position, right?

11 MS. BANYRA: I mean, yeah. I think you  
12 should check your schedule for the 27th, because  
13 901, Mr. Marchetto is in on that, and that may be  
14 also a busy night, so the 27th may actually be a  
15 better night in terms of -- September might get  
16 slotted for the same night as you for other ones  
17 that get carried, right?

18 MS. CARCONE: Yeah.

19 MS. GONCHAR: All right.

20 Well, if we have a better chance of  
21 actually getting done on the 27th, I mean, getting  
22 through --

23 ACTING CHAIRMAN GREENE: Right. Well,  
24 you are the first one on the calendar.

25 MS. CARCONE: Right now you are.

1 (Laughter)

2 MS. GONCHAR: You say you are first,  
3 and Pat says "right now."

4 ACTING CHAIRMAN GREENE: I have no  
5 authority apparently here.

6 (Laughter)

7 COMMISSIONER GRANA: So a motion to  
8 carry 1420 Willow to October 27th without further  
9 notice.

10 MR. GLEASON: Without further notice.

11 And do you agree to waive any time that  
12 the Board has to act on the application?

13 MS. GONCHAR: We will give you an  
14 extension through the 27th in writing, if needed.

15 COMMISSIONER BRANCIFORTE: Second.

16 ACTING CHAIRMAN GREENE: Can we do a  
17 roll call or can we do this by acclamation?

18 All in favor?

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

21 Do we have any other matters?

22 MS. CARCONE: No.

23 COMMISSIONER BRANCIFORTE: Motion to  
24 close.

25 COMMISSIONER GRANA: Second.

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

3 ACTING CHAIRMAN GREENE: Thank you.

4 (The meeting concluded at 10:45 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, 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: 8/21/15  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.