

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
REGULAR MEETING OF THE :
HOBOKEN ZONING BOARD OF ADJUSTMENT :January 20, 2015
----- X Tuesday, 7 pm

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Owen McAnuff

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

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

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1 CHAIRMAN AIBEL: Good evening,
2 everybody.

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

11 We are at a Regular Meeting of the
12 Hoboken Zoning Board of Adjustment, January 20th.

13 It is our first meeting of the year.
14 We will be reorganizing and doing some
15 administrative business, but first let me say that
16 we started exactly at seven o'clock setting a
17 precedent for the year.

18 (Laughter)

19 If everybody could help salute the flag
20 with me.

21 (Pledge of Allegiance recited)

22 CHAIRMAN AIBEL: Pat, could you do the
23 roll call?

24 MS. CARCONE: Sure.

25 Commissioner Aibel?

1 CHAIRMAN AIBEL: Here.

2 MS. CARONE: Commissioner Greene?

3 VICE CHAIR GREENE: Here.

4 MS. CARONE: Commissioner Cohen?

5 COMMISSIONER COHEN: Here.

6 MS. CARONE: Commissioner DeFusco?

7 COMMISSIONER DE FUSCO: Here.

8 MS. CARONE: Commissioner Grana?

9 COMMISSIONER GRANA: Here.

10 MS. CARONE: Commissioner Marsh?

11 COMMISSIONER MARSH: Here.

12 MS. CARONE: Commissioner Murphy?

13 COMMISSIONER MURPHY: Here.

14 MS. CARONE: Commissioner Branciforte?

15 COMMISSIONER BRANCIFORTE: Here.

16 MS. CARONE: Commissioner McAnuff?

17 COMMISSIONER MC ANUFF: Here.

18 CHAIRMAN AIBEL: Great.

19 We are going to start off with some

20 pleasurable business. We have two appointments to

21 be sworn in, and counsel will do the honors.

22 MR. GALVIN: Ms. Marsh, and, Mr.

23 DeFusco, please rise and raise your right hands.

24 I, state your name --

25 COMMISSIONER MARSH: I, Carol Marsh --

1 COMMISSIONER DE FUSCO: I, Mike

2 Defusco --

3 MR. GALVIN: -- do you solemnly swear
4 that you will support the Constitution of the United
5 States and the Constitution of the State of New
6 Jersey, and that you will bear true faith and
7 allegiance to the same and to the governments
8 established in the United States and in this state
9 under the authority of the people, and that you will
10 faithfully, impartially, and justly perform all of
11 the duties of the office of a Regular Member of the
12 Hoboken Zoning Board of Adjustment, according to the
13 best of your ability?

14 COMMISSIONER MARSH: I do.

15 COMMISSIONER DE FUSCO: I do.

16 MR. GALVIN: Congratulations.

17 COMMISSIONER MARSH: Thank you.

18 (Applause)

19 CHAIRMAN AIBEL: Welcome back --

20 COMMISSIONER DE FUSCO: Thank you.

21 CHAIRMAN AIBEL: -- after a brief
22 hiatus, I am glad to say.

23 Our next order of business is
24 reorganization of the Zoning Board officers, and we
25 have an approval of the meeting schedule and a

1 couple of other small matters.

2 So, first, let me open it up for
3 nominations for Chairman for 2015.

4 COMMISSIONER BRANCIFORTE: I nominate
5 Jim Aibel for Chairman.

6 COMMISSIONER MURPHY: Second.

7 COMMISSIONER BRANCIFORTE: Sorry.

8 CHAIRMAN AIBEL: Thank you.

9 Dennis, how do you want to -- let me
10 open it up.

11 Any other nominations?

12 I don't want to be presumptuous.

13 MR. GALVIN: Seeing none, roll call.

14 MS. CARONE: Okay. So we have
15 Commissioner Greene?

16 VICE CHAIR GREENE: Yes.

17 MS. CARONE: Commissioner Cohen?

18 COMMISSIONER COHEN: Yes.

19 MS. CARONE: Commissioner DeFusco?

20 COMMISSIONER DE FUSCO: Yes.

21 MS. CARONE: Commissioner Grana?

22 COMMISSIONER GRANA: Yes.

23 Commissioner Marsh?

24 COMMISSIONER MARSH: Yes.

25 MS. CARONE: Commissioner Murphy?

1 COMMISSIONER MURPHY: Yes.

2 MS. CARCONE: Does everyone vote on an
3 appointment?

4 MR. GALVIN: No, the first seven.

5 MS. CARCONE: So John made the motion,
6 so...

7 MR. GALVIN: He can't make the motion.
8 Does somebody else want to make the
9 motion?

10 COMMISSIONER MURPHY: I will motion.

11 COMMISSIONER MARSH: Second.

12 MS. CARCONE: Okay. So we have Diane
13 making the motion, and Carol is making the second.

14 MR. GALVIN: Right.

15 MS. CARONE: And Commissioner Aibel?

16 CHAIRMAN AIBEL: Yes.
17 I thought I was going to get impeached.
18 (Laughter)
19 Thank you, John.

20 I would like to open it up for
21 nominations for Vice Chairman.

22 COMMISSIONER MARSH: I would like to
23 nominate Elliot Greene for Vice Chair.

24 COMMISSIONER MURPHY: I'll second.

25 VICE CHAIR GREENE: Thank you.

1 MS. CARCONE: Commissioner Greene?

2 VICE CHAIR GREENE: Can I vote?

3 MR. GALVIN: Yes, you may --

4 VICE CHAIR GREENE: Yes.

5 MR. GALVIN: -- it is not a paid

6 position, as you know.

7 (Laughter)

8 VICE CHAIR GREENE: Wait a second.

9 (Laughter)

10 MS. CARONE: Commissioner Cohen?

11 COMMISSIONER COHEN: Yes.

12 MS. CARONE: Commissioner De Fusco?

13 COMMISSIONER DE FUSCO: Yes.

14 MS. CARONE: Commissioner Grana?

15 COMMISSIONER GRANA: Yes.

16 MS. CARONE: Commissioner Marsh?

17 COMMISSIONER MARSH: Yes.

18 MS. CARONE: Commissioner Murphy?

19 COMMISSIONER MURPHY: Yes.

20 MS. CARONE: Commissioner Aibel?

21 CHAIRMAN AIBEL: Yes.

22 Now I would like to open it up for

23 nominations for the Secretary of the Board.

24 COMMISSIONER COHEN: I would like to

25 nominate Pat Carcone.

1 MS. CARCONE: Oh, thank you.

2 COMMISSIONER GRANA: Second.

3 MS. CARCONE: Who was the second?

4 COMMISSIONER GRANA: Antonio.

5 MS. CARONE: Oh, okay.

6 Commissioner Greene?

7 VICE CHAIR GREENE: Yes.

8 MS. CARONE: Commissioner Cohen?

9 COMMISSIONER COHEN: Yes.

10 MS. CARONE: Commissioner DeFusco?

11 COMMISSIONER DE FUSCO: Yes.

12 MS. CARONE: Commissioner Grana?

13 COMMISSIONER GRANA: Yes.

14 Commissioner Marsh?

15 COMMISSIONER MARSH: Yes.

16 MS. CARONE: Commissioner Murphy?

17 COMMISSIONER MURPHY: Yes.

18 MS. CARONE: Commissioner Aibel?

19 CHAIRMAN AIBEL: Yes.

20 Thank you, everybody.

21 We have circulated a meeting schedule

22 for 2015. I hope everybody has it.

23 MS. CARONE: I have extras if anybody

24 needs one.

25 COMMISSIONER MURPHY: I have a question

1 regarding it.

2 CHAIRMAN AIBEL: Go ahead.

3 COMISSIONER MURPHY: So I understand
4 that we usually meet on the third and then the
5 fourth is supposedly always a mandatory second.

6 Anyway, but my point being, what I am
7 trying to bring up is that some of these dates are
8 close to holidays, like they were this year. Is
9 there any way to fudge that now, or do we just need
10 to do it as we get closer?

11 CHAIRMAN AIBEL: I would be inclined to
12 do that, and we will or I hope we will by some time
13 soon have 11 members, so I think that should take
14 care of us for vacation schedules.

15 MR. GALVIN: Why don't you tell us
16 which one you are worried about?

17 COMISSIONER MURPHY: Well, like, for
18 instance, if I start at the bottom, December 22nd,
19 that is going be a tough one for us to have a
20 meeting, period.

21 COMMISSIONER MARSH: Yeah.

22 MR. GALVIN: It is on our list as a
23 special meeting. It will probably just be
24 cancelled. But we could have something that's like
25 terribly urgent or something, and we might have to

1 try to fight it out.

2 COMMISSIONER MURPHY: I see what you are
3 saying.

4 The same with like -- I mean, it's just
5 in the -- it was the end of the summer, the end of
6 November and December, where the dates that were
7 like in the past, we kind of always -- like this
8 past year had to shuffle around.

9 MR. GALVIN: Let me just tell you this.
10 The thought process, too, is that the fourth Tuesday
11 is supposed to be if we needed it, and we have been
12 so backed up that we seemed to need them. And what
13 we were trying to do in the past is we were trying
14 not to have more than one meeting in June, July and
15 August. And you are right, then November and
16 December are in the same ballpark with Thanksgiving
17 and the holidays. We try to just get one, but --

18 COMMISSIONER MURPHY: I mean, it worked
19 out this year to kind of figure it out as we moved
20 along, but I just wondered if it would have been
21 better for us if we switched some of those dates
22 ahead of time. That is all.

23 MR. GALVIN: You know, the other thing,
24 too, is we can amend it even going forward at some
25 point. I mean, do you have a suggestion for moving

1 any of the dates?

2 COMMISSIONER MURPHY: Not yet, but I
3 didn't know if we could, so --

4 MR. GALVIN: We can amend this at any
5 time.

6 COMMISSIONER MURPHY: Okay.

7 MR. MARSDEN: Can I just ask a
8 question?

9 Are these fourth Tuesdays, are they for
10 sure going to be meetings or are they just --

11 CHAIRMAN AIBEL: Those are our special
12 meetings.

13 MR. GALVIN: They're special meetings,
14 if we either use them, or if somebody purchases
15 them, but they can only purchase them if we say
16 okay.

17 CHAIRMAN AIBEL: So can I have a motion
18 to approve the 2015 schedule?

19 COMMISSIONER MURPHY: I motion to
20 approve the 2015 schedule.

21 COMMISSIONER GRANA: Second.

22 CHAIRMAN AIBEL: Thank you.

23 MS. CARCONE: Commissioner Greene?

24 VICE CHAIR GREENE: Yes.

25 MS. CARONE: Commissioner Cohen?

1 COMMISSIONER COHEN: Yes.

2 MS. CARONE: Commissioner DeFusco?

3 COMMISSIONER DE FUSCO: Yes.

4 MS. CARONE: Commissioner Grana?

5 COMMISSIONER GRANA: Yes.

6 Commissioner Marsh?

7 COMMISSIONER MARSH: Yes.

8 MS. CARONE: Commissioner Murphy?

9 COMMISSIONER MURPHY: Yes.

10 MS. CARONE: Commissioner Aibel?

11 CHAIRMAN AIBEL: Yes.

12 Great.

13 Now we have four resolutions.

14 MS. BANYRA: Can you pass one more

15 down?

16 CHAIRMAN AIBEL: I'm sorry.

17 We have four resolutions. We'll start

18 with 914-930 Monroe.

19 MR. GALVIN: That was a denial. Mr.

20 Greene, Mr. DeFusco, Ms. Marsh, Ms. Murphy, Mr.

21 Branciforte and Chairman Aibel.

22 Is there a motion?

23 VICE CHAIR GREENE: I will move for the

24 denial.

25 MR. GALVIN: Is there a second?

1 COMMISSIONER DE FUSCO: I'll second it.

2 MR. GALVIN: Thank you.

3 Mr. Greene?

4 VICE CHAIR GREENE: Yes.

5 MR. GALVIN: Mr. DeFusco?

6 COMMISSIONER DE FUSCO: Yes.

7 MR. GALVIN: Ms. Marsh?

8 COMMISSIONER MARSH: Yes.

9 MR. GALVIN: Ms. Murphy?

10 COMMISSIONER MURPHY: Yes.

11 MR. GALVIN: Mr. Branciforte?

12 COMMISSIONER BRANCIFORTE: Yes.

13 MR. GALVIN: Chairman Aibel?

14 CHAIRMAN AIBEL: Yes.

15 MR. GALVIN: The next matter is 14

16 Paterson Avenue. That was an approval. That was

17 the second time around.

18 That was Mr. Cohen, Mr. DeFusco, Mr.

19 Grana, Ms. Murphy, Mr. McAnuff and Chairman Aibel.

20 Is there a motion?

21 COMMISSIONER COHEN: Motion to approve.

22 COMMISSIONER GRANA: Second.

23 MR. GALVIN: Thank you.

24 Mr. Cohen?

25 COMMISSIONER COHEN: Yes.

1 MR. GALVIN: Mr. DeFusco?

2 COMMISSIONER DE FUSCO: Yes.

3 MR. GALVIN: Mr. Grana?

4 COMMISSIONER GRANA: Yes.

5 MR. GALVIN: Ms. Murphy?

6 COMMISSIONER MURPHY: Yes.

7 MR. GALVIN: Mr. McAnuff?

8 COMMISSIONER MC ANUFF: Yes.

9 MR. GALVIN: Chairman Aibel?

10 CHAIRMAN AIBEL: Yes.

11 MR. GALVIN: The next matter is 155
12 Third Street. That was Mr. Greene, Mr. Cohen, Mr.
13 DeFusco, Mr. McAnuff, Ms. Murphy, Ms. Marsh and
14 Chairman Aibel.

15 Is there a motion?

16 COMMISSIONER MURPHY: Motion to approve
17 155 Third Street.

18 MR. GALVIN: Is there a second?

19 COMMISSIONER COHEN: Second.

20 MR. GALVIN: Thank you.
21 Mr. Greene?

22 VICE CHAIR GREENE: Yes.

23 MR. GALVIN: Mr. Cohen?

24 COMMISSIONER COHEN: Yes.

25 MR. GALVIN: Mr. DeFusco?

1 COMMISSIONER DE FUSCO: Yes.

2 MR. GALVIN: Mr. McAnuff?

3 COMMISSIONER MC ANUFF: Yes.

4 MR. GALVIN: Ms. Marsh?

5 COMMISSIONER MARSH: Yes.

6 MR. GALVIN: Ms. Murphy?

7 COMMISSIONER MURPHY: Yes.

8 MR. GALVIN: Chairman Aibel?

9 CHAIRMAN AIBEL: Yes.

10 MR. GALVIN: Then the last matter,
11 another denial, that was 115 Grand Street. Voting
12 to deny was Mr. Grana, Ms. Murphy, Mr. McAnuff and
13 Chairman Aibel.

14 Is there a motion?

15 COMMISSIONER GRANA: Motion to a deny.

16 COMMISSIONER MC ANUFF: Second.

17 COMMISSIONER MURPHY: Second.

18 MR. GALVIN: Mr. Grana?

19 COMMISSIONER GRANA: Yes.

20 MR. GALVIN: Ms. Murphy?

21 COMMISSIONER MURPHY: Yes.

22 MR. GALVIN: Mr. McAnuff?

23 COMMISSIONER MC ANUFF: Yes.

24 MR. GALVIN: Chairman Aibel?

25 CHAIRMAN AIBEL: Yes.

1 MR. GALVIN: So we are through the
2 resolutions.

3 CHAIRMAN AIBEL: Great.

4 Jeff, let's turn to the waivers.

5 MS. CARCONE: Are those my copies or
6 your copies?

7 CHAIRMAN AIBEL: They were Dennis'.

8 MS. CARCONE: Dennis', yes, those are
9 mine then.

10 MR. GALVIN: You got it.

11 (Laughter)

12 CHAIRMAN AIBEL: Jeff?

13 MR. MARSDEN: We will start with
14 726-732 Grand, preliminary site plan, C, D
15 variances. They are requesting no waivers, all
16 applications, major site plan, it's requesting
17 stormwater drainage, stormwater management plan, and
18 a soil erosion plan.

19 I would recommend that they approve
20 under a final condition that they submit during
21 final, so -- and the -- all variances -- the C
22 variances requesting again the stormwater
23 management, and the D variances both for stormwater
24 management and soil erosion, and the cost estimate,
25 and I provide that cost estimate, and the off-track

1 improvements actually on the site plans, so I
2 recommend that they are all approved, the waivers.

3 CHAIRMAN AIBEL: Why don't you do them
4 all?

5 MR. MARSDEN: Okay.

6 Then we have 110 Park. There is no
7 request for waivers on site plans, major
8 nonexistent, all variances, none requested. C
9 variances 25, which is the stormwater management
10 plan. I recommended approval as long as they submit
11 to North Hudson and get an approval letter from them
12 and get that to us.

13 The D variances, no request for
14 waivers.

15 Then we have 1101 Grand. The only
16 variance requested is major site plan, which is the
17 stormwater management, drainage area map. That in
18 the stormwater management plan, that they submit to
19 North Hudson, so as long as they submit the report
20 to North Hudson and get an approval letter, that
21 should be fine.

22 The D variance is requesting a drainage
23 area map, and I recommend approving that for the
24 same reason.

25 600 Harrison, preliminary site plan, C

1 variances. They are requesting a waiver under major
2 site plan for stormwater management, and no other
3 waivers are requested.

4 I recommend that they approve the
5 waiver for stormwater management under the condition
6 that they submit to North Hudson and get the
7 approval letter prior to final submission.

8 CHAIRMAN AIBEL: Board members,
9 questions?

10 How about a motion to accept the
11 recommendations of our engineer?

12 COMMISSIONER COHEN: Motion to accept
13 the recommendations of the engineer on the waivers.

14 COMMISSIONER MARSH: Second.

15 MS. CARCONE: All in favor, or are you
16 going to vote?

17 MR. GALVIN: All in favor would be
18 good.

19 CHAIRMAN AIBEL: All in favor?

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

22 MR. GALVIN: Anybody opposed?

23 CHAIRMAN AIBEL: Okay.

24 All right. Thanks, everybody.

25 Also, I will just note for the record

1 that we did our administrative work in record time.

2 It is still 7 o'clock.

3 (Laughter)

4 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: 516 Monroe Street : January 20, 2015
: 7:15 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
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11 Attorney for the Applicant.

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WITNESS

PAGE

FRANK MINERVINI

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1 CHAIRMAN AIBEL: Mr. Matule?

2 MR. MATULE: Good evening, Mr.

3 Chairman, and Board Members. Happy New Year.

4 Robert Matule appearing.

5 I think we have a matter that is not on
6 the agenda that was just raised.

7 MR. GALVIN: 516.

8 MR. MATULE: 516, if the Board wants us
9 to address that first.

10 MR. GALVIN: I recommend that.

11 MR. MATULE: 516 Monroe Street.

12 I have Mr. Minervini here with some
13 props that can help explain it.

14 By way of background, you will recall
15 we were here I believe in October. This was a
16 four-family house, and we had a rear fire stair
17 egress situation. And during the course of the
18 discussion, two things came up. One was to slide it
19 down to the -- I believe it would be the south side
20 of the building away from the building on the north
21 side, because they had some kind of cutout with
22 decks there, and we were going to have a privacy
23 screen on that side. But then a concern was voiced
24 about the fact that our stair and deck was going to
25 extend further than the end of the building to the

1 south. And Mr. Minervini at that time testified
2 that he would shrink it or do whatever he needed to
3 do, so that it would not extend further than the
4 rear wall of the building to the south.

5 Several days after that meeting, Mr.
6 Minervini revisited the site and rechecked some of
7 the dimensions, and it was determined that the
8 surveyor had made an error on the survey. And on
9 the survey that the original plans were predicated
10 upon, the building to the south was shown as
11 actually being several feet. Mr. Minervini could
12 give us the exact dimensions, but several feet
13 shallower than it really was.

14 So we had ordered a new survey and
15 submitted revised plans with the new survey showing
16 that with the existing stair, as we originally
17 proposed it, there would still be approximately or
18 an excess of four feet of additional building beyond
19 that stairway to the south and so that was the way
20 the plan was submitted.

21 Mr. Minervini did not take any steps to
22 make the stairs any smaller because we were
23 traveling under the assumption that that addressed
24 the concern of the Board.

25 Ms. Banyra raised it, and asked us to

1 things going on at the meeting, and there was a
2 discussion about a two to three percent loss of
3 space or percentage of building coverage, and
4 reduction when he redesigned.

5 The reason I didn't feel comfortable
6 signing the plan is because I am not clear whether
7 or not my interpretation was that that was part of
8 the testimony, and that that is required now, or
9 whether or not we are going to open it up again, and
10 I indicated they had to come back, that I wasn't
11 comfortable until we clarified actually whether or
12 not they had to reduce it by two to three percent,
13 or if it was just about the stairway and the privacy
14 to the next.

15 Then the second thing that made us,
16 Jeff and I both uncomfortable, was the fact that the
17 survey was incorrect, and it was on the neighboring
18 property.

19 I don't believe it was your property,
20 right?

21 MR. MINERVINI: That's right.

22 MS. BANYRA: Right.

23 But it was a representation, so the
24 testimony was based on, you know, an incorrect
25 representation to the Board because of the survey

1 being, you know, not by their -- not their fault
2 because they were reading the survey, but still they
3 testified to something that wasn't correct, so I was
4 uncomfortable with the whole thing, so here you go.

5 MR. GALVIN: And Condition Number 11
6 said: The plan is to be revised to ensure that the
7 stairs and deck will not exceed the adjacent
8 building to the south.

9 That is where Mr. Matule is getting his
10 impression. I didn't really put about the two or
11 three percent, so maybe I didn't do such a good job
12 in drafting this condition.

13 But we did say that the revised plan is
14 to be shown to the Board at the time of the
15 memorialization.

16 Did we do that?

17 MS. BANYRA: No.

18 MR. GALVIN: Okay. I think that is
19 where we all have to take some responsibility. If
20 we had checked this at the time of the
21 memorialization, then whatever you would have showed
22 us, if we were okay, and we signed off on it, we
23 would be okay with it, so I don't know why we
24 didn't.

25 Were the plans provided to us?

1 MR. MATULE: I didn't check the time
2 line.

3 I know I had resubmitted everything
4 around October 15th. I don't know when the
5 resolution --

6 MS. BANYRA: I think the resolution was
7 in September, and the meeting was in September.

8 But, Mr. Matule, I think in all
9 fairness to the applicant, you know, the plans often
10 come back multiple times, so if you are going to do
11 the resolution next month --

12 MR. GALVIN: No. But when I said --

13 MR. MATULE: I don't think you had the
14 revised plans when --

15 MR. GALVIN: -- this, it was my
16 impression what we were trying to do is we came to a
17 point where we said, okay, we are going to go with
18 this.

19 And you kind of said, we will do this
20 one thing. You couldn't really make the plan on the
21 fly, so we are trying to be liberal, and we're
22 saying, okay, we will give you a chance to make it.
23 But at the time of the memorialization, we want to
24 look at it because we wanted to understand how that
25 deck was going to fit into the back. So I think the

1 Board needs to do that now. I think the Board needs
2 to --

3 CHAIRMAN AIBEL: Do you mind me
4 interjecting on this one?

5 MR. GALVIN: You are the boss.

6 CHAIRMAN AIBEL: I guess so.

7 Mr. Grana actually I thought summed it
8 up well at the end of the hearing, and this was, you
9 know, this is all based on the transcript I am
10 looking at right now.

11 He said: The major issue was the C
12 variance for lot coverage.

13 So while there was plenty of discussion
14 about the privacy and pulling the deck back for
15 privacy, I went back and I looked at one of my
16 questions. 60 foot buildings are the holy grail,
17 but if you reduce this building to 59 percent and
18 just pull that deck in by a foot or so, what would
19 the difference be in total lot coverage? You are at
20 65 percent now.

21 Then Ms. Banyra asked the question
22 later on with respect to the changes that Mr.
23 Minervini was proposing. That will also reduce your
24 coverage as well by approximately one percent. Is
25 that what you are thinking?

1 No. Two -- excuse -- strike the no --

2 The Witness: Two to three percent. I will figure
3 out exactly once we come up with the configuration.

4 My, you know, position has been pretty
5 consistent that I always like to drive lot coverage
6 down to as near as to what the code provides as
7 possible, so I am confident, and I recall that that
8 was an important concession. And, in fact, I
9 concluded by saying: I appreciate the architect's
10 and the developer's accommodation because I think it
11 is consistent with what we had I think done earlier
12 with the building across from the Multi Service
13 Center.

14 So I found lot coverage to be the key
15 issue, and I think the testimony persuaded me that I
16 should approve it.

17 MR. MATULE: I certainly appreciate
18 that, Mr. Chairman.

19 From this side of the table, we thought
20 the privacy issue was a more paramount issue than
21 actually whether it was going to go down by one
22 percent or two percent.

23 I can have Mr. Minervini talk to that,
24 if you will, when he shows us the revised plans.

25 We can still reduce the size of the

1 fire stair, if that is the Board's pleasure. But
2 the privacy issue, which again I thought was the
3 primary issue, was what we were trying to address,
4 so I can have Mr. Minervini talk to that, if you
5 want to have him sworn.

6 MR. GALVIN: Sure, if you can be brief.
7 Do you swear to tell the truth, the
8 whole truth, and nothing but the truth so help you
9 God?

10 MR. MINERVINI: I do.

11 F R A N K M I N E R V I N I, having been duly
12 sworn, testified as follows:

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

15 THE WITNESS: Frank Minervini,
16 M-i-n-e-r-v-i-n-i.

17 MR. MATULE: Frank, you heard the
18 conversation back and forth, and my explanation, and
19 I see you have visual props here, why don't you just
20 show the Board what we originally showed them and
21 what we subsequently showed them and then discuss
22 how you could reduce the size of that stair to
23 address Mr. Aibel's concern?

24 THE WITNESS: I have two site plans.
25 This was the original as submitted. This is our

1 building. Our project is 60 feet in depth. The
2 property is 25 feet wide.

3 The yellow portion as highlighted is
4 what the original property survey showed, so that
5 survey showed that the adjacent building to our
6 south extended to 65 feet or an additional five feet
7 relative to our building.

8 The actual condition is this drawing to
9 my right, the building actually comes back ten feet
10 nine inches, not five feet, so there is a
11 discrepancy of five feet nine inches.

12 So our thought was, as Mr. Matule
13 mentioned, we would slide this stair down, that was
14 one of the comments, so that it would be tucked into
15 this kind of dead corner, for lack of a better term,
16 and there would still be four feet six inches left
17 as coverage, so to speak, of walls, so that the edge
18 of our stair would be four feet six inches away from
19 the back wall of the building.

20 Having heard what Chairman Aibel said,
21 we can certainly cut this down by two percent, that
22 landing, very easily. I just did not remember that
23 being an issue. Happily we can do that.

24 But the condition, this is the exact
25 existing condition, so when this stair slides over

1 to the south, it will be tucked into the corner, and
2 there will be no way for the people at the adjacent
3 property to see it.

4 MR. MATULE: If I might, we will then
5 have a total lot coverage of 63 percent?

6 THE WITNESS: 63 percent.

7 Currently it is 65, and that's what was
8 originally proposed, but I can reduce the size of
9 this to give us 63 percent.

10 MR. MATULE: Then we can submit the
11 revised plans for signature --

12 MR. GALVIN: The personnel involved
13 here are Mr. Cohen, Mr. DeFusco, Mr. Grana and Ms.
14 Marsh and Ms. Murphy and Chairman Aibel. Since you
15 guys voted in this matter, you are the only ones who
16 can amend this resolution or --

17 MS. BANYRA: Can I ask one more
18 question?

19 Mr. Minervini, I think when I looked at
20 the plan set, I think the facade changed a little
21 bit, too. Could you review that?

22 THE WITNESS: Yes, and you and I, we
23 exchanged emails, and I really didn't see that,
24 other than I responded to one of Mr. Marsden's
25 comments, that the building had to go from 13 feet

1 in height for the first floor to 14 feet, so that
2 did have a compound effect on the facade. It would
3 have --

4 MS. BANYRA: No. It wasn't that.
5 It was -- it looked like --

6 MR. GALVIN: Windows?

7 MS. BANYRA: -- it was something
8 different.

9 THE WITNESS: I didn't see it.

10 MS. BANYRA: And if you go back to the
11 April plan, which is what the testimony was on, then
12 there were like three iterations.

13 As soon as the April plan, I guess that
14 was the one that was approved subject to the
15 changes, then there was an October plan, and maybe
16 there was another November or December something.

17 So the next plan in changed the
18 architecture, I think. So I guess what I want to
19 know from the Board, because I guess we had the
20 exchanges, how far -- what latitude do we have in
21 that regard because I don't --

22 MR. GALVIN: None.

23 MS. BANYRA: -- because I am
24 uncomfortable if there is a change other than --
25 and, again, it's a field change --

1 THE WITNESS: I absolutely understand
2 that, and I will confirm which was submitted, and I
3 will make sure that the one that's submitted on this
4 revised set is the one you are referring to.

5 However, the elevation has changed a
6 bit in some windows and heights, but I don't --

7 MS. BANYRA: That would be considered a
8 field change to me. That is normal.

9 MR. GALVIN: Mr. Grana?

10 COMMISSIONER GRANA: Was the variance
11 for a facade part of the application?

12 MR. GALVIN: No.

13 Let me just say, and I think it is
14 really important to understand that when the
15 applicant is producing their proofs, they have to
16 have special reasons, and so it depends on what the
17 special reasons are.

18 If you are going to say, we are doing
19 something, you know, like if you find that a special
20 reason is that it is an esthetic benefit, and that
21 you are approving the plans that you saw, if they
22 change the plans, they are changing the proofs that
23 were provided to the Board.

24 So if they want to change the facade,
25 the correct procedure is to alert us to the fact

1 that they are going to change the facade, so you can
2 agree that it doesn't change your decision.

3 COMMISSIONER GRANA: Fair enough.

4 So is the testimony that the facade has
5 not been changed?

6 MR. GALVIN: Well, we need to verify
7 that it hasn't been changed --

8 THE WITNESS: I'm sorry -- excuse me.

9 Mr. Matule and I are looking at the
10 facade drawings. In the initial submission in
11 April, it was different from the October submission
12 during our approval, but the one that was just
13 recently submitted is the same as approved, and we
14 are just looking at them here.

15 MS. BANYRA: As the April one?

16 THE WITNESS: Not the April. I didn't
17 testify to the April one --

18 MS. BANYRA: You did, and actually I
19 asked you specifically on the record the date of the
20 -- and I remember asking you, and I think I looked
21 back at that, Frank. That was one of the questions
22 because sometimes I am not sure what plan we are
23 using, so I thought I asked you the date of the
24 plan, so --

25 CHAIRMAN AIBEL: How can we resolve it?

1 THE WITNESS: I will actually revisit
2 it and make sure that -- we will have the discussion
3 again and make sure the elevation is the accurate
4 one.

5 MR. GALVIN: I am just saying as a
6 general thing, as a general theme for us, if
7 somebody shows us a plan, even if it is the exterior
8 of the building, a facade, once we say okay, they
9 should really stay to that.

10 Now, if they reach a problem, or they
11 think they are going to do something that's more
12 attractive, you should quickly send it to us and let
13 us say okay.

14 COMMISSIONER GRANA: I agree. I am
15 actually just trying to resolve it to move it
16 forward. If it has not been a change -- if the
17 testimony is that there has not been a change in the
18 facade, how do we verify that, because if there
19 hasn't been, I think we can move forward.

20 MS. BANYRA: Well, again, I discussed
21 this, because I felt there was a change, so we are
22 going to go back and forth again, but I wanted to
23 just kind of alert the Board to this because my
24 feeling is similar to Mr. Galvin's, is that, you
25 know, even if it's not -- the Board -- the pretty

1 pictures -- Mr. Minervini does lots of pretty
2 pictures.

3 So when you look at a pretty picture,
4 it may afford you a different opinion of something,
5 and you say, you know what, it is a really nice
6 looking building, even if it is not about the
7 architecture, or it's not about a variance for that,
8 you know, that is certainly one of the things you
9 may consider when you grant a variance on a project,
10 so --

11 COMMISSIONER COHEN: I mean, I think
12 this is between our professional and the applicant's
13 professional, and we are not rehearing this. I
14 mean, I feel like this discussion isn't really
15 helpful to the Board.

16 MS. BANYRA: You know what?

17 This discussion -- we had a
18 disagreement between us, so I said, I can't resolve
19 this, so that is why it is back before the Board.
20 That's the only reason why it's here.

21 COMMISSIONER COHEN: Okay.

22 COMMISSIONER DE FUSCO: It goes without
23 saying that I think it was a mistake that was made.
24 We should be presented with the correct site plans,
25 and I do agree with the Chairman in saying that the

1 60 percent lot coverage is again a slippery slope
2 that we don't want to cross.

3 I think, however, in my opinion, that
4 the neighboring building extending further into the
5 donut space, the green space, and tucking the
6 staircase into that corner is actually a better
7 plan, and I would in the interest of moving this
8 along favor it.

9 CHAIRMAN AIBEL: So we need a motion to
10 approve the amendment to reduce lot coverage to 63
11 percent, and it's subject to agreement by the
12 professionals on the facade.

13 Is that where we are?

14 COMMISSIONER COHEN: Yes.

15 MS. BANYRA: Yes.

16 COMMISSIONER GRANA: I think that is
17 where we are.

18 COMMISSIONER MARSH: I wanted to ask a
19 question about the facade, although I don't actually
20 know what the change in the facade is here, so I
21 don't know what I am approving --

22 MR. GALVIN: You are not approving a
23 change to the facade. They are going to get into
24 accord as to the facade.

25 We are just reaffirming. We actually

1 need your help here. We want to be clear that what
2 you approve is what should be done in the field.
3 That is the only way that the windows are related.

4 If they tell us they are going to make
5 sure it comes out in accordance with the plan, no
6 problem. Let's skip that. Let's take care of the
7 deck. We are either at 63 or 65, and let's pick
8 that number, and then let's move them on to the next
9 case.

10 COMMISSIONER DE FUSCO: If applicant is
11 good with 63, let's stick with 63.

12 COMMISSIONER MARSH: 63.

13 COMMISSIONER MURPHY: 63.

14 MR. MATULE: Okay. 63.

15 (Laughter)

16 COMMISSIONER GRANA: I will make a
17 motion to approve that the reduction is 63 percent
18 lot coverage and the adjustment of the stairwell to
19 the -- I don't know how you describe that --

20 THE WITNESS: To the south.

21 COMMISSIONER DE FUSCO: I will second
22 that.

23 CHAIRMAN AIBEL: Pat?

24 MR. GALVIN: That took care of that,
25 and it is still seven o'clock.

1 (Laughter)

2 MS. CARCONE: Dennis, who is voting on
3 that again?

4 MR. GALVIN: All right.
5 Mr. Cohen?

6 COMMISSIONER COHEN: Yes.

7 MR. GALVIN: Mr. DeFusco?

8 COMMISSIONER DE FUSCO: Yes.

9 MR. GALVIN: Mr. Grana?

10 COMMISSIONER GRANA: Yes.

11 MR. GALVIN: Ms. Marsh?

12 COMMISSIONER MARSH: Yes.

13 MR. GALVIN: Ms. Murphy?

14 COMMISSIONER MURPHY: Yes.

15 MR. GALVIN: And Chairman Aibel?

16 CHAIRMAN AIBEL: Yes.

17 MR. MATULE: Thank you, and I apologize
18 for the confusion.

19 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 1/22/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 RE: 720 Clinton Street :
 APPLICANT: Wonderlofts, LLC :January 20, 2015
 Preliminary Site Plan Review and :Tuesday 8 p.m.
 D Variances :
 (Continued from 12-9-14) :
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Owen McAnuff

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

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

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1 CHAIRMAN AIBEL: Mr. Matule, 720

2 Clinton.

3 MR. MATULE: Good evening, Mr.

4 Chairman, and Board Members.

5 Robert Matule appearing on behalf of

6 the applicant.

7 This is a continuation of the hearing

8 for 720 Clinton Street, the Wonder Bread building.

9 Just by way of brief recap, we were

10 here at the December 9th meeting, at which time we

11 presented the testimony of Mr. Minervini regarding a

12 reduction from the original proposal from 121

13 residential units to 104 residential units.

14 Mr. Minervini also testified at that

15 time that the building would be a LEED gold

16 certified building.

17 We also presented the testimony of Mr.

18 Staigar, our traffic engineer, that evening both as

19 to traffic counts and pedestrian counts with respect

20 to the pedestrian traffic passing the building. The

21 plan has now been further refined to reduce the

22 residential density down to 68 residential units,

23 where 58 are permitted.

24 The commercial space has also been

25 reduced by approximately 400 and I believe 75 square

1 feet to 2375. Again, part of that reduction was to
2 try to rework the density numbers.

3 In our original proposal, we also had
4 indicated that ten of the 121 units were going to be
5 designated as live/work units. That has now been
6 taken off the plan. There are no proposed live/work
7 units, and at this point we are not proposing any
8 affordable units either.

9 MR. GALVIN: We have a disagreement on
10 that, so what I want to do is finish what you are
11 doing, and then we can talk about it.

12 MR. MATULE: Right. I am sure we will
13 get to that.

14 But just to move things along, I would
15 like to recall Mr. Minervini at this time and have
16 him take the Board through the changes that we have
17 made.

18 MR. GALVIN: You are still under oath,
19 so you are free to go.

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

22 MR. MATULE: As always, Mr. Minervini,
23 if we are having new drawings, we need to mark them.

24 My records reflect our last exhibit was
25 A-7, so --

1 MR. GALVIN: Do you agree?

2 MS. CARCONE: Yes.

3 MR. GALVIN: The Board Secretary
4 concurs.

5 MR. MATULE: Thank you.

6 (Exhibit marked A-8.)

7 Mr. Minervini, could you go through the
8 plans with the latest revision date of December 31,
9 2014 and point out the changes for the Board?

10 THE WITNESS: Yes.

11 As Mr. Matule had mentioned, we are
12 here for a reduction as part of this redesign, a
13 reduction in unit count, as well as an introduction
14 of a loading dock.

15 One of the -- several of the comments
16 at the last two meetings were that we weren't
17 providing adequate space for moving storage vans or
18 any delivery vans.

19 So looking at your sheet Z-7, we had
20 introduced up on Grand Street a loading dock that is
21 69 feet in length. Graphically we are showing a
22 tractor and trailer here, but actually you can fit
23 two box trucks here, and more likely that's what it
24 would be, a box truck, because a tractor trailer
25 probably couldn't get here due to the narrowness of

1 the street.

2 So with that in the small reworking of
3 the lobby, otherwise I should say that we also
4 because now we are introducing the entry of the
5 loading dock, a street tree was removed but that
6 space right in front of that depressed curb will be
7 used for a temporary parking for deliveries, so I
8 think we killed -- for lack of a better term --
9 killed two birds with one stone. We now provide
10 within the building a loading dock and some place
11 for box trucks to park and unload as well as
12 temporary parking on the street for delivery trucks.

13 Previous -- as part of my previous
14 presentation, I was describing the building would
15 have 104 units. Originally we were here for 121
16 units. Last meeting, 104 units. Since then we have
17 reduced the building, the number of apartments to 68
18 units. I will go through quickly how we did that.

19 But in short, we no longer are
20 proposing any studio apartments or one-bedroom
21 apartments.

22 In scheme number two, which was 104
23 units, we were proposing six studio apartments and
24 40 one-bedrooms, so at that time it was six studios,
25 40 one-bedrooms, 31 two-bedroom apartments, and 27

1 three-bedroom apartments.

2 The current as proposed breakdown is
3 zero studios, zero one-bedroom apartments, eleven
4 two-bedroom apartments, and 57 three-bedroom
5 apartments.

6 Now, of those 57 three-bedrooms, ten of
7 them are so large, they could easily be four or
8 five-bedroom apartments, but we labeled them here as
9 three, but keep in mind that they could be four or
10 five. We did that by combining apartments as
11 duplexes.

12 If you recall on the 8th Street side of
13 the building -- this is not the proper floor plan --
14 there was a structural system that had very low
15 beams, which kind of pointed us to long narrow
16 apartments, which in that case became studios.

17 We have since combined some of those,
18 and what we will have to do is restructure the
19 building in those areas, so the owners agreed to --
20 there will be an extensive effort to actually have
21 to restructure the building, but we removed the
22 studios and one-bedrooms along that area.

23 Otherwise, the project is, as I have
24 described it in the previous two meetings, it is an
25 adaptive reuse, not a historic renovation, but we

1 think with the additions to the building, and to
2 remind the Board what it looks like, I will put --
3 at this point -- I described previously that the
4 increase in density was really driven by the great
5 expense to save the existing structure, make it
6 structurally more sound, convert it to residential
7 use as well as some small additions to it.

8 That is still the case, but we are now
9 down to really where our tipping point is of 68
10 units, and we hope that this is something more
11 palatable to this Board. We did hear what you had
12 to say at the previous two meetings.

13 MR. MATULE: And, if I could, Mr.
14 Minervini, the building will still be a LEED gold
15 certified building. Is that the still the plan?

16 THE WITNESS: Yes, it is.

17 MR. MATULE: And you received Mr.
18 Marsden's latest report?

19 THE WITNESS: Yes, and I have spoken to
20 Mr. Marsden. We have not addressed his comments
21 yet.

22 This newest drawing set was
23 concentrating just on the Board's comments. We
24 absolutely will respond to all of Mr. Marsden's
25 comments.

1 MR. MATULE: Assuming some iteration of
2 the project was approved by the Board, you will be
3 able to incorporate those changes into any final
4 resolution set of plans presented?

5 THE WITNESS: Correct.

6 MR. MATULE: And basically the shell of
7 the building as originally presented is going to
8 stay the same?

9 THE WITNESS: Yes.

10 MR. MATULE: Okay. I think that pretty
11 much sums up the changes.

12 I will open it up to the Board.

13 THE WITNESS: I'm sorry. One thing I
14 did forget to mention, that we are now proposing 119
15 parking spaces. That is a reduction.

16 We are required to have 69. We are
17 proposing 119, and it sounds like a lot extra, but
18 that is within the existing volume of the building,
19 so those spaces couldn't be used for residential use
20 anyway, so it made sense to provide parking.

21 CHAIRMAN AIBEL: Board members?

22 Mr. Grana?

23 COMMISSIONER GRANA: Thanks. I just
24 have one question.

25 So with this reduction, one of the

1 things -- the question last time was there would
2 need to be treatments to the facade to account for
3 the fact that the windows have to be punched through
4 and all.

5 Is that still accommodated for, that
6 the actual structure as you see it here will
7 essentially remain intact --

8 THE WITNESS: Yes.

9 COMMISSIONER GRANA: -- just that the
10 punch-throughs or what's necessary for windows and
11 lighting --

12 THE WITNESS: Yes.

13 The facades have not changed. We are
14 talking about the existing structure or the new
15 additions, save for the introduction of a garage
16 door along Grand Street. So everything as described
17 last time is exactly the same. As you had just
18 mentioned, we are not proposing to change any of
19 that.

20 COMMISSIONER GRANA: And there was
21 also -- thank you.

22 And there was also several common
23 element amenities described, which were open spaces
24 for people in the building, for the pool and so
25 forth.

1 THE WITNESS: Yes.

2 COMMISSIONER GRANA: Have those things
3 changed?

4 THE WITNESS: They have not changed.

5 COMMISSIONER GRANA: Thank you.

6 CHAIRMAN AIBEL: Board members?

7 COMMISSIONER MC ANUFF: I have a
8 question. I'm sorry.

9 CHAIRMAN AIBEL: Go ahead, Mr. McAnuff.

10 COMMISSIONER MC ANUFF: On drawing
11 Z-20, the floor-to-floor height, ceiling height or
12 slab-to-slab height of eight foot two, what is the
13 height to the structural beam in the middle there?

14 THE WITNESS: You are talking about the
15 upper drawing?

16 COMMISSIONER MC ANUFF: No. The lower
17 two.

18 THE WITNESS: So we have eight feet
19 eight, eight feet two.

20 That beam drops down about 16 inches,
21 but occurs along a demising wall.

22 COMMISSIONER MC ANUFF: Okay. It's not
23 a head room issue then?

24 THE WITNESS: No.

25 There are a few -- quite a few

1 conditions on the second floor that we will have to
2 carve some of that space out because now we are
3 combining what were studios into larger apartments.

4 COMMISSIONER MURPHY: So on Z-19 on the
5 third floor, seven foot five -- I am a little
6 confused as to -- because, you know, looking east --

7 THE WITNESS: No. The actual dimension
8 is eight foot two.

9 Seven foot five and the line didn't
10 print out, seven foot five is the lowest portion of
11 a beam, but the ceiling height is eight feet two, if
12 you look further down.

13 COMMISSIONER MURPHY: Okay. I see. If
14 you look over a little.

15 THE WITNESS: Yes.

16 COMMISSIONER MURPHY: Yes.

17 Thank you very much.

18 CHAIRMAN AIBEL: Could you remind me on
19 the two-story extensions on Grand and two or three
20 on Clinton, what are the setbacks?

21 THE WITNESS: At the upper levels?

22 CHAIRMAN AIBEL: On the new
23 construction.

24 THE WITNESS: So at Grand Street -- I'm
25 sorry -- so on Clinton Street. The setback is ten

1 feet on this section, which is what I think you were
2 referring to.

3 Because the floor heights don't align,
4 that same floor on the Grand Street side is shown on
5 this sheet, and it's the same type of setback, so
6 that fifth floor where it's a new floor is set back
7 ten feet on both Clinton and Grand Street.

8 CHAIRMAN AIBEL: Remind me, is there
9 going to be outdoor space on that?

10 THE WITNESS: Yes, there is.

11 We are proposing an outdoor space for
12 use of just those units in the front of it.

13 CHAIRMAN AIBEL: Board members,
14 anything else?

15 John?

16 COMMISSIONER BRANCIFORTE: I'm just
17 curious. You are required to have 69 parking
18 spaces, and you are offering 119?

19 THE WITNESS: Yes.

20 COMMISSIONER BRANCIFORTE: So I'm
21 curious. Are the other 50 going to be just for
22 residents and commercial space, or is it -- are they
23 going to be rented out on a month-to-month basis?

24 THE WITNESS: Mr. Matule is asking the
25 developer right now.

1 COMMISSIONER BRANCIFORTE: Do we know
2 if they're going to be rented out on a
3 month-to-month basis?

4 I've asked --

5 MR. MATULE: While you were asking the
6 question, I just conferred with my client, and what
7 he is telling me at this point is if the demand of
8 the building is satisfied, and there are surplus
9 spaces there, they would probably be made available
10 to people in the neighborhood.

11 COMMISSIONER BRANCIFORTE: I was just
12 curious. If it's going -- how that would affect the
13 exits in the morning and the entrances in the
14 afternoon, if that was to happen?

15 You know, if we kept it at 69 cars or
16 69 people, but your traffic engineer is not coming
17 back, right?

18 MR. MATULE: Yes. He is here. We
19 could try to get him up here to address that.

20 COMMISSIONER BRANCIFORTE: That's fine.

21 COMMISSIONER GRANA: I just have
22 another question.

23 The loading dock, is that the
24 introduction of a new door --

25 THE WITNESS: Yes.

1 COMMISSIONER GRANA: -- a new door,
2 okay.

3 And is that an additional door or a
4 change in the location of doors?

5 THE WITNESS: We didn't have a garage
6 door -- I mean a loading dock.

7 It had to be, of course, a residential
8 door further down towards the south, but this is the
9 new garage door I think proposed.

10 COMMISSIONER GRANA: Okay.

11 So the only change is actually to the
12 street. There will be a curb cut and removal of a
13 street tree?

14 THE WITNESS: That's correct.

15 Yes. I will probably show you sheet
16 Z-15, which is the elevation drawings.

17 This is the loading dock door entry.
18 It was an opening already. However, it wasn't a
19 door, so it still works within the architecture, but
20 now, of course, it will be a full door.

21 COMMISSIONER BRANCIFORTE: So the
22 height is still the same?

23 THE WITNESS: Yes.

24 COMMISSIONER BRANCIFORTE: As
25 originally proposed?

1 THE WITNESS: Yes.

2 CHAIRMAN AIBEL: At the south end of
3 the structure, how close is it to the building to
4 the south?

5 THE WITNESS: The building directly to
6 the south, 715 Grand, is a bit taller than our
7 building. Their approvals happened probably five or
8 six years ago. Under construction, almost finished
9 now.

10 I think I may have a street elevation
11 to describe it. I do have it somewhere.

12 Here we go, Z-21. So sheet Z-21 better
13 describes the condition where our building meets
14 that.

15 Actually it looks like ours is slightly
16 taller. Our two floors above are ten feet floor to
17 floor, the standard, but the existing three below
18 are taller than the average residential floor, and
19 we have those floors to work with.

20 CHAIRMAN AIBEL: On the Clinton Street
21 side, you are quite a bit taller than the buildings
22 to the south?

23 THE WITNESS: On Clinton Street?

24 CHAIRMAN AIBEL: Yes.

25 THE WITNESS: I'm sorry.

1 CHAIRMAN AIBEL: On Clinton Street.

2 THE WITNESS: Yes.

3 Of course, there is a two-story
4 building adjacent to us that will be the subject of
5 an application to this -- it is a subject of an
6 application to this Board.

7 CHAIRMAN AIBEL: So what do we say to
8 that applicant when they come before us and say, we
9 want the same height as the Wonderlofts?

10 THE WITNESS: Well, keep in mind that
11 our -- we are not adding any height per se to the
12 overall structure to the building.

13 What we have done is we made the
14 floors -- the number of floors the same as what is
15 approved certainly further down to the south and on
16 Grand Street the building adjacent to us.

17 We do, however, have existing
18 floor-to-floor heights of those three floors to work
19 with, so our two additional floors, which would be
20 four and five, are at the standard ten foot floor to
21 floor.

22 CHAIRMAN AIBEL: So it is really the
23 unique conditions of the existing --

24 THE WITNESS: There is a unique
25 condition here, and that has been my presentation

1 for so many of my answers to the questions from this
2 Board. It is absolutely a unique condition. The
3 building wasn't designed initially, of course, for
4 residential use, and to make that conversion happen
5 has been pretty difficult.

6 CHAIRMAN AIBEL: Board members,
7 anything else?

8 MS. BANYRA: Mr. Minervini, the top
9 portion of that page, that top mezzanine right
10 there. I think your plan said also six stories.

11 Is that not a new box right on top --

12 THE WITNESS: No. That's the same
13 height as the existing box. We are not adding to
14 the top of the building.

15 MS. BANYRA: What existing box is that?

16 I looked at your plans, I guess it's 19
17 and 20, and I guess it wasn't clear to me that that
18 wasn't a new addition --

19 THE WITNESS: This -- I used this at
20 the first meeting. This massing diagram shows this
21 is the existing walls that are staying.

22 The box that you are referring to is
23 the volume that's already there.

24 MS. BANYRA: Okay.

25 THE WITNESS: In that section we were

1 able to because the ceiling was very, very, very
2 tall, introduce a mezzanine area.

3 MS. BANYRA: Okay. Technically, that
4 is a seven-story then --

5 THE WITNESS: It certainly could be
6 considered a seventh floor --

7 MS. BANYRA: -- because the floor to
8 ceiling, when you read our definition, so I think
9 you just have to amend the application to indicate
10 in your zoning table to indicate that it should be
11 seven stories, not six stories.

12 I apologize for the late iteration of
13 my report, but I didn't know if you had at least a
14 chance to look at my comments on the report in terms
15 of detailing, in light of our conversation
16 earlier --

17 THE WITNESS: Yes.

18 MS. BANYRA: -- detailing the buildings
19 and the parapets and what you are representing is
20 what is going to be --

21 THE WITNESS: Of course, the rendering
22 is a prospective use, so it is not exactly accurate
23 in terms of dimensions --

24 MS. BANYRA: No, but your --

25 THE WITNESS: -- but the elevation

1 drawings are absolutely accurate, and that is what
2 we will propose, and if this project is approved,
3 our final site plans drawings will reflect the same.

4 MS. BANYRA: Did you have a chance just
5 to go through my comments and see if you had any
6 questions on any of those?

7 THE WITNESS: Yes. They haven't been
8 addressed yet, but I have no worries that I could
9 not accommodate them.

10 CHAIRMAN AIBEL: Mr. Marsden?

11 MS. BANYRA: I'm sorry.

12 Just so the Board knows, on Page 7, my
13 zoning table says 58, and it is 68 under proposed
14 for the density, and I moved my 58 and 68 around, so
15 that's under density --

16 COMMISSIONER GRANA: What's that,
17 Eileen?

18 MS. BANYRA: It's on my zoning table
19 under density, permitted is 60 with a one above it,
20 and one footnote is below.

21 And then under "proposed," it is 68,
22 not 58. That footnote got switched.

23 Thank you.

24 CHAIRMAN AIBEL: Thanks.

25 Mr. Marsden?

1 MR. MARSDEN: Yes.

2 Frank, earlier -- I just want to
3 clarify -- earlier you said you would address my
4 comments. I assume -- I expect they will be
5 addressed prior to signing the preliminary plans?

6 THE WITNESS: Yes.

7 MR. MARSDEN: I thought you said
8 "Final," so I just wanted to clarify that.

9 Are you dry flood proofing or wet flood
10 proofing the existing --

11 THE WITNESS: We will be dry flood
12 proofing in certain areas. That lobby, which is a
13 different condition than the garage, so dry in some,
14 and wet in others.

15 MR. MARSDEN: Okay.

16 Has any other evaluation or inspection
17 been done on the foundation to determine whether or
18 not --

19 THE WITNESS: Other than the two that
20 have already been made, no.

21 We are fully confident based on those
22 inspections that the building can support with
23 certainly some structural modifications.

24 MR. MATULE: Well, just to be clear, so
25 we are all again on the same page, it is my

1 understanding that assuming the applicant is given
2 preliminary site plan approval, then there would be
3 further structural and soil studies done as part of
4 designing the structural aspects of the building for
5 final site plan approval.

6 THE WITNESS: Yes.

7 COMMISSIONER BRANCIFORTE: One other
8 question.

9 Frank, at the last meeting I mentioned
10 that -- I pointed out that the recycling schedule
11 was missing, and it is still missing from these
12 plans or is it in here?

13 THE WITNESS: I thought I added it.

14 COMMISSIONER BRANCIFORTE: You assured
15 me that you would, and I may have missed it.

16 THE WITNESS: You didn't miss it. I
17 missed it.

18 Yes, Commissioner, I think I missed it.
19 I will address it.

20 MR. GALVIN: What is it, John? I'll
21 add it as a condition.

22 COMMISSIONER BRANCIFORTE: The
23 recycling schedule is missing from the plans, and I
24 mentioned it last time, and he said he would put
25 them in, and he hasn't.

1 MR. GALVIN: Recycling what?

2 COMMISSIONER BRANCIFORTE: Recycling --

3 MR. GALVIN: The plan is to be revised

4 to include --

5 MS. BANYRA: Details.

6 COMMISSIONER COHEN: Schedule?

7 (Board members confer)

8 MR. GALVIN: Okay. I got it.

9 Don't worry about that.

10 Move along.

11 CHAIRMAN AIBEL: Are we finished?

12 Let me open it up to the public.

13 Anybody have questions for Mr.

14 Minervini?

15 MR. EVERS: Yes.

16 CHAIRMAN AIBEL: Come forward, please.

17 Your name and address for the record.

18 MR. EVERS: Michael Evers, 252 Second

19 Street, Hoboken, New Jersey.

20 Now, I don't know if I heard it

21 properly or not, but am I correct when I heard that

22 there would be no affordable housing proposed for

23 this project now?

24 THE WITNESS: That is correct.

25 MR. EVERS: Okay.

1 Do you need a density variance for this
2 project?

3 MR. MATULE: Yes.

4 THE WITNESS: Yes. But as Mr. Matule
5 and Mr. Galvin --

6 MR. GALVIN: Oh, no. I agree with Mr.
7 Evers, so go ahead.

8 (Laughter)

9 MS. BANYRA: You're on your own.

10 MR. GALVIN: I ain't helping you on
11 this one.

12 MR. MATULE: I don't think it is a
13 question for Mr. Minervini to address. I will
14 address it when --

15 MR. GALVIN: Well, we got to -- that's
16 the --

17 CHAIRMAN AIBEL: Well, we have the
18 facts now.

19 MR. GALVIN: I guess we can come back
20 to this issue, but we're going to have to deal with
21 it at some point, you know.

22 MR. MATULE: Well, we can talk about it
23 now.

24 We are reading the Affordable Housing
25 Ordinance. There is a section in the Affordable

1 Housing Ordinance that says the first ten units of a
2 repurposed building, a rehab, I believe is the term
3 that they use, rehabilitation, do not trigger the
4 need to provide affordable housing.

5 MR. EVERS: Don't you think it would be
6 constructive for you to read the actual language of
7 the ordinance to the Board?

8 MR. MATULE: Well, I could, but I
9 don't think the Board is going to make that
10 determination --

11 MR. GALVIN: I happen to have it here,
12 and Mr. Matule is right that far. Okay?

13 The first ten units of a substantial
14 rehabilitation project for variance relief pursuant
15 to NJSA 40:55-D-70-D is required, and the language
16 prior to that says: The following shall be exempt
17 from the provisions of this chapter.

18 So I think it is a possible view that
19 when you have 68 units, that the first ten are
20 exempt. Then we have 58 units. Then we round that,
21 and we should be provided six affordable housing
22 units. That's what I think.

23 MR. EVERS: I would agree with you, but
24 I can't do that as a question.

25 (Laughter)

1 MR. GALVIN: That is okay.

2 You should say, "Wouldn't you agree?"

3 MR. MATULE: I disagree with that
4 interpretation because at 58 units, we have no
5 density variance, so to me, it is illogical, first
6 of all, to have the two sections in there, and
7 secondly, it is also --

8 MR. GALVIN: We have to read -- the
9 Zoning Board has an obligation to read the ordinance
10 consonant with the probable intention of the
11 governing body, and the intent of this ordinance is
12 to provide affordable housing when we approve
13 projects that have more than ten units and are
14 either a D-1 variance or a density variance gets
15 involved. That is my considered opinion.

16 MR. MATULE: I understand that is your
17 considered opinion.

18 It is also my considered opinion that
19 to pass constitutional muster, there has to be an
20 appropriate quid pro quo to require somebody to
21 provide affordable housing.

22 I don't think -- I disagree
23 respectfully with your interpretation of the
24 ordinance to say that by taking ten additional
25 units, the first ten are exempt, but the 58 that we

1 are entitled to as of right now trigger a burden of
2 5.8 or six units.

3 I don't think that is something that
4 will get resolved at this Board. I fully expect if
5 there is an approval, it is going to say that we
6 have to comply with the Affordable Housing
7 Ordinance, and we will address that --

8 MR. GALVIN: I think we are going to be
9 more specific than that, if we approve it. We will
10 be a little bit more specific.

11 MR. MATULE: Then we will have to
12 provide six affordable units. I understand that,
13 and we will either challenge that or whatever, but I
14 am just saying --

15 MR. GALVIN: Whatever has to happen has
16 to happen.

17 MR. MATULE: -- yes.

18 Well, I hope that answers your
19 question.

20 MR. EVERS: That answers one of them.

21 I was wondering, because I didn't have
22 a chance to look at the folder today. Is this
23 application -- given your contention that you don't
24 need to apply for the affordable housing or comply
25 with the Affordable Housing Ordinance, have you

1 submitted the fiscal statement required under
2 65(a)(2)(b)(f), a fiscal statement demonstrating why
3 you need a density variance because of the financial
4 hardship brought on by the affordable units?

5 MR. MATULE: No. We have not because a
6 policy decision was made, I believe, in discussions
7 with --

8 MS. BANYRA: Shirley Bishop

9 MR. MATULE: -- Ms. Bishop, that that
10 would be something to be done as part of final site
11 plan approval. It wouldn't be appropriate to go
12 through the cost and expense of doing it, you know,
13 on a speculative basis.

14 MR. EVERS: But don't you think that an
15 application requesting variance consideration in
16 part for affordable housing would have much greater
17 merit and substance, if you could demonstrate that
18 it was financially necessary to get a certain level
19 of density increase to accommodate the cost of the
20 affordable units?

21 MR. MATULE: Not at this point in the
22 process, no. This is just preliminary site plan
23 approval.

24 MR. GALVIN: We are asking questions of
25 the -- I know Mr. Matule is stepping up, but the

1 questions really should be directed to the
2 architect.

3 MR. EVERS: So just to reaffirm: This
4 application is or is not requesting a type B
5 variance?

6 THE WITNESS: It is.

7 MR. EVERS: Okay. But it's not
8 including provisions for affordable housing under
9 the affordable housing ordinance?

10 THE WITNESS: Correct.

11 MR. EVERS: I have no further
12 questions.

13 Thank you.

14 CHAIRMAN AIBEL: Thank you.

15 Anybody else in the public wish to
16 question the architect?

17 Seeing no one, can I have a motion to
18 close?

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

21 COMMISSIONER GRANA: Second.

22 CHAIRMAN AIBEL: All in favor?

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

25 MR. MINERVINI: Thank you.

1 CHAIRMAN AIBEL: Thank you.

2 (Witness excused)

3 MR. MATULE: Mr. Kolling?

4 At the Board's pleasure, I know there
5 was a question by Mr. Branciforte about the traffic.

6 If you would like me to bring up our
7 traffic engineer up before Mr. Kolling --

8 MR. GALVIN: I think we should.

9 You have already been under oath,
10 right?

11 MR. STAIGAR: Excuse me?

12 MR. GALVIN: You're under oath.

13 MR. STAIGAR: Yes.

14 MR. GALVIN: So you are still under
15 oath.

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

18 MR. MATULE: State your name for the
19 record.

20 THE WITNESS: Yes.

21 Joseph Staigar, S-t-a-i-g-a-r.

22 MR. MATULE: Mr. Staigar, you had
23 testified at the hearing in December when we were
24 basing the project on, I believe, 104 residential
25 units and 120, I think it was -- I'll tell you

1 exactly. It was 124 parking spaces --

2 THE WITNESS: Right.

3 MR. MATULE: -- one of the

4 Commissioners, Mr. Branciforte, has inquired as to

5 whether or not reducing the residential density down

6 to 68 units, but still having 119 parking spaces, if

7 some of those were rented out to people in the

8 neighborhood, is that going to change your opinion

9 or trigger more or less traffic?

10 THE WITNESS: Yes.

11 Actually the application, as I

12 understand it, as my first traffic report, was based

13 on 121 units, but 124 parking spaces.

14 That was reduced to 104 with 124

15 parking spaces.

16 Now, before you 68 units with 119

17 parking spaces.

18 So the total number of parking spaces

19 have essentially not changed. The number of units

20 have come down.

21 Now, what that means is you may have

22 people from the neighborhood using this parking, but

23 it will still balance out to the actual numbers that

24 we based our study on, 121 parking spaces that our

25 study was based on. So the same volume may be

1 coming in and out of the driveway.

2 I heard members of the Board mention,
3 well, what happens globally, regionally. What
4 happens at our entrances and exits to the city and
5 the fact that we are going down from 121 to 68 is a
6 small drop in the bucket, but having less units,
7 having less density, it inevitably generates less
8 traffic.

9 So in terms of regional impacts,
10 reducing the number to 68 has a beneficial effect,
11 albeit a very small one, but we are still dealing
12 with the same number of parking spaces, so
13 therefore, the same number of movements in and out
14 of the driveways.

15 So the results are the same. We get
16 good levels of service. I think we are in the order
17 of Level of Service Bs at our driveways and at the
18 surrounding intersections, and it will remain at B.

19 MR. GALVIN: Let me just do this.

20 Mr. Branciforte, do you have a specific
21 question that you wanted to ask?

22 COMMISSIONER BRANCIFORTE: Well, it is
23 a comment that I want to throw out, and maybe he
24 will want to respond to it.

25 MR. GALVIN: Okay.

1 COMMISSIONER BRANCIFORTE: I guess my
2 point is this: If we reduce the number of units,
3 and let's be practical about this, this is big
4 units. People are probably going to have more than
5 one car.

6 So what my hope is that we can assign
7 two spaces to every unit, or as practically as we
8 can, just to keep people from the neighborhood
9 coming in and grabbing their cars in the morning,
10 and driving out.

11 If we can limit the number of cars
12 going across the sidewalks somehow by reducing the
13 number of units at the same time, that would be
14 wonderful.

15 Do you think that might be possible?

16 THE WITNESS: I mean, I think that is
17 something for the applicant.

18 Can it be possible, yes. From my
19 aspect, it can, but whether the applicant chooses to
20 do so is a different question. Let's see what they
21 have to say.

22 COMMISSIONER BRANCIFORTE: Okay, sure.

23 VICE CHAIR GREENE: Can I ask a
24 question, or just ask John a question, not to
25 advocate one way or the other?

1 Is it likely that if somebody who
2 doesn't live in the building parks in the building
3 is going to use their car more or less than somebody
4 who lives in the building?

5 COMMISSIONER BRANCIFORTE: Well, my
6 point is when we had 121 units, that meant a
7 hundred, you know --

8 VICE CHAIR GREENE: One car a unit.

9 COMMISSIONER BRANCIFORTE: -- yes, more
10 or less.

11 Now that we are down to 68 units, you
12 know, the fewer number of people getting in their
13 cars every morning and driving out is for me a
14 beneficial thing.

15 VICE CHAIR GREENE: No. But what I
16 don't understand is your theory that somebody who
17 lives in the building is going to use their car less
18 than somebody who doesn't.

19 COMMISSIONER BRANCIFORTE: Because if
20 there is extra parking spots, and they are rented
21 out to people in the neighborhood, people in the
22 neighborhood may come in every morning and grab
23 their car and drive out --

24 COMMISSIONER MURPHY: But like --

25 COMMISSIONER MARSH: In your

1 building --

2 (Commissioners talking at once)

3 COMMISSIONER BRANCIFORTE: -- versus a
4 car --

5 THE REPORTER: Wait a second.

6 Who's talking?

7 MR. GALVIN: Wait a minute, wait a
8 minute.

9 Our court reporter will have to put
10 down "general chatter."

11 (Laughter)

12 One at a time, okay?

13 COMMISSIONER BRANCIFORTE: I understand
14 what you are saying, what is the difference if they
15 have two cars.

16 Well, if they have two cars, maybe only
17 one person is using it during the day, and the other
18 car is sitting there all day. Not everyone is
19 leaving.

20 My theory is less people will be
21 leaving at the rush hour. More cars will be sitting
22 unused throughout the day.

23 COMMISSIONER MURPHY: Right. But I
24 think also there is the idea of providing a service
25 to the neighborhood, like I park in your building,

1 and I don't move my car every day, so I mean, I
2 guess it goes both ways.

3 COMMISSIONER BRANCIFORTE: Okay. So
4 let's forget about the discussion then altogether
5 then.

6 COMMISSIONER MURPHY: No. Have a
7 discussion --

8 CHAIRMAN AIBEL: We can use it later in
9 our deliberations, but I think while the witness is
10 here, why don't we finish --

11 THE WITNESS: I think the other
12 thing --

13 MS. BANYRA: I have a question now
14 relative to that conversation.

15 CHAIRMAN AIBEL: Okay. Let's be crisp.
16 Crisp, crisp question.

17 MS. BANYRA: Over 50 cars requires a
18 major parking facility in terms of -- so if you are
19 now having it not being used by the building, then
20 does it become a major parking facility, you know.
21 You're going to be using it as a parking facility in
22 the neighborhood, to introducing maybe a different
23 use. So, you know, I am just listening to that now,
24 so I am not sure what the ramifications are.

25 It does require site plan. I don't

1 know what the rest of the ramifications are, if
2 there are any, but it's maybe a different thing.

3 MR. MATULE: Well, then if it makes
4 life simpler for everybody, we will just stipulate
5 at this point that the parking spaces will be for
6 occupants of the building. We are not planning on
7 operating a public parking facility there.

8 MS. BANYRA: As long as it's not going
9 to be identified as that, and what happens in
10 reality doesn't I think matter as much as -- I don't
11 know that you can hang a sign is what I'm saying.

12 CHAIRMAN AIBEL: I think you are
13 prepared to accept a condition that says it will be
14 for residential parking only.

15 MR. MATULE: Yes. Because the
16 practical matter is with 68 units, if 60 percent of
17 the people have two cars, between that and the one
18 car people and the commercial space, we are going to
19 use up most of the parking spaces.

20 CHAIRMAN AIBEL: Okay.
21 Anything else?

22 COMMISSIONER GRANA: Mr. Staigar, I
23 just have a question.

24 The loading dock was not in the
25 testimony that we had the last time.

1 THE WITNESS: It was. I know I
2 testified to it.

3 COMMISSIONER GRANA: To a loading dock?

4 THE WITNESS: There was an amenity
5 space that we were going to use that as a loading
6 dock, and that part of the driveway to the loading
7 dock would be a short-term loading area, loading
8 zone, so the UPS truck that wants to get in, drop
9 off a package and leave can stop there, but if
10 anybody is moving, they would be in that amenity
11 space, but we moved it from Clinton now to Grand.

12 COMMISSIONER GRANA: So does that
13 change have any principal -- does that cause any
14 principal change to your assessment and the
15 testimony that you have given previously in terms of
16 impact to the neighborhood?

17 THE WITNESS: No. I think the amount
18 of traffic that you will see using that loading zone
19 one an hour at the very most is probably the
20 magnitude you're dealing with.

21 COMMISSIONER GRANA: Thank you.

22 MR. MARSDEN: I'll be quick.

23 CHAIRMAN AIBEL: Crisp question.

24 MR. MARSDEN: Yes.

25 Have you looked at the geometrics and

1 the width of the road with respect to getting a
2 30-foot box truck and/or tractor trailer with
3 parking on both sides?

4 THE WITNESS: Yes.

5 MR. MARSDEN: I have a concern about
6 that.

7 THE WITNESS: I took a look at it, but
8 didn't define it exactly on our site plan.

9 In order for it to operate
10 sufficiently, we will probably need a single unit,
11 30 truck, a UPS truck is sometimes typically 28
12 feet, so essentially 30 feet. We are going to need
13 at least a 40 foot loading zone, which would then
14 accommodate a truck getting in and out of that
15 driveway, so I think I have to deal with --

16 MR. MARSDEN: As a result, I would like
17 to see the turning templates, and also if you are
18 going to reduce traffic because the turning of a
19 straight job is less than the turning of a box -- of
20 a trailer, so if you would just address those.

21 THE WITNESS: Right.

22 MR. MARSDEN: Thank you.

23 CHAIRMAN AIBEL: Anything else for Mr.
24 Staigar?

25 Okay. Let me open it up to the public.

1 Anybody in the public have questions
2 for Mr. Staigar?

3 Seeing none...

4 COMMISSIONER COHEN: Motion to close
5 public portion for this witness.

6 COMMISSIONER GRANA: Second.

7 CHAIRMAN AIBEL: All in favor?

8 (All Board members answered in the
9 affirmative.)

10 CHAIRMAN AIBEL: Thank you.

11 MR. GALVIN: Raise your right hand.

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

15 MR. KOLLING: Yes, I do.

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

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

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

22 Mr. Chairman, do we accept Mr.
23 Kolling's credentials?

24 CHAIRMAN AIBEL: Yes, we do.

25 MR. GALVIN: You may proceed, Mr.

1 Kolling.

2 MR. MATULE: Mr. Kolling, you are
3 familiar with the zoning ordinance and the master
4 plan of the City of Hoboken?

5 THE WITNESS: Yes, I am.

6 MR. MATULE: And you are familiar with
7 the site and the proposed project?

8 THE WITNESS: Yes.

9 MR. MATULE: You originally prepared a
10 planning report, April 7th, 2014?

11 THE WITNESS: Yes.

12 MR. MATULE: And you then revised it
13 October 23rd to reflect the first round of reduced
14 density?

15 THE WITNESS: Yes.

16 MR. MATULE: And you are now aware of
17 the fact that the density has been further reduced,
18 correct?

19 THE WITNESS: Yes. I also revised my
20 report earlier this month I believe it was.

21 MR. MATULE: That was the revised
22 report of October 23rd?

23 THE WITNESS: No. There was a revision
24 early January.

25 COMMISSIONER COHEN: January 6th.

1 MR. MATULE: Oh, correct. Thank you.

2 That was submitted.

3 Thank you.

4 Could you go through your report for
5 the Board and give us your professional opinion
6 regarding the variances that the applicant is
7 requesting for this project?

8 THE WITNESS: I think we are all aware
9 where the property is. It's pretty centrally
10 located in Hoboken, five or six blocks from
11 Washington Street, five or six blocks from the 9th
12 Street light rail station, along 8th Street between
13 Clinton and Grand Streets.

14 It is a very large site. It's almost
15 an acre, over 39,000 square feet, almost 40,000
16 square feet actually, and it has got a very large
17 building on it, and the building has some historic
18 significance in Hoboken because of the length of
19 time it has been there, what it was constructed for
20 and what it was used for.

21 It was a bakery that was part of the
22 Schmalz Jersey Cream Malt Bread Company, I believe
23 it was called, and the original building was built
24 in 1899, and destroyed by fire, and then this
25 building was constructed following that fire. The

1 fire took place in 1909, and this building dates
2 back to the 19-teens.

3 So it has some significance, I would
4 say, for the City of Hoboken and sort of reflects
5 the industrial past of the city.

6 The surrounding area is pretty diverse.
7 There is a lot of higher or taller residential
8 buildings. There's also some commercial and
9 industrial structures.

10 The Hoboken High School is across the
11 street, so it is pretty diverse, but directly across
12 the street, for instance, along Clinton there is a
13 two-story industrial structure that was part of this
14 complex in the past.

15 Continuing down that street, though,
16 there are residential structures, too, that are five
17 and a half stories. One that is seven stories.

18 On the opposite side of Grand Street,
19 you have similar characteristics with five-story
20 residential structures as well as some four-story
21 structures.

22 There is an A&P Supermarket a block to
23 the south or so. You have a large CVS, which is a
24 little bit to the north, so you have a lot
25 diversity. Columbus Homes, a seven-story

1 development, housing development, is in the vicinity
2 as well.

3 The proposed development really calls
4 for the rehabilitation and expansion of the
5 structure to accommodate the residential reuse. I
6 won't go through that in detail because Mr.
7 Minervini has covered that extensively.

8 The zoning is R2, which is residential.
9 The commercial uses are also permitted need to meet
10 certain criteria. Where the maximum is a thousand
11 square foot service area, we need a variance for
12 that because ours is larger than that. It's over
13 2,000 square feet.

14 Among the purposes of the R2 district
15 is to facilitate the conversion of non residential
16 to residential space, and to otherwise reinforce the
17 residential characteristics of this district by
18 restricting uses and structures not compatible with
19 district objectives.

20 So obviously, this project does that.
21 It removes the non residential industrial use of
22 this building and turns it into a conforming use,
23 residential, and I think that meets within the
24 intent of the zone plan.

25 The variances that we are going to need

1 include a density variance, because we are permitted
2 58 units, and we're requesting 68 units.

3 We also have a height. We are not
4 increasing the maximum height of the building where
5 it is now, but some of the lower parts of the
6 building are getting additional stories, and that
7 will result in a D variance for both height and
8 number of feet and height in number of total
9 stories.

10 Lot coverage is existing really at
11 about a hundred percent. We are going to continue
12 that. But we're looking for a variance there as
13 well because portions of the building on the
14 interior are being demolished and reconstructed, so
15 that also triggers a lot coverage variance, front
16 yard, roof coverage, and the service area commercial
17 uses, as I previously described.

18 The master plan was adopted in 2004. A
19 reexamination report was done, I believe, adopted
20 in -- it's dated 2010, but I believe it was adopted
21 in early 2011.

22 One of the recommendations was that the
23 reverse part of the old master plan was to merge R2
24 and R3 districts, but there is really nothing else
25 in there that would alter the recommendations of the

1 previous master plan in this particular instance
2 that I found.

3 Among the sections of the master plan
4 that I looked at was the Historic Preservation
5 element, because as I mentioned, this building has
6 some historic significance. It's not a historic
7 structure. It has not been designated as such.
8 It's not on the State or National Register, although
9 within the master plan it does say that it is
10 potentially eligible. There have been some
11 consultants who have said that.

12 Among the recommendations is to
13 safeguard the heritage of Hoboken by preserving
14 buildings and other features within the city that
15 reflect elements of its cultural, social, economic
16 and architectural history. Obviously, preserving
17 this building would do that.

18 Another recommendation is to encourage
19 the continued use of historic and noteworthy
20 buildings, structures, objects and sites and
21 facilitate their appropriate reuse.

22 Again, converting the building to a
23 permitted use, a use to a permitted use really is an
24 appropriate reuse, and that would be met by this
25 development as well.

1 Discourage the unnecessary demolition
2 or other destruction of historic resources. Again,
3 like rehabbing and converting a building, there will
4 be a significant investment in this building that
5 will encourage its reuse and that will maintain it
6 for the foreseeable future.

7 Another recommendation is to encourage
8 maintenance of and reinvestment in buildings and
9 structures within the city. That one references
10 that the high cost of restoring a building is
11 sometimes cited as a reason why it should instead be
12 demolished.

13 In this case, I think we don't have to
14 worry about that, if this variance is approved. The
15 reinvestment would be made, and we wouldn't be
16 looking at the demolition of this structure.

17 Also, there is a section or a
18 recommendation that talks about encouraging the
19 creation of historic plaques to commemorate
20 Hoboken's past.

21 So I think the intent here as well is
22 that once the building is renovated, that there will
23 be such a plaque there, so it would recognize the
24 historic significance of this building and maybe
25 give a brief history of it, and thereby help educate

1 the public as to its significance.

2 Other general recommendations of the
3 master plan talk about capability in scale, density,
4 design and orientation.

5 I mentioned there are significant other
6 buildings in the area that have five and a half,
7 seven stories. This building is not out of
8 character with that. In fact, the scale of this
9 building is already large, so maintaining it is
10 certainly consistent with maintaining compatibility
11 in scale.

12 Continue to hide parking at ground
13 level, we heard the discussion about the amount of
14 parking.

15 The interior of this building and the
16 way it is designed, it is a sturdy industrial
17 structure, and accommodates the parking all within
18 the building and within the architecture, so parking
19 will be well hidden.

20 Another one talks about green
21 architecture. We talked about that on many other
22 applications, and this has a significant amount of
23 green elements that have been incorporated into it,
24 including the cogeneration of electrical power, and
25 you have electric car charging stations, a lot of

1 green elements within this building, and then also,
2 all of the things that we have discussed in the past
3 about quality housing, design guidelines which go to
4 family-friendly units.

5 In this application now as amended, 57
6 of the 68 units will be three or more bedrooms, as
7 Mr. Minervini explained, so that goes a far way
8 towards providing the family-friendly units.

9 I think in terms of my analysis, the
10 residential units, as we said, are permitted within
11 the R2 zoning district, but we do require a D5
12 variance for density and a D6 variance for building
13 height, and I think these can be approved because I
14 think the building is well suited to accommodate the
15 additional units because of the size of the
16 structure as it exists today, and trying to have its
17 reuse, but also because of the large size of the
18 site, its ability to accommodate the parking
19 necessary for the added density, and the amenity
20 spaces that would be required for the added density
21 all within the building. So I think that we show
22 the site's ability to accommodate that density.

23 Also in terms of the height, the height
24 for the most part exists, so obviously the building
25 can accommodate the height without substantial

1 detriment, and it's really consistent with a lot of
2 the heights in the area.

3 The building is an imposing building as
4 it is, and I think that with the improvements, that
5 will do nothing to significantly alter that, and
6 actually will accommodate this appropriate reuse.

7 Also, I think that the density is also
8 accommodated because of the neighborhood services.
9 There is an A&P in the vicinity, a CVS Pharmacy, the
10 proximity of the light rail station all go towards
11 showing that the site can accommodate this limited
12 additional density that we are requesting.

13 So I think that we also have shown how
14 it promotes the purposes of zoning through the --
15 which is to facilitate the conversion of non
16 residential to residential space, and to further
17 otherwise reinforce the residential characteristics
18 of the district.

19 In terms of the C variances, lot
20 coverage, I described what the coverage is. I think
21 it all occurs really to the interior of the site,
22 and it's not visible to the exterior. The building
23 is where it is. Therefore, there would be no
24 substantial impact from this variance.

25 To the contrary, the fact that we are

1 promoting the purposes of zoning, the fact that we
2 are preserving and reusing such a significant
3 building are all substantial benefits, and I think
4 that that variance could be granted based on the C2
5 criteria, the same with the front yard. The
6 building is located where it is. It is all along
7 the front street line.

8 The additions will extend that up, and
9 that is why we need the variance. But, again, this
10 should have limited additional impact, and the
11 substantial benefits of this project would again
12 fall under the C2 criteria.

13 Roof coverage: The roof coverage would
14 be 70.1 percent. This is mostly because of the
15 decks, both on the lower levels and upper levels.
16 This would be private roof terraces for the most
17 part, and on the interior especially communal roof
18 space.

19 This common open space and the private
20 open space also helps to promote a family-friendly
21 atmosphere, which I think it promotes the purposes
22 of the master plan.

23 It also provides for a significant
24 amount of recreational space, which would then
25 lessen the impact on say Columbus Park or other open

1 spaces in the area, so I think that is beneficial as
2 well.

3 You have to look at the intent of the
4 roof coverage criteria. My opinion is really what
5 that was for was to limit rooftop appurtenances from
6 growing, like stairwell bulkheads, elevator
7 bulkheads to the point where they became actual
8 rooms and, therefore, constituted an additional
9 floor of living space.

10 That's not the case. This is
11 uncovered, total open space, so I don't think it
12 goes contrary to the intent of the requirement.
13 And, again, given all of the substantial benefits of
14 this project that could also be granted under C2
15 criteria.

16 That brings us to the permitted service
17 area. If the space is larger than is permitted, the
18 1,000 square feet of service area is the criteria,
19 or something over 2,000 square feet, but again, you
20 have to recognize that in the past, this was an
21 industrial commercial structure in its entirety, so
22 by having this reduction to this level actually is
23 beneficial and more towards the intent of the zone
24 plan. And, again, looking at the substantial
25 benefits of preserving the structure, we can fall

1 into that C2 criteria.

2 I also think that the project advances
3 certain of the purposes of the Municipal Land Use
4 Law, 40:552(a), for instance. I think that granting
5 the requested variance will guide the appropriate
6 use of development of the site, and I think in a
7 manner that will promote the general welfare and the
8 preservations of this building and also the
9 provision of quality housing, including
10 family-friendly and ADA accessible units.

11 I think the project provides sufficient
12 space in an appropriate location for this type of
13 residential use and reuse of this building, which is
14 consistent with 40:55D-2(b). The project promotes a
15 desirable environment. The building is older
16 obviously. It has begun to -- it's in need of
17 maintenance and repair and upgrading, and I think
18 that that will be accomplished through this project.

19 So I think the project promotes a
20 desirable visual environment, which is consistent
21 with 40:55D-2(i), and the project also promotes
22 maintenance and reuse of the existing building,
23 consistent with 40:55D-2(j), although the building
24 is technically not a historic site, it certainly has
25 local significance to the general public, and I

1 think that that also goes to that intent of that
2 section of the statute.

3 And finally, the project will promote
4 the utilization of energy resources, which is
5 consistent with 40:55D-2(n) by utilizing green
6 development techniques.

7 So in conclusion, I think that we have
8 shown the proofs that would meet the positive and
9 negative criteria for both the D5 and D6 variances,
10 and also for the bulk variances consistent with the
11 C2 criteria.

12 MR. MATULE: Thank you.

13 THE WITNESS: Thank you.

14 CHAIRMAN AIBEL: Thank you, Mr.
15 Kolling.

16 Board members, questions?

17 VICE CHAIR GREENE: I have a question.

18 Mr. Kolling, you mentioned accessible
19 living units, but I don't recall any testimony to
20 that effect.

21 THE WITNESS: All units when you are in
22 a multi-family type of situation, when you have an
23 elevator, all have to be ADA -- they don't have to
24 be ADA accessible, but they have to be ADA --
25 adaptable, adaptable, so that every unit can be

1 adapted to ADA accessibility.

2 VICE CHAIR GREENE: So the lobbies are
3 accessible?

4 THE WITNESS: Yes, they have to be.

5 VICE CHAIR GREENE: There is
6 accessibility from the parking garage?

7 THE WITNESS: Yes.

8 VICE CHAIR GREENE: Okay. Thank you.

9 COMMISSIONER DE FUSCO: Mr. Chair?

10 Mr. Kolling, so you had mentioned that
11 the adaptive reuse was a positive criteria, and I'll
12 agree with that.

13 I guess the question I have is a
14 portion of the building that goes to five stories --
15 there we are -- and then there is a portion of the
16 building that goes to two stories --

17 THE WITNESS: Yes.

18 COMMISSIONER DE FUSCO: -- the proposed
19 plans have that two story going up five stories.

20 Is it not possible in a different set
21 of plans, for instance, to have adaptive use that
22 encourages the master plan with family-friendly
23 units without having to raise -- you know, raise
24 that particular variance, you know, the height
25 variance or specifically the two-story portions of

1 the building?

2 THE WITNESS: It may be possible. I
3 think it is more of an architectural question, but I
4 think the idea was to try to use the building more
5 efficiently, so that when you have elevators and
6 stairways, you need to be able to access them on
7 every level for emergency egress, so I assume that
8 is part of why that was done --

9 COMMISSIONER DE FUSCO: Well, from a
10 planning perspective, I mean, what would you argue
11 would be a negative reason for doing that or a
12 positive reason for doing that?

13 I think you would go to positive, but I
14 would be interested to hear it.

15 THE WITNESS: Let me see if I
16 understand --

17 COMMISSIONER DE FUSCO: So from a
18 planning perspective, in your testimony, why is
19 raising three stories above what is currently in
20 existence better than leaving the building as in its
21 current state and adaptively reusing that without
22 triggering the height variance?

23 THE WITNESS: Well, I would assume that
24 part of that reason again is to be able to use the
25 building more efficiently and effectively by

1 connecting all of the floors through, but also by
2 having that added living space, you are able to
3 provide a larger number of bigger units.

4 If you took off the three stories, for
5 instance, from that two-story section, you have
6 reduced it by 60 percent, that piece there, so --
7 and the fact that you are using a lower level for
8 parking, you effectively now come down just one
9 floor, so I don't think that would become a very
10 efficient or it would lend itself towards the larger
11 unit size --

12 COMMISSIONER DE FUSCO: So let me just
13 make sure I am understanding you correctly.

14 Your testimony is that the additional
15 three stories on top of the two are helping the
16 family-friendly larger unit criteria of the master
17 plan as a positive, that is your testimony?

18 THE WITNESS: Yes.

19 COMMISSIONER DE FUSCO: Thank you.

20 COMMISSIONER BRANCIFORTE: Do you have
21 any photos of the street scape?

22 THE WITNESS: I think they were
23 presented on the board by the architect.

24 COMMISSIONER BRANCIFORTE: The reason I
25 asked you is because I'm curious.

1 You mentioned a seven-story building,
2 and you are kind of pointing to that seven-story
3 building as a reason that the height variance would
4 be okay, and I am just curious where that
5 seven-story building is.

6 THE WITNESS: Oh, the seven-story
7 building is directly across Clinton at the corner
8 Clinton and Grand, and it's the industrial structure
9 which was once also part of this complex.

10 Then there are two five and a half
11 story buildings, and then the seven-story building
12 is immediately south of that, so it is across the
13 street effectively from the existing or the subject
14 site.

15 COMMISSIONER BRANCIFORTE: This is sort
16 of the same question that we asked Frank Minervini
17 before, which was we talked about the two-story
18 building being next door, and I can't remember what
19 you asked, but they said, well, what happens when
20 that two-story building comes back and says we want
21 to be as high as everybody else.

22 So that seven-story building, if I
23 remember correctly, was very recently built, so why
24 do we accept the fact that there is a new
25 seven-story building across the street, therefore,

1 there should be a new five-story building here?

2 I mean, why are you using that as a
3 reason for this?

4 THE WITNESS: There are two parts of
5 it. You have the positive criteria and the negative
6 criteria. I am not using it as a reason for the
7 variance.

8 I think the height could be justified
9 because of the existing structure, and its
10 conversion and reuse, and the heights of the other
11 portions of the structure that are on the site. The
12 site can accommodate I think the additional height
13 without substantial detriment.

14 And in looking at the context, you have
15 to say then, okay, so now you are going to put this
16 five-story building where there's an existing
17 two-story industrial. It is not going to have a
18 significant detrimental impact to the character of
19 the area. That is when you look at the rest of the
20 street scape.

21 MS. BANYRA: Mr. Branciforte, if you
22 look at Z-21, it shows that side of the street.

23 CHAIRMAN AIBEL: Mr. Cohen?

24 COMMISSIONER COHEN: Mr. Kolling, I
25 think there was testimony in one of your earlier

1 hearings about the parking lot ingress and egress,
2 which is about a block away from the high school.

3 I know Commissioner Branciforte usually
4 asks questions about this, and I think there may
5 have been some testimony about some of the safety
6 features at the entrance and exit because there is
7 likely going to be students who attend the high
8 school, which is seventh grade to 12th grade, that
9 will be walking past this garage area.

10 I know that you are not the traffic
11 expert, but from a planning perspective, do you have
12 any concerns about that, number one?

13 And, number two: Have you looked at
14 the safety features that are included in the design
15 here and have any opinion about the safety aspects
16 of having a busy garage in that proximity to the
17 high school?

18 THE WITNESS: Well, in a city like
19 Hoboken, which is densely populated, and there is a
20 lot of pedestrian traffic, whether you are near a
21 high school or not, you are going to get a lot of
22 flow back and forth.

23 But that being said, obviously you want
24 to make those ingress and egress points as safe as
25 possible. I mean, typically you have to make the

1 presumption that people are going to drive in a
2 responsible manner, and they are going to enter and
3 exit in a responsible manner, but you can always
4 assist that by providing alarms or lighting features
5 or concave mirrors or things like that to assist in
6 that, so I think it is a good addition. Whether or
7 not it will make incremental improvements in
8 pedestrian safety, I think that it will have some
9 positive impact.

10 COMMISSIONER COHEN: Okay. That was
11 it.

12 CHAIRMAN AIBEL: Board, anything else?
13 Professionals?

14 COMMISSIONER COHEN: Yes.

15 MS. BANYRA: We discussed the
16 elevator --

17 COMMISSIONER BRANCIFORTE: There is no
18 detail on that, though, so --

19 MR. MATULE: Want me to bring up Mr.
20 Minervini?

21 COMMISSIONER COHEN: Yes. Can you do
22 that?

23 It has been a while.

24 MR. MINERVINI: Your concern was --

25 COMMISSIONER COHEN: Yes.

1 MR. MINERVINI: The last meeting we had
2 talked about what we had proposed, which was a
3 standard visual warning device at each of the door
4 openings.

5 I had a couple of conversations with
6 the client and did more research, and even at this
7 Board we had then talked about potentially putting
8 LED lights in the sidewalk, and then we thought that
9 might become an issue with the City Council.

10 So what we determined, and we will have
11 to find a system that actually works, and hopefully
12 we're approved, and we will give you the
13 information, that the garage door threshold would be
14 a linear LED light that would be very easy to see as
15 opposed to coming in the sidewalk.

16 I think the developers are happy to
17 petition the City Council, as this Board suggested,
18 to allow us to put the LEDs within the sidewalk, but
19 we can't control whether that would be allowed or
20 not, but we can control our threshold, though.

21 COMMISSIONER COHEN: And I think I
22 heard testimony in front of City Council with
23 respect to LED lighting as the state of the art
24 thing to be considered in city planning, so I would
25 expect that that would get a favorable reception --

1 MR. MINERVINI: Then we are very happy
2 to propose that.

3 COMMISSIONER COHEN: I think that we
4 would want to have that as a condition to be
5 included, have maximum visibility for pedestrians,
6 which is going to be -- many, many blocks of Hoboken
7 obviously are busy with pedestrians, but I think
8 there is a special concern here with the proximity
9 to the high school.

10 MR. MINERVINI: And this is not to
11 negate what you are saying. The condition we are
12 proposing is certainly much better than the
13 existing.

14 On Grand Street, there is already a
15 garage there with no warning light, and there's
16 rental parking spaces there now, and obviously along
17 Clinton Street, there is a vehicular garage entry
18 for trucks and loading, so our condition we think is
19 certainly better than existing, and we will make it
20 as state of the art as possible.

21 MR. GALVIN: So what does "state of the
22 art" mean?

23 What are we doing?

24 MR. MINERVINI: As I just suggested, we
25 can petition City Council to allow us to put LED

1 lighting within the sidewalk --

2 MR. GALVIN: The Braciforte strips?

3 (Laughter)

4 MR. MINERVINI: -- the Braciforte
5 strips, yes, at the outer edges of the garage door
6 opening running perpendicular to the building at our
7 three garage doors, one for the loading dock, and
8 one each then for the ingress and egress for cars.

9 MR. MARSDEN: If I may, there are
10 numerous systems now with directional LEDs. You can
11 put them in the building. They can be actuated by
12 the same thing that actuates the light that they
13 usually use, and it can point right towards where
14 the pedestrians would be. It would only be on when
15 a vehicle was pulling out, and it would shut off
16 subsequent to the vehicle leaving.

17 I mean, there has got to be 15, 20, 30
18 of these systems out there.

19 MR. MINERVINI: Yes. We discussed this
20 as well.

21 MS. BANYRA: So can we leave that a
22 little bit loose in terms of some innovative street
23 scape pedestrian improvements because there might be
24 something that's better than that, you know, rather
25 than lock it in?

1 MR. GALVIN: Is that okay, John?

2 COMMISSIONER BRANCIFORTE: It was
3 Phil's question. I mean --

4 COMMISSIONER COHEN: Yes, that sounds
5 good.

6 MS. BANYRA: We'll review it.

7 COMMISSIONER BRANCIFORTE: One of the
8 conditions will be that they will petition City
9 Council to insert the --

10 COMMISSIONER COHEN: In the
11 right-of-way.

12 COMMISSIONER BRANCIFORTE: Also, Frank,
13 can we put up an extra -- now to the garage doors
14 you have a light, a strobe light. Is it okay to put
15 up two strobe lights on Washington's side --

16 MR. MINERVINI: These are wide doors.
17 Absolutely.

18 COMMISSIONER BRANCIFORTE: That's on
19 every garage, not just on these.

20 MR. MINERVINI: Yes.

21 MS. BANYRA: Could that be considered
22 as part of the whole overall system because there
23 may be something better than that right now?

24 COMMISSIONER BRANCIFORTE: If the
25 engineer comes up with something that he thinks is

1 better, and I trust Jeff on that, no problem.

2 CHAIRMAN AIBEL: Anything else, Board
3 members?

4 COMMISSIONER MURPHY: I have a question.

5 CHAIRMAN AIBEL: Go ahead.

6 COMMISSIONER MURPHY: No, you are good?

7 You testified that the building was
8 going to have a lot of green features, but earlier I
9 thought I heard LEED certified --

10 THE WITNESS: Yes.

11 COMMISSIONER MURPHY: -- but you didn't
12 say that, so that's why --

13 THE WITNESS: I didn't, but it is
14 already in the record.

15 COMMISSIONER MURPHY: Okay.

16 CHAIRMAN AIBEL: Let me ask, I am
17 trying to understand the special reasons for the
18 height variance.

19 The zone allows a 40 foot height and
20 you are requesting 78 feet.

21 So what is the special reason that is
22 tailored to the purpose of a 40-foot residential
23 zone limit?

24 THE WITNESS: Actually the 70 feet, the
25 number exists today. That is how tall the tallest

1 part of the building is. We are not making that any
2 taller.

3 So part of the special reason is we are
4 preserving that building, preserving the height and
5 preserving the architecture of that structure.

6 The building is a significant
7 structure. It has significance as to its past use
8 and its role in Hoboken's past, and those are also
9 recommendations of the master plan. So in promoting
10 that purpose, where you are asking to maintain the
11 height and to infill some other portions of the
12 building to achieve those purposes.

13 CHAIRMAN AIBEL: Thank you.

14 Nothing further?

15 Let me open it up to the public.

16 Questions for Mr. Kolling?

17 MR. EVERS: Yes.

18 CHAIRMAN AIBEL: Please come forward.

19 State your name and address.

20 MR. EVERS: Michael Evers. 252 Second
21 Street, Hoboken, New Jersey.

22 Mr. Kolling, this application contains
23 a density variance. Is that correct?

24 THE WITNESS: Yes.

25 MR. EVERS: It does.

1 Why does it contain a density variance?

2 THE WITNESS: Because we are asking for
3 68 units versus the 58.

4 MR. EVERS: So there's ten more units
5 that you're asking to build than are permitted?

6 MR. GALVIN: 13 more. 55 is permitted,
7 right?

8 MS. BANYRA: No, no.

9 MR. MATULE: No. 58.

10 MR. GALVIN: Okay.

11 MR. EVERS: There's more units than you
12 are allowed to build under code?

13 THE WITNESS: Yes.

14 MR. EVERS: Thank you.

15 No further questions.

16 CHAIRMAN AIBEL: Anything else for Mr.
17 Kolling?

18 Seeing nothing...

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

21 COMISSIONER MURPHY: Second.

22 CHAIRMAN AIBEL: All in favor?

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

25 MR. MATULE: That concludes my

1 witnesses.

2 Just a few words, if I might, by way of
3 summation.

4 CHAIRMAN AIBEL: Do you want to open it
5 up to the public first?

6 MR. GALVIN: Let's do public first.

7 MR. MATULE: Do public first,
8 certainly.

9 CHAIRMAN AIBEL: Okay. Now is the
10 moment for anybody in the public to come up and
11 comment on the merits of the application pro or con.

12 Does anybody wish to comment on the
13 application?

14 MR. EVERS: Yes.

15 CHAIRMAN AIBEL: Come forward.

16 MR. EVERS: Do I need to swear in
17 again?

18 MR. GALVIN: Yes. Now you do.

19 Raise your right hand.

20 MR. EVERS: Oh, okay.

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

24 MR. EVERS: I do.

25 MR. GALVIN: All right. You're good,

1 right?

2 Michael Evers, E-v-e-r-s.

3 (Laughter)

4 MR. EVERS: I had really liked this
5 project until they decided to play fast and loose,
6 in my opinion, with the Affordable Housing
7 Ordinance. I just make a few observations here.

8 First of all, I think it is arguable
9 that this hearing itself is invalid because the
10 notice is defective. They are in effect asking to
11 be waived. I would argue they have a waiver given
12 to the Affordable Housing Ordinance. If that is in
13 fact what has to be done here, then their notice
14 makes no mention of requesting such a waiver, but it
15 in fact should have.

16 The fact is that both the architect and
17 the planner have testified that this project
18 requires a density variance, and that it has more
19 than ten units. Therefore, according to the
20 ordinance, the affordable housing requirements
21 apply.

22 We can debate whether it is 6.8,
23 yielding 7 or 5.8 yielding 6 affordable units, but I
24 think it is hard to come up with a good explanation
25 for why the Affordable Housing Ordinance would not

1 apply in this situation. Okay?

2 The fact is that a question that should
3 be asked and, you know, as a fan of affordable
4 housing, maybe I shouldn't be asking it, why are
5 they not then just simply building 58 units or 55,
6 whichever it is, which does not require a density
7 variance, and yet, they are asking for the density
8 variance, and nobody compels them to do that.

9 Another question I raise, and I think
10 this is how these problems get started.

11 Mr. Matule mentioned that Shirley
12 Bishop said that certain things were not required
13 for the plan of compliance that is necessary for you
14 to grant approvals according to the ordinance.

15 Now, I would refer to you, if you want
16 to do research on this, to Evers versus Second
17 Street Developers, where the judge went on at great
18 length to explain how people who are not judges and
19 not city councils really aren't empowered to make
20 arbitrary changes to the zoning rules.

21 In fact, Bob is familiar with that
22 case.

23 In this case, Ms. Bishop may have had
24 the best intentions to facilitate things, but by not
25 requiring that the fiscal statements be prepared,

1 and I must admit I have not been a pain in the tush
2 about that myself, but I think that was an error.

3 Those fiscal statements would answer a
4 lot of questions for this Board with regard to
5 whether these claims of economic hardship are
6 legitimate, or whether the density bonuses that
7 developers in future applications ask for in
8 relation to, you know, they need this much more in
9 order to afford a certain amount of affordable
10 housing would be answered in a simple numerical
11 manner.

12 The argument that this is a terrible
13 hardship for the developer, I really think is hard
14 to believe. No developer goes about committing
15 large sums of money in development projects without
16 doing detailed financial analyses.

17 In fact, one of the earliest
18 applications that came here had no trouble providing
19 that during a preliminary plan approval.

20 Now, Bob also mentioned that there is a
21 danger of litigation with regard to this, if the
22 Board doesn't approve it. I think the question is
23 just how much litigation.

24 I can't speak for Kevin Walsh of the
25 Fair Share Housing, but I find it very difficult to

1 imagine the Board ignoring pretty clear provisions
2 of a municipal ordinance is not going to get
3 litigated, so it becomes really a question, if
4 litigation is a concern, you know, this is probably
5 going to happen regardless of the direction, and I
6 say that disgruntlingly as --

7 CHAIRMAN AIBEL: So if everybody
8 threatened us with litigation --

9 MR. EVERS: -- well, it's not a
10 consideration.

11 CHAIRMAN AIBEL: -- it's not a
12 consideration, so don't worry about that.

13 MR. GALVIN: I just want to find out
14 who the real threat is, so I can send them a fruit
15 basket at the end of the year.

16 (Laughter)

17 MR. EVERS: Well, the point is simply
18 that if a Board were tempted to make a decision to
19 avoid controversy, I think you get controversy in
20 either direction. That is my point.

21 I can't comment on the other virtues of
22 this project any more because to use a technical
23 term, the chutzpah of pretending that the Affordable
24 Housing Ordinance doesn't apply to this blinds me to
25 any of its other possible merits, so I strongly

1 recommend that you vote this down, if these folks
2 refuse to comply with the Affordable Housing
3 Ordinance.

4 CHAIRMAN AIBEL: Thank you.
5 Anybody else from the public wish to
6 comment?

7 Please come forward.

8 MR. GALVIN: Hi.

9 Could you raise your right hand?

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

13 MR. RODRIGUEZ: Yes. Max Rodriguez.

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

16 MR. RODRIGUEZ: Max Rodriguez.

17 MR. GALVIN: Spell your last name.

18 MR. RODRIGUEZ: R-o-d-r-i-g-u-e-z.

19 MR. GALVIN: And your street address?

20 MR. RODRIGUEZ: I am the owner of the
21 property.

22 MR. GALVIN: Mr. Matule, is he your
23 witness?

24 MR. RODRIGUEZ: Oh, no, no. I am not
25 allowed to say anything as the public?

1 MR. GALVIN: Not when you are the
2 applicant.

3 MR. RODRIGUEZ: Oh, okay. I didn't
4 know.

5 MR. GALVIN: Not unless you're called
6 by your attorney.

7 MR. MATULE: I am not calling him. He
8 is just the contract vendor. My clients are behind
9 me.

10 MR. GALVIN: It doesn't matter to me.
11 I see it all as the same grouping of people.

12 CHAIRMAN AIBEL: Okay. Anybody else?

13 MR. GALVIN: No good ever comes out of
14 it anyway, trust me. You did the right thing.

15 VICE CHAIR GREENE: Seeing no one, I
16 move to close public portion.

17 COMMISSIONER COHEN: Second.

18 CHAIRMAN AIBEL: All in favor?

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

21 CHAIRMAN AIBEL: Mr. Matule?

22 MR. MATULE: Thank you, Mr. Chairman.

23 Just a few concluding remarks.

24 Obviously, as has been testified by several of our
25 witnesses, the Wonder Bread building is a

1 historically significant building in Hoboken, in
2 Hoboken's history.

3 The applicant is proposing to repurpose
4 the building from its industrial use to a
5 residential mixed use, which would save it from
6 demolition.

7 We have requested an increase in the
8 density from 58 units to 68 units.

9 As we discussed earlier, obviously
10 counsel for the Board and I disagree with the
11 interpretation of the Affordable Housing Ordinance.
12 I think that perhaps will have to be addressed in
13 another forum, and I do take exception to Mr. Evers'
14 comments that somehow this is a veiled threat to the
15 Board.

16 That is not how it was meant. I just
17 meant that I don't think this Board has the
18 jurisdiction to decide that question, like I don't
19 have the jurisdiction to decide that question. I am
20 of the opinion that that bonus was put in there to
21 encourage applicants to repurpose buildings rather
22 than tearing them down.

23 Our traffic expert has testified that
24 there is going to be no significant degradation in
25 the operating conditions at the intersections in the

1 area.

2 Mr. Kolling has testified, and I think
3 his testimony speaks for itself. The applicant
4 meets many recommendations of the master plan.

5 We are also going to be eliminating the
6 current industrial use of the building. It is an
7 active industrial building right now. There are a
8 lot of trucks that go in and out of there every day.

9 This is an extremely unique block in
10 the City of Hoboken in that almost the entire block
11 was industrial at one time. It is not a typical
12 residential block with the hole in the donut running
13 down the spine of the block. Most of those
14 industrial uses have been converted to residential
15 use.

16 The application has been whittled down
17 as far as it could be whittled down and still make
18 it feasible to repurpose the building. The reality
19 is if somebody wanted to come in and develop 58
20 units on the site, they could come in and do that
21 with new construction as a matter of right.

22 We believe the ten additional units is,
23 if you will, an offset for the cost of trying to
24 repurpose the building with the very difficult
25 conditions this building presents and challenges.

1 That is not to say that we don't believe it would be
2 a good project at the end of the day, but it is not
3 as simple as starting with a clean sheet of paper
4 and building a new building both from an engineering
5 and a construction or an economic point of view.

6 As far as the Affordable Housing
7 Ordinance goes, I mean, if you run through the
8 numbers, I don't think anybody can reasonably think
9 that it makes sense to get ten additional units, six
10 of which would have to be affordable. I mean, you
11 basically have to get somewhere between a two and
12 three market rate unit bonus per affordable unit to
13 make it work economically.

14 That is why we were up there at 90-some
15 units when we were here last time talking about it,
16 and frankly, we were not getting any sense that we
17 were getting any traction with the Board, and that
18 is why we have come with in with this proposal.

19 You know, as I say, it has been pared
20 down as far as we can pare it down, and the reality
21 is I think if this doesn't fly, then that may very
22 well be the end of this building.

23 So with that, I leave it in your hands.

24 CHAIRMAN AIBEL: Threatened with
25 litigation and demolition --

1 (Laughter)

2 -- I know it seems a cruel choice.

3 Should we go through the conditions?

4 MR. GALVIN: Sure.

5 One: The applicant promised to
6 preserve the super structure and the exterior of
7 this historic structure.

8 The Board expressed its concern that
9 the building may not survive the construction phase,
10 and the Board was clear that it would not grant this
11 many residential units, if the applicant was not
12 preserving this building. So in the event that any
13 portion of the building has to be demolished or lost
14 during construction, this approval will be rendered
15 null and void.

16 The Board was clear that if that
17 occurs, then the applicant will have no entitlement
18 to the number of units granted, and the applicant
19 will have to seek a wholly new relief owing to the
20 changed circumstances.

21 Two: The applicant is to provide --
22 and again, this is up for you to decide. I have
23 given you my legal opinion, but as of right now the
24 applicant is to provide six affordable housing units
25 as required by the ordinance, Section 65A-2, and the

1 applicant is to submit the plan to the city's
2 affordable housing expert for her approval, and I
3 would assume that that would be done prior to final
4 approval.

5 Three: The applicant is to provide
6 structural engineering details, which support the
7 testimony that the building can be saved to the
8 Board's engineer for his review and approval.

9 Four: The applicant is to comply with
10 the Board's professional letters in this matter, as
11 well as the combined list of open items.

12 You know, Mr. Matule, if you send me an
13 email tomorrow, I will send you these conditions.

14 MR. MATULE: Sure. Thank you.

15 MR. GALVIN: Okay. Because I just feel
16 bad.

17 Which is to be attached -- let's see --
18 as well as the combined list of open items, you guys
19 are supposed to do an open item list, and I don't
20 know that I have gotten any yet, so we need to talk
21 about that.

22 An open item list, which is to be
23 attached to the resolution as Exhibit A.

24 Five: The applicant is to ask the
25 governing body for permission to provide a loading

1 zone on Clinton Street.

2 Six: The sidewalk is to be improved as
3 described to the Board and will include the planting
4 of street trees subject to Council approval.

5 Seven --

6 VICE CHAIR GREENE: Is that the Council
7 or Shade Tree Commission?

8 MR. GALVIN: Hum --

9 VICE CHAIR GREENE: An appropriate
10 approval.

11 MR. GALVIN: Shade Tree Commission.

12 (Board members confer.)

13 MR. GALVIN: Thank you, everybody

14 Seven: A water tower is to be
15 constructed and maintained. The Board understands
16 that it might be used to provide for the building's
17 gray water needs.

18 Eight: The plan is to be revised to
19 show the recycling details.

20 Nine: The parking spaces are limited
21 for the use of the building's occupancy, guests.

22 Ten: A plaque is to be -- right?

23 MS. BANYRA: Okay.

24 MR. GALVIN: As of now.

25 Okay. A plaque is to be attached to

1 the building describing the historic nature of the
2 structure and providing some details about its
3 earlier uses.

4 Eleven: The applicant is to provide an
5 adequate pedestrian safety system to be reviewed and
6 approved by the Board's engineer and planner.

7 Twelve: The applicant is to petition
8 the governing body for permission to install LED
9 strips in the sidewalk to alert pedestrians of
10 exiting vehicles.

11 Is that enough?

12 CHAIRMAN AIBEL: Okay.

13 Anything else?

14 COMMISSIONER BRANCIFORTE: Well, just
15 the question that was brought up about parking.
16 This idea with somewhere between 50 extra spaces,
17 does it become a public lot at some point?

18 MS. BANYRA: No. I think, you know,
19 whether it is an advertised parking lot is different
20 than to me a parking lot that is being used by the
21 neighborhood.

22 I mean, if you are putting up a sign
23 and saying "Park Here" type of thing, I think that
24 is different than -- I don't want to make a big deal
25 about the parking in there. I think they have to

1 provide obviously adequate parking for their own
2 building, and then what happens to the balance of it
3 is up to, you know, the Board to decide. I am just
4 pointing out what the ordinance says after 50
5 parking spaces, it becomes a conditional use
6 maybe --

7 CHAIRMAN AIBEL: But it's academic
8 because they are agreeable to this condition.

9 MS. BANYRA: Yeah, yeah.

10 CHAIRMAN AIBEL: Let me open it up for
11 comments by the Board.

12 COMMISSIONER DE FUSCO: Mr. Chair, can
13 I start?

14 CHAIRMAN AIBEL: Please.

15 COMMISSIONER DE FUSCO: So adaptive
16 reuse, as we all know, is difficult.

17 I just want to call everyone's
18 attention to the Hoboken Gateway project that we
19 heard in this past year, in the application between
20 Newark -- on Newark between -- well, Observer
21 actually between -- and Monroe Street.

22 In that application the applicant
23 refused to use any part of the existing structure
24 claiming that the pillars prevented a proper
25 adaptive use.

1 I think this applicant has made a good
2 faith effort to take an existing structure and work
3 with this Board and work with the community to
4 change it over to the zoning that is prescribed to
5 that actual lot, which is residential.

6 My concern with this application is the
7 height variance. I think that the applicant can
8 still have its adaptive reuse while still being --
9 you know, without having to raise it three stories
10 above what is currently there.

11 I am eager to hear from the rest of the
12 Board their thoughts on this, but I will proffer one
13 point that I have to believe that to make this a
14 family-friendly building, and I know that term is
15 very vague sometimes, but I think three, four,
16 five-bedroom units are family-friendly.

17 I have to believe that that does
18 require a certain amount of space, so in my
19 experience on this Board and in listening to the
20 testimony of the professionals, I am convinced that
21 that additional space will be used in the interest
22 of the master plan.

23 The density, again, good faith, they
24 sized it back from over hundred units to 68
25 family-friendly units. And then I personally think

1 this is an attractive building that will add to the
2 community.

3 I think the parking spots -- and I will
4 say this -- that the additional parking spots are a
5 benefit in my mind. I think that even if there is
6 just one spot per unit, and I think, and certainly
7 they're not proposing that they go out to the
8 community and advertise them as open spots, but I
9 think to Diane's point, that offering the community
10 parking does relieve a certain amount of on-street
11 congestion and provides a much needed benefit to
12 this part of the community.

13 That said, I am eager to hear
14 everybody's thoughts on the height as well as the
15 other variances.

16 CHAIRMAN AIBEL: Mr. Cohen?

17 COMMISSIONER COHEN: I think this is a
18 unique structure in the fact it is there. That we
19 are talking about something that already is the
20 height that they are looking to build to. The mass
21 is already there, and I believe that if this
22 structure isn't built pursuant to a plan in front of
23 the Zoning Board, then it will be flat, and we are
24 going to lose something that is a part of the
25 history of the city, and I think that that is a very

1 important benefit that this project affords.

2 So I think the big concern that I have
3 heard from the earlier meetings was that we were
4 going to have an applicant that was going to do a
5 bait and switch. They were going to get a huge
6 number of units. They were going to get a huge
7 number of height, and then a facade would fall down
8 in the middle of the construction project, and we
9 would have them build something that was totally
10 different from what we were seeing and what we were
11 approving. And the number one condition that has
12 been put on this application, I think effectively
13 addresses this, because it says, and I am
14 paraphrasing, but the intent is that if you cannot
15 rehabilitate and repurpose this structure, you do
16 not get anything from this body, nothing, you are
17 done.

18 So I think that that is the biggest
19 concern that this project presents, and I think that
20 we have dealt with it in a way that protects the
21 community from somebody coming back and saying, this
22 isn't really what we are going to provide.

23 I think that they have done a good
24 faith effort. They started with a lot of studio
25 units. They started with a lot of one-bedrooms, and

1 now they have minimum three-bedroom units.

2 I am not a developer, but I have to
3 believe that given the market for large units in the
4 city, the lack of large units in this city for
5 families that want to stay in this city, that they
6 are going to do pretty well with this because I
7 think there is going to be a big demand for it.

8 As far as the affordable housing issue,
9 I am a lawyer, but I'm not land use lawyer, and when
10 I get advice from my counsel, I follow my counsel's
11 advice. And Mr. Galvin has given us an opinion, and
12 that opinion is that we need to build ten percent of
13 the units, and I am going to follow his advice. I
14 agree with the condition that's here.

15 I hope that the applicant can run the
16 numbers again and find a way to do it because I
17 think that, you know, if they came in here tonight
18 without getting an understanding between their
19 counsel and our Board's counsel about this issue,
20 that they took that risk, and I think that it is
21 unfortunate, that if this project failed for a
22 financial reason because of that issue, but I put
23 the responsibility on the applicant and not on this
24 Board for that risk.

25 I think they have taken a chance on

1 that, and I hope they see their way clear, and I
2 hope that the numbers work, because I do think that
3 it's a good project. I think there are a lot of
4 benefits to this project, and I would like to see
5 that water tower remain. I would like to see that
6 hundred-year-old structure remain.

7 You know, there is a lot of vanishing
8 old Hoboken in our city, and if we can approve this
9 project, a piece of the city will remain.

10 So, yes, there are some negatives with
11 respect to this project, but I think the applicant
12 made a good faith effort to address them and the
13 benefits to the community outweigh those negatives,
14 so I would support this project, and I hope that
15 with the affordable units that are included, that it
16 can be built as conditioned.

17 CHAIRMAN AIBEL: Anybody else wish to
18 comment?

19 COMMISSIONER MARSH: I do, I guess.

20 CHAIRMAN AIBEL: Ms. Marsh?

21 COMMISSIONER MARSH: I agree with most
22 of the comments that have been said.

23 I just -- the one I agree with the most
24 is that family-friendly is such a vague term. It's
25 like saying something is all natural.

1 Like how do you know what makes
2 something family-friendly?

3 It seems to me that it is
4 family-friendly if families find it friendly, and I
5 honestly don't know who is buying these
6 three-bedrooms, who is moving into them.

7 I hear, you know, comments from various
8 realtors that they are being bought by, you know,
9 roommates. You know, one roommate, and then they
10 rent it out to two other people, so in that sense, I
11 mean, we have gone from 184 bedrooms to 199
12 bedrooms. That is actually more people when you
13 think about it. It is not fewer people.

14 I suppose what everybody is thinking
15 is, oh, a family, not so many cars, and you know,
16 they are going to want an extra bedroom and use it
17 for an office, but we have actually no idea if that
18 is what it is really being used for.

19 And the other thing I thought of when I
20 looked at that is they are building 53 fewer
21 kitchens. I have no idea how many bathrooms they're
22 building, because -- but those are extensive rooms.

23 You know, doesn't that make this less
24 expensive to build with the newer -- I don't know.
25 I am not a builder. I don't know. But if you are

1 making the argument that this is a hardship, then
2 you just from my naive non builder perspective you
3 just made it less expensive, so I don't know, and I
4 am still torn.

5 I agree with the adaptive reuse. I
6 agree with affordable housing units, but I am not so
7 sure about the rest of it.

8 CHAIRMAN AIBEL: Mr. Grana?

9 COMMISSIONER GRANA: I guess my
10 comments are mostly in support of much of what I
11 heard from Mr. DeFusco and Mr. Cohen.

12 I saw the application as fairly
13 straightforward in both the request and the
14 accommodations that the applicant has tried to make
15 through all of these discussions, which is the
16 particular site is asking for these variances in
17 order to adaptively reuse a structure, and that the
18 benefits to the initiative are, sure, you could tear
19 it down, but that there is I think a straightforward
20 case being made, that this particular location
21 warrants saving the structure, and that there is a
22 cost to adaptive reuse. It is not restoration. It
23 is not historic preservation. It is redevelopment
24 that allows you to exist to retain some part of your
25 historic history and heritage. That to me would be

1 the main proofs around both the density and the lot
2 coverage.

3 I don't see as much of an issue
4 respectfully with respect to the height, just
5 because there are a number of other structures in
6 the neighborhood of similar heights,

7 When I did the walk-through of that
8 site, I did not see a significant discrepancy, both
9 existing and how it will look as new developments
10 are going in, or you know, have been approved, so I
11 thought it was mostly around lot coverage and the
12 density, so I think that the applicant has tried to
13 address that hardship.

14 There are a number of services in the
15 area. There will be some impact on transportation.
16 There are a number of services in the area I think
17 to support the development.

18 I think that the question about the
19 affordable housing is -- I agree with Mr. Cohen. I
20 mean, this is -- our counsel is advising us that we
21 need to -- the numbers here need to work because for
22 the six affordable units, and I don't know -- I
23 mean, that is part of the -- attached to the site,
24 and we have to be in compliance with that ordinance,
25 so I am in support of the application, but I think

1 that issue has to be resolved.

2 CHAIRMAN AIBEL: Anybody else want to
3 comment?

4 John?

5 COMMISSIONER BRANCIFORTE: Going to
6 Carol's point about who is going to be living here.
7 I have always said it. There is a very thin line
8 between family-friendly and fraternity-friendly, you
9 know, people say, oh, you know, it will never
10 happen, these units are too expensive.

11 And I always say, well, come to the
12 building I live in on a Saturday night and see what
13 goes on.

14 So I take your point seriously. I
15 mean, it is a very good point, and you know, this is
16 our fifth meeting on this or the fourth?

17 I lost count.

18 COMMISSIONER COHEN: Fourth.

19 COMMISSIONER BRANCIFORTE: Fourth
20 meeting on this.

21 Going all the way back to the first
22 meeting, and the first question I asked Mr.
23 Minervini was why 121 units, and he went on talking
24 about the marketing of the building and anything
25 less than 121 units, you just won't be able to

1 market the units.

2 Then as it went on and on, 121 down to
3 110 I think, down to 90-something, and now down to
4 68. So for me, there is a credibility problem when
5 they also say, well, we need the height because
6 without the height, we can't do the building.

7 But, you know, they also said without
8 the number of 121 units, we can't do the building,
9 so I am lost on the credibility issue on what's
10 really happening. If we held out long enough, would
11 they lower the building again?

12 I don't know, or lower the building for
13 us, I don't know.

14 But at 121 units, at 100 units, at 95
15 units, I was dead set against the density. But
16 given that now they are going to be saving the
17 building, for me that is a plus.

18 You know, the height is still an issue
19 for me, but I am not voting tonight anyway. I am
20 throwing this out there, that we should consider the
21 height, but we should also very much consider the
22 fact that they are reusing a very old building that
23 Hoboken needs to save, so....

24 CHAIRMAN AIBEL: Thanks, John.

25 Elliot?

1 VICE CHAIR GREENE: I don't want to
2 rehash what everybody else has said.

3 I just find it ironic that at this
4 juncture at least for me, at 68 units, I think this
5 is plausible. The massing study that Mr. Minervini
6 did, that was very helpful. I think that the
7 building visually works, but I find it ironic that
8 the application doesn't include an affordable
9 housing element. I think that is an absolute
10 condition that we should stand by and let the courts
11 duke it out.

12 I like the project. I am not concerned
13 about the height.

14 Saving the structure I think is very
15 important, and the other issues are relatively minor
16 in my view.

17 CHAIRMAN AIBEL: I will do the last
18 word.

19 It is a significant positive that we
20 are proposing a change from industrial to
21 residential. I think that is great. It is clearly
22 a positive at least to most of the Board members
23 that we're going to save a unique and special
24 building in Hoboken, but I struggle with the height,
25 and it is a concern for me.

1 In this case, you know, we have a
2 property south of this building that will be coming
3 before us at some point, and we are establishing a
4 height here that is pretty much out of line with
5 what the zone requires today, but I think I can
6 justify it on the basis that this building is being
7 saved.

8 The affordable housing component, I
9 don't want to get into a mash on this one, but my
10 view is, it is what it is. The Zoning Board is
11 considering its applications on the merits. If the
12 law requires affordable housing, we impose it. If
13 it doesn't, we don't. So I defer to counsel on
14 this. If his opinion is that we need it in this
15 case, and it is a condition, I am fully in support
16 of that, and that is all I have to say.

17 Anybody else?

18 COMMISSIONER MARSH: Mr. Chair, can I
19 just ask the attorney to read the Affordable Housing
20 condition again?

21 MR. GALVIN: Sure.

22 The applicant is to provide six
23 affordable housing units as required by ordinance,
24 Section 65A(2), and the applicant is to submit the
25 plan to the city's affordable housing expert for her

1 approval.

2 COMMISSIONER MARSH: Could you read the
3 first one, too, about saving the building?

4 MR. GALVIN: Sure.

5 Okay. The applicant promised to
6 preserve the super structure and the exterior of
7 this historic structure.

8 The Board expressed its concern that
9 the building may not survive the construction phase,
10 and the Board was clear that it would not grant this
11 many residential units, if the applicant was not
12 preserving this building.

13 So in the event that any portion of the
14 building has to be demolished or is lost during
15 construction, this approval will be rendered null
16 and void.

17 The Board was clear that if that
18 occurs, then the applicant will have no entitlement
19 to the number of units granted, and the applicant
20 will have to seek wholly new relief owing to the
21 changed circumstances.

22 The whole thought process is you can't
23 tell us you are going to save it, and the whole
24 purpose of granting the extra units and the height
25 is because you're saving the building, and we get in

1 the field, and we find out that it has to all come
2 down, and you can go scratch, we don't want them to
3 come back in here and say, well, you already
4 approved seven stories and 68 units, and here is our
5 new plan.

6 COMMISSIONER MARSH: Could you add the
7 height and the lot coverage to this, because you
8 just said the number of units.

9 MR. GALVIN: Yes, I can do that.

10 COMMISSIONER MARSH: Or all other
11 variances requested or something?

12 MR. GALVIN: I think it is our general
13 intent that --

14 COMMISSIONER MARSH: Yeah, but --

15 CHAIRMAN AIBEL: Can we have it in
16 writing?

17 MR. GALVIN: -- all right.

18 MS. BANYRA: Once the plan is voided,
19 the package is voided, right, Dennis?

20 COMMISSIONER MARSH: Right. But if you
21 are going to name one specifically --

22 MS. BANYRA: I see what you're saying.

23 COMMISSIONER MARSH: -- then you can
24 say the whole package is voided or --

25 MR. GALVIN: I am just trying to locate

1 it in -- number of units -- say it again, Carol.

2 COMMISSIONER MARSH: No. I mean, just
3 say the whole -- including all variances are -- if
4 you are going to name one specifically, it implies
5 that you not so concerned about the others.

6 COMMISSIONER COHEN: No entitlement to
7 any other variances.

8 COMMISSIONER MARSH: Right.

9 MR. GALVIN: I changed it to granting
10 variances.

11 Again, my thought processes in the past
12 in Hoboken, it seemed to me that you grant approval
13 for something, and I don't mean this applicant or
14 the architect or the attorney, but that you grant
15 something, and then when you get into the field, it
16 doesn't happen. And then their position is: Well,
17 you already granted the height, the density, the
18 number of units, and so now we are going to come up
19 with a new building, so we are agreeing.

20 COMMISSIONER MARSH: Right. I know,
21 yeah.

22 CHAIRMAN AIBEL: Is everybody okay?

23 I think we are ready for a motion.

24 Anybody want to move it?

25 COMMISSIONER COHEN: Motion to approve

1 with the conditions.

2 COMMISSIONER DE FUSCO: Second.

3 COMMISSIONER GRANA: Second.

4 COMMISSIONER DE FUSCO: Antonio seconds

5 it.

6 CHAIRMAN AIBEL: Pat?

7 MS. CARONE: Okay.

8 Commissioner Greene?

9 VICE CHAIR GREENE: Yes.

10 MS. CARONE: Commissioner Cohen?

11 COMMISSIONER COHEN: Yes.

12 MS. CARONE: Commissioner DeFusco?

13 COMMISSIONER DE FUSCO: Yes.

14 MS. CARONE: Commissioner Grana?

15 COMMISSIONER GRANA: Yes.

16 MS. CARONE: Commissioner Marsh?

17 COMMISSIONER MARSH: I guess.

18 MS. CARONE: Commissioner Murphy?

19 COMMISSIONER MURPHY: Yes.

20 MS. CARONE: Commissioner Aibel?

21 CHAIRMAN AIBEL: Yes.

22 Thank you, Mr. Matule.

23 MR. MINERVINI: Thank you.

24 CHAIRMAN AIBEL: Before everybody

25 breaks, we are going to take a ten-minute break.

1 We got 830 Park, which will be next up,
2 followed by Washington Street.

3 (Recess taken.)

4 (The matter concluded at 9:15 p.m.)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the 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: 1/22/15
This transcript was prepared in accordance with
NJAC 13:43-5.9.

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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RE: 830-834 Park Avenue :
APPLICANT: Gene Super :January 20, 2015
C & D Variances : 9:30 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Owen McAnuff

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

- Eileen Banyra, Planning Consultant

- Jeffrey Marsden, PE, PP
Board Engineer

- Patricia Carcone, Board Secretary

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I N D E X

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3 WITNESS

PAGE

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5 DEAN MARCHETTO

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8

E X H I B I T S

9

10

11 EXHIBIT NO.

DESCRIPTION

PAGE

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13 A-1

Elevation Rendering

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14 A-2

Photo board

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15 A-3

Aerial photo

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16 A-4

Photo

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17 A-5

Overhead shot

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18

19

20

21

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1 CHAIRMAN AIBEL: Okay. We are back on
2 the record. It is about 9:30.

3 We have two matters. We have 830-834
4 Park, and we have the matter of 808 Washington
5 Street.

6 We don't have a revised planner's
7 report for 830-834 Park, so what we discussed with
8 counsel is having him proceed with his architect
9 this evening, finish that testimony. We will then
10 turn to 808 Washington and hope that we complete
11 that one quickly.

12 Is that agreeable?

13 MR. MATULE: Yes. It is my
14 understanding, just to round it out, that we will
15 carry the 830 Park Avenue matter then to the meeting
16 of the 27th of January, so we can present our
17 planning testimony at that time.

18 MS. CARCONE: The 27th, next week.

19 MR. MATULE: And if we are running up
20 against any time frames, we will consent to an
21 extension of time through the 27th.

22 CHAIRMAN AIBEL: Great.

23 How quickly will Mr. Ochab be able to
24 get us a revised report?

25 MR. OCHAB: Two days.

1 MR. MATULE: Two days, so Thursday.

2 CHAIRMAN AIBEL: Great. Thank you.

3 MR. MATULE: Well, good evening, Mr.
4 Chairman, and Board Members.

5 Robert Matule appearing on behalf of
6 the applicant with respect to 830-834 Park Avenue.

7 Just by way of an overview, this is the
8 three lots, 56 by a hundred. It is currently a
9 mixed-use site. There are three residential
10 buildings at the rear of the property, one up at the
11 front, plus a commercial parking lot for 11 cars.

12 What the applicant is proposing to do
13 is remove all of the nonconforming structures and
14 construct a new eight-residential unit building,
15 four stories over parking.

16 I have basically two witnesses, Dean
17 Marchetto, and Mr. Ochab, our planner. Obviously,
18 we are not going to hear from Mr. Ochab tonight, so,
19 if we could, I will call up Mr. Marchetto and have
20 him present the architectural testimony.

21 MR. GALVIN: Raise your right hand.

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

25 MR. MARCHETTO: Yes, I do.

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

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

5 THE WITNESS: Dean Marchetto,
6 M-a-r-c-h-e-t-t-o.

7 CHAIRMAN AIBEL: Thank you, Mr.
8 Marchetto.

9 MR. GALVIN: Do we accept Mr.
10 Marchetto's credentials as an architect?

11 CHAIRMAN AIBEL: We do.

12 MR. GALVIN: You may proceed.

13 MR. MATULE: Thank you, Mr. Chairman.

14 As usual, Mr. Marchetto, if you are
15 going to refer to exhibits, we have to mark them --

16 THE WITNESS: I have five exhibits.

17 MR. MATULE: -- if you want to premark
18 them now, or mark them as you testify, it is up to
19 you.

20 THE WITNESS: I would like to mark them
21 all and get them out of the way.

22 MR. MATULE: All right. So why don't
23 we mark them. The first exhibit is --

24 THE WITNESS: It is an elevation
25 rendering.

1 MR. MATULE: -- an elevation rendering.

2 We will mark that A-1, and just show it to the
3 Board.

4 (Witness complies)

5 (Exhibit A-1 marked.)

6 MR. MATULE: Okay. And then the second
7 exhibit is going to be a photo board.

8 THE WITNESS: Photo board with two
9 photos.

10 MR. MATULE: Were these taken by you or
11 your office?

12 THE WITNESS: They were all taken by
13 me.

14 MR. MATULE: And were they taken
15 recently?

16 THE WITNESS: All of these photos were
17 taken Friday.

18 MR. MATULE: Okay. So A-2 is the
19 second photo board.

20 (Exhibit A-2 marked.)

21 Then we have an aerial, an overhead
22 aerial shot, and we will call that A-3.

23 (Exhibit A-3 marked.)

24 MR. GALVIN: And that's like Google?

25 THE WITNESS: This I took Friday.

1 MR. MATULE: Was that with your Drone?

2 THE WITNESS: Yes.

3 (Laughter)

4 MR. GALVIN: It was a good question
5 then, wasn't it?

6 MR. MATULE: No. He has a fascinating
7 new toy.

8 (Laughter)

9 And A-4 is another photo --

10 THE WITNESS: The same photo.

11 MR. MATULE: Okay. Thank you.

12 Dean, would you describe --

13 THE WITNESS: There should have been
14 five. One, two, three, four -- there is one more.

15 MR. MATULE: Okay. A-5.

16 And A-5 is another overhead shot
17 looking down the block?

18 THE WITNESS: Yes.

19 (Exhibit A-5 marked.)

20 MR. MATULE: And that was also taken by
21 you?

22 THE WITNESS: Yes, it was.

23 MR. MATULE: Okay. Thank you.

24 Would you please describe for the Board
25 the existing site and the surrounding area, and

1 obviously refer to your photo exhibits, if you wish.

2 THE WITNESS: Yes.

3 Well, first of all, thanks for allowing
4 me to speak tonight on this application. I think we
5 have a pretty nice plan for you tonight.

6 What we are proposing to do, as Bob
7 mentioned, is, you know, we have a typical lot
8 between 8th and 9th on Park. It happens to be a
9 typical Hoboken block in that it's a donut block.

10 It has perimeter housing on all sides,
11 and this particular lot is one that is kind of out
12 of context in that the buildings on the lot are set
13 all the way back into the donut.

14 The first exhibit here is A-4, which is
15 a photograph I took on Friday standing right across
16 the street looking at this site. And in this image,
17 A-4, the site is defined between the left building
18 here, which is this beige building, and this
19 three-story building with a garage. It is
20 everything in between.

21 It is three lots. It is 56 foot of
22 frontage, and on the site you will see that there
23 are two buildings that are in the back. They are
24 two-story buildings, and there is a one-story
25 building here. All totaled, there are six units on

1 the site now.

2 You can see in the foreground, that
3 there is a parking lot, and I am told that they can
4 squeeze 11 cars in there.

5 So six units, 11 cars, the buildings
6 set up in the back, and the two buildings in the
7 back have basement units. So you will see in the
8 photos that when it rains, the water goes into the
9 area ways, and it is really a site that needs to be
10 rehabilitated. These are frame buildings.

11 The owner is here tonight and the owner
12 owns this, and what he would like to do is modernize
13 this lot and bring it more into a modern contextual
14 housing model that is more appropriate for this
15 block.

16 To further describe the block, I would
17 like to go to this aerial photograph. I am
18 referring to A-3.

19 North is up the page. This is looking
20 down at the hole in the donut on the northern side
21 of the block.

22 The subject property is right here.
23 And if you look at this, you can see that the
24 principal buildings are along the perimeter. This
25 is Park Avenue. This is Willow Avenue, and you can

1 see when you look at the hole in the donut, you can
2 see that each one of these properties has their own
3 little private backyard. There is a fence typically
4 that surrounds them.

5 Sometimes there are structures in the
6 backyard, a structure here, a structure here, and a
7 structure here.

8 Sometimes the buildings actually extend
9 deeper into the donut of the block. But by looking
10 at it down from overhead, you can really understand
11 the relationship between the perimeter and the
12 center, and typically the center is the hole, which
13 gives light to all of the back windows on all of
14 these buildings.

15 MR. GALVIN: Do you have another
16 picture that shows going towards the other way on
17 the block?

18 THE WITNESS: Down the block?

19 MR. GALVIN: Yes.

20 THE WITNESS: I don't have one, no --
21 oh, I do. I do. I have one coming up. Yes, I do.

22 MR. GALVIN: Because on Google, it
23 looks like there is more of a donut going below that
24 south.

25 THE WITNESS: Yes. The donut continues

1 in the entire block. There is a real donut on this
2 block.

3 The only difference is, and that is
4 what you might be seeing here, is that these
5 buildings are in the hole, so the idea would be
6 these buildings, which I showed you here in this
7 front elevation, are going to be raised, and we are
8 going to remove these buildings. And what we would
9 like to do is build a building on the property line
10 more in conformance with a typical donut block.

11 Regarding the context of the new block,
12 the next image here is A-5, and maybe this,
13 Counselor, will help you with the donut. In this
14 case you are looking south on Park Avenue. These
15 are the buildings directly across the street.

16 You can see the other side of the block
17 in this particular block is a very consistent
18 five-story block. Every single building is a
19 five-story, and that's what this block looks at.

20 And if you can look on that block, you
21 can also see here a very typical hole in the donut.
22 You know, the back of these buildings go in and out
23 a little bit, but by and large, its perimeter
24 adjusted as set on the perimeter on the street
25 sides, and then the hole is in the back, and they

1 are used for outdoor spaces.

2 On the right side of this photograph is
3 the subject property, which is this building here,
4 which as you see, it is set back into the hole of
5 the donut.

6 So this is what you asked me for,
7 Counselor, is that the back or the south end of the
8 block, and the north end of the block is in this
9 photo, but you can see it better in this image,
10 which I showed earlier on A-3.

11 MR. GALVIN: Yes.

12 My point was that as I looked at the
13 picture you took, and you know, it is a nice
14 picture, but when I looked at it, it looks from the
15 subject heading in a certain direction on the block,
16 where there tends to be a little bit of infill in
17 the donut. And when I look at the Google map, it
18 looks like the donut is better preserved, not that
19 it's fully preserved, not like the other block, but
20 it's better preserved --

21 THE WITNESS: There is one gross--

22 MR. GALVIN: -- going that way.

23 THE WITNESS: -- intrusion into the
24 donut on the south end, which is this one structure.
25 But by and large, it is one of these donut holes

1 that has a little in and out, and it basically
2 provides light and air, and the biggest obstruction,
3 of course, is the building that is on the subject
4 site.

5 So, again, it is a two-story building,
6 and it has basement apartments. It is in the hole
7 of the donut. The owner -- they are wood frame
8 buildings. He has got old heating systems, and 11
9 parking spaces, and what he'd like to do is
10 modernize this block and put a new building here
11 that is more appropriate to the site and the block.

12 Just by way of context, the next
13 exhibit is A-2.

14 A-2 is a photograph from the existing
15 building looking out towards what is across the
16 street.

17 Again, I mentioned that the buildings
18 on the other side of the block are consistent with
19 five stories up and down, and you can see that these
20 buildings are typical Hoboken apartment houses.
21 They are typically one lot wide. They have double
22 hung windows with punched openings, and lintels, and
23 brick facades. They have Hoboken-style detailing
24 and historical detailing on those buildings.

25 And this block, even on our side of the

1 block, you can see here that this is representative
2 of the character which makes Hoboken.

3 And when we think about Hoboken, it is
4 this kind of a block. It's individual buildings
5 that sort of have a variety within a tight range
6 architecturally. So you have a little variety, red,
7 different colors, different kinds of heads, but it
8 is in a tight range. They are all pretty much in
9 scale.

10 So when we are working on buildings
11 like this, where we're trying to rebuild the context
12 of the block, our goal is to try to design a
13 building that is designed to fit in and hopefully
14 make it seamless.

15 When we design buildings on the
16 perimeter of the city, we try to do things that are
17 a little bit taller and a little more modern. But
18 when you get into a block like this, and you look at
19 the context of these buildings, you can see that it
20 is very important to try to preserve the context of
21 Hoboken. This is the essence of what our city is.

22 So the proposal can be seen in this
23 rendering A-1, which is our proposed rendering, A-1,
24 which is the proposed new facade.

25 The three buildings that exist are

1 right here. This is the new proposal. It is a
2 five-story building. I have it designed and
3 detailed in the context of the northern half of the
4 block.

5 There is a little gap in the block
6 right here with a parking space. There is no
7 building in this little slot, so this is the
8 northern end of the block.

9 The building sits there, and it sits in
10 amongst a three, four, and five-story grouping, and
11 so we are proposing a five-story building on top of
12 a garage.

13 The site is allowed to have eight
14 residential units by density, so we are proposing
15 eight units. We are not looking for a density
16 variance. We are looking for a height variance to
17 allow the four levels of residential over a garage
18 floor.

19 You can see in the facade of the
20 building that we have made an attempt to try to make
21 it seamless and reconstruct part of what is a
22 missing tooth on this block.

23 We have an architectural designed
24 cornice in blue. We have stone heads and lintels
25 and double hung windows to keep that rhythm and

1 texture of the facade that is typical on this block.

2 You can see here on the garage level,
3 we have a second means of egress with a stoop.

4 We have a main entrance at ground
5 level, so wheelchairs can get in.

6 We have another stoop on the left side
7 with a front door to do a matching stoop condition,
8 so you can see that there are other stoops on the
9 block.

10 If you read the master plan, there is
11 encouragement for stoops and stoop life. But,
12 again, that element is added primarily to create
13 continuous context and elements that make it feel
14 like it belongs here.

15 MR. MATULE: Take us through the plans.

16 THE WITNESS: So I have here the plans.
17 I will move this over.

18 So these are the drawings that were
19 submitted with the application. The zoning chart is
20 on the front page as well as a zone area map.

21 This black line that goes through the
22 block is the separation between R1, which is the
23 side we're on, and R2, which is our backyard.

24 The site is shown here in the middle of
25 the circle with 58 feet in width, and it's a hundred

1 feet in depth.

2 Page 2 is our ground floor plan.

3 Here is the site.

4 Park Avenue is on the right, a hundred
5 foot depth.

6 This is where the existing buildings
7 are. We are taking them down.

8 What we are showing is a ground floor
9 of 70 percent lot coverage that holds eight cars.
10 We are looking for parking on the ground floor to
11 accommodate eight parking spaces for the eight
12 residential units that are being proposed.

13 So we have eight parking spaces, and
14 the building steps back 70 feet from the property
15 line --

16 MR. GALVIN: I just want to say
17 something here, so Mr. Ochab has got this.

18 You have the right to park eight
19 parking spaces on that lot, if you continue the
20 existing use of the property, but you don't have a
21 right to continue to use those eight parking
22 spaces --

23 MR. MATULE: No. We requested a D-1
24 variance for parking.

25 MR. GALVIN: Okay. Because there was

1 something on the --

2 MR. MATULE: I know. Ms. Banyra called
3 it out in her report, and then we in our revised
4 plans, in our zoning table, it is called out and
5 there is notice for it.

6 MR. GALVIN: Okay. The way Mr.
7 Marchetto was saying it --

8 THE WITNESS: This is an R1 district --

9 MR. GALVIN: So parking is prohibited.

10 THE WITNESS: -- it is not
11 prohibited --

12 MR. GALVIN: It's prohibited.

13 THE WITNESS: -- it's prohibited, right
14 exactly.

15 But here we have an opportunity, where
16 there is a curb cut, there is 11 parking spaces. We
17 are building eight units, parking is a premium.
18 There is an opportunity on this particular lot
19 because the parking exists to keep it and to
20 incorporate it into the design of a building.

21 As you can see, I don't believe that
22 there are any detrimental effects, substantial
23 detriments to the public good by providing parking
24 for eight units, and you can see that the building
25 was designed to fit into the block.

1 This ground floor plan, which I was on
2 before, shows the ground level, eight parking
3 spaces, two stairs, an interior elevator, the front
4 entrance, and some mechanical spaces.

5 Then in the backyard, which is 30 feet
6 deep, it's a common rear yard, which is entered
7 through the garage.

8 Of course, the site plan details are
9 also on here, roads, sewers and landscape details --

10 MR. MATULE: You will have full on-site
11 detention as required by North Hudson?

12 THE WITNESS: Yes. The plan will meet
13 the requirements of North Hudson for detention
14 underground.

15 This here at page A-3 is the second and
16 fifth floor plan. This is the second floor plan.

17 You can see that there are two
18 residential units on each floor, so with four
19 floors, I have eight residential units. All of
20 these units are three-bedroom units.

21 There is one unit that faces the back,
22 and there's one unit that faces the front.

23 The units range from 450 feet to 472
24 feet in that range, 1400 square feet, plus or minus,
25 depending on where you are in the front of the

1 building.

2 You can see the second floor has two
3 units.

4 The third to the fifth floor have two
5 units, so it is three like this, and one like this,
6 and that is a total of eight.

7 This is the roof plan on page A-4, and
8 the roof plan shows that we are using a green roof,
9 and the roof calculations are here as well. Because
10 we are putting a green roof on the building, we are
11 requesting a variance for roof coverage.

12 MR. MATULE: And, Dean, if I could,
13 other than the small outdoor spaces that you show on
14 the second floor, there is no other outdoor space
15 planned on any of the roof surfaces, correct?

16 THE WITNESS: There is no outdoor space
17 on the roof.

18 The garage is 70 feet deep. The
19 building is 62 feet deep, so there is a little deck
20 on top of the garage for the first apartment on the
21 ground level.

22 Right here it is eight foot six. So
23 again, here is the garage dimension, and here is the
24 residential dimension.

25 The residential floor is 60 percent of

1 the lot, so it is complying with the 60 percent lot
2 coverage, but in order to accommodate the eight
3 cars, we needed 70 feet on the ground floor.

4 The maximum dimension of the rear wall
5 from the property line could be 70 feet. We are at
6 70 feet, so we don't exceed that one as well.

7 And to go back to the elevation here on
8 page A-5, it shows the front elevation, and the
9 materials are listed. The dimensions are shown.
10 Floor to floor heights are shown. The building is
11 50 feet above the average grade, 50 feet, and the
12 rear elevation is also shown that shows towards the
13 backyard.

14 The rear elevation you can see the
15 garage, which pops out ten feet further, and then
16 the residential building sets back about eight foot
17 six.

18 Then on the last page, we have the
19 entire block elevation on this side of the street,
20 and here is the building in the context of the
21 entire block frontage.

22 This here is 8th Street and 9th
23 Street -- no, 7th and 8th Street, I am sorry, and
24 then you can see the building heights. They
25 range -- it's five stories on the corner here.

1 There is three stories. There is four stories.

2 There's four stories. There's four stories, and we
3 are proposing a five-story building here.

4 There is a three-story building, which
5 is this one directly next door to us.

6 There's is a five-story next to that, a
7 four-story, and a five-story. So that is the
8 context, and of course, we have the property owner's
9 list on page 6 as well.

10 MR. MATULE: If I could, just one
11 question, Dean, also going back to sheet, I guess it
12 is Sheet A-3 --

13 THE WITNESS: Yes.

14 MR. MATULE: -- where you show the
15 second to through the fifth floor plans --

16 THE WITNESS: Uh-huh.

17 MR. MATULE: -- could you just explain
18 to the Board the cutout in the south wall of the
19 building there, that three-foot cutout?

20 THE WITNESS: You can see here that
21 there is a little area way shown in the side of the
22 building. There is an existing building that is
23 directly next door to us, which is this building
24 here indicated on Sheet A-2.

25 You can see this building that is to

1 the left. This is our site. You can see that there
2 are two small -- actually there's one small window
3 in that building. It looks like it could be in a
4 bathroom or something like that.

5 So as we move our building back, we
6 didn't want to cover that window, so we bent our
7 building back around the window, so that window
8 would have air in it from up above, so we are kind
9 of working around that.

10 It is an illegal window, but we thought
11 it would be worth saving for the neighbor.

12 VICE CHAIR GREENE: Is that also how
13 you got the 60 percent for the upper floors?

14 THE WITNESS: Excuse me?

15 VICE CHAIR GREENE: Is that also how
16 you got the 60 percent lot coverage for the upper
17 floors because you go back 62 feet?

18 THE WITNESS: Yes, yes. Because this
19 is not counted, so altogether it is 60 percent.

20 MR. MATULE: And this building will
21 comply with all of the appropriate new flood
22 regulations in terms of dry proofing and wet
23 proofing and flood vents and things of that nature?

24 THE WITNESS: Yes, it does. It will
25 comply with the Hoboken flood ordinance.

1 Besides the height variance, which we
2 are asking to create three-bedroom units, that would
3 be five stories, we are also asking for the parking
4 variance because parking is not permitted in this
5 location. Again, eight parking spaces for eight
6 residential units on a site that parks 11 now.

7 There is no additional curb cut. It
8 currently exists. It's an unsightly condition to go
9 down that block and look at that open space. There
10 are six units on the block now. The owner, who owns
11 this property, wants to modernize it to make it
12 eight residential units, which is what is permitted.

13 MR. MATULE: And you received Mr.
14 Marsden's review letter, which we just received this
15 evening?

16 THE WITNESS: Yes.

17 MR. MATULE: Will you be in the
18 position to review that and address any of the open
19 comments by the time we come back next week?

20 THE WITNESS: Yes. I reviewed it
21 tonight, and we will be able to address any
22 comments.

23 MR. MATULE: Okay.

24 Nothing further.

25 CHAIRMAN AIBEL: Board members?

1 COMMISSIONER COHEN: With respect to
2 the ground floor lot coverage, I mean, I don't think
3 there is any question that taking the existing
4 structure out of the donut and pushing it back into
5 where the lot should be is a big improvement for the
6 block.

7 My question is: Why have you designed
8 the first floor to be at 70 percent lot coverage and
9 the upper floor to be 60 percent?

10 Why is it that you needed the extra ten
11 percent lot coverage on the ground floor?

12 THE WITNESS: Well, I don't think it
13 has any negative effect given that all sides of me
14 have a one-story wall around it. But more
15 importantly, it allows me to get two more parking
16 spaces, so I can have eight parking spaces.

17 If I kept it back to 62 feet, which is
18 the height of the building up above, I would lose
19 two parking spaces, so I would have six parking
20 spaces instead of eight. I have eight residential
21 units. It seemed like a reasonable request to get
22 the additional two parking spaces.

23 COMMISSIONER COHEN: Okay.

24 So you are saying, if I understand your
25 answer, if you are at 60 percent lot coverage, you

1 would only be able to have room for six parking
2 spots for the eight units, and not eight spots for
3 eight units, correct?

4 THE WITNESS: Correct.

5 COMMISSIONER COHEN: Okay.

6 Can you just explain the first part of
7 your answer to me?

8 I didn't understand the fact that you
9 said it is walled, so that there would not be any
10 benefit -- I may have misunderstood your point. But
11 I just want to understand why you don't think that
12 having that extra ten percent open would improve the
13 donut.

14 THE WITNESS: If you look at the
15 pattern of these yards in this northern section of
16 this block, you can see each one of these properties
17 has a wall that goes back.

18 Well, this one doesn't, because it has
19 an opening. This is an opening alley. But you can
20 see, by and large, every one of these properties has
21 a fence around it.

22 So you can see here right next to us,
23 there would be a wall here, and the property would
24 come out to about this location.

25 The proposed building, the residential

1 building, you can see where it is on this drawing.
2 It is set back slightly in front of the neighboring
3 building, so our building, if you look at this, this
4 is our neighboring building, our building is set
5 back, so it is 62 feet.

6 This building is approximately 65 feet,
7 so we are asking to come out another five or six
8 feet on the ground floor only on these backyards to
9 get two more parking spaces.

10 COMMISSIONER COHEN: If you matched the
11 back wall of your neighbor, would you be at -- say
12 it's 62 feet, would that be at 60 percent lot
13 coverage, if you matched the back wall of your
14 neighbor to the --

15 THE WITNESS: No. We would be up about
16 65 percent.

17 COMMISSIONER COHEN: You would be
18 somewhat beyond --

19 THE WITNESS: Yes. We wanted to hold
20 it to 60 percent. We didn't want to ask for that
21 variance, because we could accommodate, given that
22 there's three-bedroom units, we didn't need to go
23 another two or three feet to match the neighbor. We
24 can get a good sized unit on the floor just by
25 keeping the 60 percent, which is this line right

1 here.

2 You see the neighbor is right here?

3 We are back, I would say, about two
4 feet.

5 COMMISSIONER COHEN: Okay. Thank you.

6 CHAIRMAN AIBEL: Mr. Grana?

7 COMMISSIONER GRANA: Commissioner Cohen
8 asked my question.

9 CHAIRMAN AIBEL: Anybody else?

10 COMMISSIONER DE FUSCO: Mr. Chair, yes.

11 I mean, just to further Commissioner
12 Cohen's -- Antonio's point, I mean we have an
13 opportunity to right what you already testified to
14 be an infringement on to this green donut, so I will
15 just second it or actually third that concern.

16 But my next question is in regard to
17 the green roof.

18 So on page A-4, so the green roof
19 occupies what seems to be a large percentage, but
20 certainly not all of it, and I assume you are going
21 to say that the EDPM is there for roof access, but I
22 am wondering, you know, why we can't expand that
23 green roof to occupy more square footage on the
24 roof.

25 THE WITNESS: Well, you need to have

1 access to the perimeter for waterproofing, so it is
2 a place to get to the mechanical equipment.

3 Could it be five or ten percent more
4 green roof?

5 I think so.

6 COMMISSIONER DE FUSCO: I think in
7 addition to the retention basin that's being
8 required by North Hudson, I think that a green
9 give-back would be certainly something that this
10 neighborhood --

11 THE WITNESS: Yes. And the back yard,
12 this property right now is a hundred percent
13 impervious --

14 COMMISSIONER DE FUSCO: No more, yeah.

15 THE WITNESS: -- right -- and we move
16 the building forward, the backyard is going to be
17 pervious. 30 percent of the property will be
18 pervious with permeable pavers.

19 COMMISSIONER DE FUSCO: Thanks.

20 CHAIRMAN AIBEL: How many street
21 parking spots are we going to gain --

22 THE WITNESS: None --

23 CHAIRMAN AIBEL: -- if you got parking?

24 THE WITNESS: -- none -- essentially if
25 you look at this photograph, the curb cut is right

1 here.

2 Now, sometimes people don't park here
3 because they think it is a driveway, so this one
4 won't get blocked, but the curb cut, you can see the
5 white lines in this photograph are right here.

6 CHAIRMAN AIBEL: If you construct a new
7 building, and if you get a curb cut allowance from
8 us, the parking is going to be right in the middle
9 of the lot. Is that correct?

10 THE WITNESS: Correct.

11 CHAIRMAN AIBEL: So will you be gaining
12 in effect street parking?

13 THE WITNESS: I think it is going to be
14 at net zero.

15 THE WITNESS: Well, I'm not expressing
16 it very well.

17 You will have a space over here, and
18 you will lose a space over here.

19 CHAIRMAN AIBEL: So we are going to --
20 if these buildings were today built at the front of
21 the lot, and you put a hole through the middle of
22 it, you would save two spots. Is that right? One
23 on the other side of the garage entrance?

24 I am trying to help you here, Dean.

25 (Laughter)

1 THE WITNESS: Yes.

2 CHAIRMAN AIBEL: Because I have a
3 point.

4 THE WITNESS: There is a curb cut there
5 now, and we will have a curb cut later, so I
6 guess --

7 CHAIRMAN AIBEL: But the curb cut will
8 be smaller.

9 THE WITNESS: The curb cut is only one
10 width, but yes.

11 (Laughter)

12 CHAIRMAN AIBEL: Will you have space
13 for two vehicles?

14 THE WITNESS: Yes.

15 CHAIRMAN AIBEL: So I guess, you know,
16 my concern here is that you are asking for lot
17 coverage beyond what I feel comfortable with, and I
18 think you have already offered a good alternative to
19 make a conforming building and provide six parking
20 spots, assuming the Board would allow a curb cut.

21 COMMISSIONER GRANA: And a use
22 variance.

23 CHAIRMAN AIBEL: And a use variance.

24 Go ahead.

25 VICE CHAIR GREENE: I have actually a

1 question for Ms. Banyra.

2 Can you talk about the concept of
3 allowing parking in this particular site?

4 I think the fact that this open air lot
5 is going away one way or another is a given, so is
6 there anywhere else in the R1 zone or on this block
7 in particular where we have allowed indoor parking
8 as part of a building?

9 MS. BANYRA: Well, I think if you look
10 at -- I think it's the last sheet, if you go back to
11 the sheet when he was testifying to the height, this
12 is the only building on that block that actually has
13 parking. There are no garage doors on that block --

14 THE WITNESS: That is not true --

15 MS. BANYRA: -- so the whole -- I think
16 that was your -- no, no, no --

17 THE WITNESS: -- there is a garage door
18 here.

19 MS. BANYRA: Okay.

20 Go back to your sheet, Dean, I'm sorry,
21 that you testified to.

22 COMMISSIONER BRANCIFORTE: A-6.

23 MS. BANYRA: A-6 I thought didn't show
24 any parking, but it showed your existing buildings,
25 you know, the existing condition -- you know,

1 Dean --

2 THE WITNESS: There is a garage door
3 right here in this building, and there's an open
4 space here, which is a driveway, and people park
5 there, so there are two other curb cuts on the
6 block.

7 MS. BANYRA: Okay. So --

8 VICE CHAIR GREENE: What about on the
9 other side of the street, where you showed they are
10 all five-story residential?

11 THE WITNESS: Yes. You can see this
12 block is a really beautiful consistent Hoboken
13 block. Even the school is exactly the same height
14 as all of the residential buildings. It is very
15 nice.

16 COMMISSIONER BRANCIFORTE: But there is
17 no parking on that side.

18 THE WITNESS: There's no parking on
19 this side, that I'm aware of.

20 There is an opening for the school
21 service, but a curb cut there --

22 MS. BANYRA: You know, the R1 is
23 considered our highest -- I'm going to say the
24 highest residential zone. The lots generally are 20
25 by a hundred, so they are a little bit narrower than

1 the R2 and R3 zone, so parking has always been
2 prohibited, so it is not even just not permitted.
3 It's prohibited, so it makes it a little bit --

4 VICE CHAIR GREENE: Is that a higher
5 standard?

6 MS. BANYRA: Yes, it is. It is for the
7 planner to testify to, right.

8 So it is not just, you know, this is
9 allowing parking, I mean, I think it is a tough
10 proof to overcome for the planner.

11 The architect can discuss, and
12 obviously there is an existing condition here, but a
13 use variance is a tough proof to overcome,
14 particularly when the ordinance explicitly says it
15 is prohibited, so...

16 COMMISSIONER GRANA: We would have to
17 apply the Medici standards to the --

18 MS. BANYRA: Yes.

19 MR. GALVIN: And you have to reconcile
20 the deviation from the master plan, and the master
21 plan says no parking. So you have to have some sort
22 of good special reason to justify it, or that the
23 site is particularly suited.

24 MS. BANYRA: Right.

25 It is not simply, you know, a

1 translation of here is an existing parking lot and
2 go into a use variance. It is a difficult proof for
3 the planner to -- a more difficult proof than the
4 other D variances.

5 VICE CHAIR GREENE: I suppose then when
6 you combine the fact that they are looking for
7 additional lot coverage to accommodate more parking,
8 that sort of compounds it.

9 MS. BANYRA: It's not the strongest
10 argument on that.

11 CHAIRMAN AIBEL: Architecturally I take
12 it you could create a building that did not require
13 a parking variance or a lot coverage variance.

14 THE WITNESS: Could. Yes, you could.

15 You've got 11 parking spaces there. He
16 has six units. You know, if he is going to upgrade
17 and modernize this site and bring some modern
18 apartments and renew that site, it has got to work
19 out. It has to be feasibly possible.

20 So he has 11 parking spaces, and six
21 units, at a certain point if he doesn't have the
22 right yield, it doesn't make sense to renovate. You
23 know, he has an ongoing existing residential
24 condition, which in my opinion is something that we
25 should get rid of.

1 CHAIRMAN AIBEL: Anybody else?

2 COMMISSIONER BRANCIFORTE: You know,
3 explain the -- now, if you lower the number of
4 parking spaces to a certain point, are you eligible
5 to get rid of the handicapped space?

6 Does the handicapped space have to be
7 there if you have three spaces or 12 spaces?

8 THE WITNESS: Once I have four spaces,
9 one has to be handicapped.

10 COMMISSIONER BRANCIFORTE: Okay.

11 That is all I have.

12 CHAIRMAN AIBEL: Anybody else, Board
13 members?

14 Let me open it up to the public.
15 Anybody in the public wish to ask questions?

16 Please come forwards.

17 This is the time for questions of the
18 architect.

19 MS. ALMASI: Understood.

20 CHAIRMAN AIBEL: And your name and
21 address for the record?

22 MS. ALMASI: My name is Laura Almasi,
23 and my address is 833 Willow Avenue.

24 MR. GALVIN: And you are going to spell
25 your last name first.

1 MS. ALMASI: Sure. It's spelled
2 A-l-m-a-s-i.

3 MR. GALVIN: Thank you.

4 MS. ALMASI: So am I correct in
5 understanding that there currently are only two
6 buildings on that side of the block that are more
7 than 40 feet tall?

8 THE WITNESS: I think there are more
9 than two.

10 I have a drawing here on the last page
11 where you can count them.

12 Did you say more than 40?

13 MS. ALMASI: Well, my understanding is
14 that the zoning ordinance for R1 restricts building
15 height to 40 feet and buildings to three stories as
16 the base line ordinance, and that the Municipal Land
17 Use Law in New Jersey requires there to be a
18 compelling benefit to the greater public good to
19 grant an exception to the zoning ordinance in that
20 way, so I am trying to understand.

21 It looks to me here like there are
22 currently these two buildings on one corner, and two
23 on the other corner.

24 THE WITNESS: Yes.

25 MS. ALMASI: I also -- I only reviewed

1 it this weekend, but it looks to me like there was
2 kind of an exception for the corner property that
3 anchors on the block, that it is a little bit more
4 acceptable for them to be taller, but I may be
5 misinterpreting. I just --

6 MR. GALVIN: No. We've heard that.

7 Listen, that isn't the law, but we
8 heard that time and again that having higher
9 buildings at the corners is appropriate. I think I
10 heard Mr. Marchetto argue that.

11 MS. ALMASI: No -- right -- right.
12 however, this building is not at the corner.

13 MR. GALVIN: No, no.

14 Listen. What we are doing right now is
15 you are doing very, very good job, and I am trying
16 to help you, but stick to asking questions and not
17 trying to make our point just yet, okay?

18 MS. ALMASI: Fair enough.

19 MR. GALVIN: You don't want to get
20 there yet. You have to slow down.

21 MS. ALMASI: I am really bad at that.

22 (Laughter)

23 MR. GALVIN: Listen, listen --

24 MS. ALMASI: Understood.

25 MR. GALVIN: -- let's get the first --

1 I am going to help you and say that at the corner of
2 8th and Park, there are two five-story buildings.

3 Do you agree, Mr. Marchetto?

4 THE WITNESS: Yes.

5 MR. GALVIN: Okay.

6 Are there any other five-story
7 buildings on this block on the side of the block
8 where the subject property is located?

9 THE WITNESS: Yes.

10 MR. GALVIN: Could you point those out
11 for us?

12 THE WITNESS: One here and one here.

13 MR. GALVIN: Okay.

14 Now, ask your next question.

15 MS. ALMASI: Okay.

16 What was my next question -- I'm
17 sorry -- I have not done this before.

18 So you were talking about protecting
19 the donut on the lot.

20 THE WITNESS: Yes.

21 MS. ALMASI: And, again, I just started
22 researching this weekend, but my understanding is
23 that the purpose of the donut is to protect air and
24 light and space for a resident to enjoy in the
25 interior of the block.

1 THE WITNESS: Yes, it is.

2 MS. ALMASI: So do you agree that
3 currently the structure that's there is what, two
4 stories high?

5 I'm not sure how high it is --

6 THE WITNESS: Two and a half --

7 MS. ALMASI: -- maybe 20 feet or 30
8 feet?

9 THE WITNESS: Between 20 and 30 is fair
10 to say.

11 MS. ALMASI: Okay.

12 And the two adjacent buildings are how
13 high?

14 THE WITNESS: One is 30 and one is.
15 39 or 35 --

16 MS. ALMASI: This says 35.

17 THE WITNESS: -- 35, yes.

18 MS. ALMASI: Okay.

19 So I guess I would just like to know
20 why you think that this donut quality would
21 necessarily be improved by adding -- I understand
22 that pulling the property back from the rear of the
23 donut would potentially add more space. However, I
24 don't understand why you think adding an extra ten
25 feet of height or actually -- yeah, ten feet of

1 height -- would actually improve on the light inside
2 of the donut.

3 THE WITNESS: Well, I think that taking
4 the buildings out of the donut is a big improvement,
5 and by building a five-story building here, I see no
6 detrimental effect.

7 MS. ALMASI: Am I allowed to say that I
8 disagree, or should I just stop?

9 (Laughter)

10 MR. GALVIN: No.

11 Here is how we do that. You have asked
12 a series of really good questions. We are going to
13 come back at the next meeting, a week from now, and
14 we are going to hear the planner, and he's going
15 to -- the architect has told us what the building is
16 going to look like, what they basically think that
17 they are proposing, and the planner has to give us
18 the reasons under the law why we should grant it, if
19 we agree with him or not, so you want to
20 cross-examine the planner to the same kind of
21 questions.

22 MS. ALMASI: Okay. Thank you very
23 much.

24 MR. GALVIN: Then at the very end, you
25 will get to come back and make your legal argument

1 why you are for or against the application.

2 MS. ALMASI: Thank you for your time
3 and thank you for your presentation.

4 I am glad to know there is going to be
5 some new development going on in the block. We're
6 happy to hear that.

7 CHAIRMAN AIBEL: Anybody else wish to
8 ask questions?

9 MR. JOHANSEN: Hi, how are you?

10 I'm Rob Johansen, J-o-h-a-n-s-e-n, and
11 I live at 820 Park.

12 MR. GALVIN: We're good to go.

13 MR. JOHANSEN: Okay. The first
14 question is: Are you asking for a variance on the
15 front yard --

16 THE WITNESS: Yes.

17 MR. JOHANSEN: What is that variance?

18 THE WITNESS: Well, it is required to
19 be zero -- five to ten feet, and we are looking for
20 zero feet.

21 MR. JOHANSEN: Will the proposed
22 facade, will it be flush with its neighbors or will
23 it jut out?

24 THE WITNESS: It will be flush.

25 MR. JOHANSEN: It will be flush. Okay.

1 THE WITNESS: We want to line it up
2 with the entire block.

3 MR. JOHANSEN: Okay.

4 Those are my questions.

5 Thank you.

6 CHAIRMAN AIBEL: Good.

7 Anybody else?

8 Seeing no questions.

9 MR. MATULE: With the Chair's
10 permission, I would just like to redirect a question
11 to Dean relative to the questions that were asked by
12 Ms. Almasi.

13 VICE CHAIR GREENE: Do we have to close
14 the public first?

15 MR. GALVIN: No.

16 CHAIRMAN AIBEL: We'll see if he raises
17 something new.

18 MR. MATULE: Well, I just think it is
19 important contextually.

20 Mr. Marchetto, what is the street
21 elevation at grade here?

22 THE WITNESS: 7.6.

23 MR. MATULE: And under the new flood
24 ordinance in Hoboken, the first residential floor
25 has to be at elevation 14?

1 THE WITNESS: I believe it is 12.

2 Well, 12 plus one.

3 MR. MATULE: Plus two.

4 (Laughter)

5 MR. MATULE: I will go with whatever
6 your answer is.

7 THE WITNESS: It is two now? Okay. 12
8 plus two --

9 MR. GALVIN: Time out. Stop.

10 Twelve plus two?

11 MR. MARSDEN: It's 12 to the bottom of
12 the lowest structural member, 12 inches above the
13 flood, and typically the lowest structural member in
14 a wood frame house is 12 inches, so therefore, the
15 finished floor has to be two feet above, unless you
16 are using a four-way slab or something like that.

17 THE WITNESS: Well, no. The structure
18 is one foot --

19 MR. MARSDEN: Right. And the bottom of
20 that structure has to be --

21 THE WITNESS: You are talking about the
22 first floor --

23 (Everyone talking at once.)

24 MR. GALVIN: Oh, that first floor
25 elevation.

1 (Laughter)

2 THE WITNESS: He is talking about the
3 bottom of the floor.

4 MR. GALVIN: Stop.

5 So your answer to Mr. Matule is what?

6 THE WITNESS: Maybe it is 14.

7 MR. MATULE: Okay.

8 So if you were to construct this
9 building, a 40 foot high building with no parking on
10 the ground floor, using elevation 7.6 or 7.5,
11 whatever is in front of the building, how high up
12 would you have to raise the first floor to get it up
13 to 14?

14 THE WITNESS: About seven feet.

15 MR. MATULE: Six and a half feet more
16 likely?

17 THE WITNESS: Six and a half feet.

18 MR. MATULE: So if you were to measure
19 your 40 feet from that elevation --

20 THE WITNESS: It would be about 46 or
21 47 feet.

22 MR. MATULE: All right. With no
23 parking under it --

24 THE WITNESS: Right.

25 MR. MATULE: -- and that space

1 underneath would just be for storage or --

2 THE WITNESS: For storage or --

3 MR. MATULE: That's it. That was my
4 only question.

5 COMMISSIONER BRANCIFORTE: I'm sorry,
6 but can I ask one quick question?

7 MR. GALVIN: Sure. And then we want to
8 close the public.

9 COMMISSIONER BRANCIFORTE: What other
10 green aspects are here besides the green roof?

11 THE WITNESS: Well, it will be LEED
12 equivalent. We are going to have enough points to
13 get to a LEED job. The appliances will be energy
14 saving. We are not going to commission this. It is
15 just too expensive for a small building like this to
16 do that, but we will meet all the points for a LEED
17 equivalent building.

18 COMMISSIONER BRANCIFORTE: Are there
19 any electric car chargers?

20 THE WITNESS: We don't have any now.

21 COMMISSIONER BRANCIFORTE: Okay.

22 CHAIRMAN AIBEL: Anybody in the public
23 have questions based on Mr. Matule's redirect?

24 Seeing none?

25 VICE CHAIR GREENE: I move --

1 COMMISSIONER GRANA: Motion to close
2 public portion.

3 COMMISSIONER COHEN: Second.

4 CHAIRMAN AIBEL: All in favor?

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

7 CHAIRMAN AIBEL: Okay.

8 MR. MATULE: Okay.

9 That is all I have. My planner and my
10 architect and I will all be back next week, God
11 willing.

12 CHAIRMAN AIBEL: See you then.

13 (All Board members conferring.)

14 MR. GALVIN: Mr. Matule, I know you
15 already waived the time. Just state on the record
16 again that you are waiving the time on this case
17 until next week.

18 MR. MATULE: I previously said that,
19 but I will resay it, that the applicant waives the
20 time in which the Board has to act to January 22nd.

21 MR. GALVIN: And if there was a
22 snowstorm, you would --

23 MR. MATULE: If for some reason that
24 meeting were cancelled due to events beyond our
25 control, I would, of course, cooperate.

1 MR. GALVIN: We need a motion to carry
2 that matter to next week without notice.

3 COMISSIONER MURPHY: Motion to carry.

4 MR. GALVIN: Do we have a second?

5 COMMISSIONER GRANA: Second.

6 MR. MATULE: Do you have a weather
7 report I am not aware of?

8 (Laughter)

9 MR. GALVIN: We have been too lucky for
10 too long.

11 MR. MATULE: Thank you.

12 (The matter concluded at 10:10 p.m.)

13

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.
Dated: 1/22/15
This transcript was prepared in accordance with
NJAC 13:43-5.9.

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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RE: 808 Washington Street :
APPLICANT: Martin Vitale :January 20, 2015
D Variance : 10:15 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Owen McAnuff

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

- Eileen Banyra, Planning Consultant

- Jeffrey Marsden, PE, PP
Board Engineer

- Patricia Carcone, Board Secretary

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

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5 (732) 364-3011
6 Attorney for the Board.

7 SPECTOR & DIMIN, ESQUIRES
8 25 Rockwood Place
9 Englewood, New Jersey 07631
10 (201) 567-0090
11 BY: STEPHEN R. SPECTOR, ESQUIRE
12 Attorney for the Applicant.

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I N D E X

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WITNESS

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JOSE CARBALLO

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DAVID SPATZ

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E X H I B I T S

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EXHIBIT NO.

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1 CHAIRMAN AIBEL: Mr. Spector, 808

2 Washington?

3 MR. SPECTOR: Stephen R. Spector for
4 the applicant, 25 Rockwood Place, Englewood, New
5 Jersey.

6 Mr. Chairman, very simply put, this is
7 808 Washington Street.

8 The existing building has been there
9 for however long Washington Street has been there,
10 and my client is requesting permission to use the
11 lower level for creation of a new residential unit.

12 I have the architect here tonight to
13 describe what is going to be done, as well as the
14 planner.

15 I just want a couple -- I assume that I
16 have supplied the notice of publication --

17 MR. GALVIN: Your notice is adequate.

18 You may proceed on that.

19 MR. SPECTOR: Thank you.

20 Simply, Mr. Chairman, nothing is being
21 added to this property. It is within the existing
22 walls of the property that we are looking for. The
23 consent of the Board for the unit, and we are aware
24 of the fact that we need to get Historic Committee
25 approval.

1 We went there in April and submitted an
2 application, and we were told that we should get
3 back to them after we see the Board, so that we
4 certainly know what our obligations are before the
5 Historic Commission.

6 And as far as the --

7 MR. GALVIN: Wait. Time out for a
8 second.

9 MR. SPECTOR: Sure.

10 MR. GALVIN: The way the procedure
11 is -- I am going to say this for the record --

12 MR. SPECTOR: Sure.

13 MR. GALVIN: -- and we are going to try
14 to fix it. But the way it is supposed to work is we
15 want you to go to the Historic Commission and get
16 them to issue a report, so that they are advising
17 us, so we know what to do. I don't know why you
18 would go to them after you came to us.

19 MR. SPECTOR: My client went to them in
20 April and presented them an application, and I have
21 the application here if you need it, and we were
22 told to come before the Board and get our approval
23 first --

24 UNIDENTIFIED VOICE: They gave me my
25 check back and everything. They gave me my check

1 back, so...

2 MS. BANYRA: And we have had
3 correspondence with Ms. Holtzman, and she indicated
4 that they would hear this after.

5 I had contacted the applicant and
6 indicated that they should get before the Historic
7 Preservation, because we're juggling applications,
8 and we should -- Dennis --

9 MR. GALVIN: It is insane.

10 MS. BANYRA: -- just so you know --

11 MR. GALVIN: It's insane.

12 MS. BANYRA: -- but we are juggling
13 applications, and they should get before the
14 Historic Preservation as soon as you can, and the
15 response that came back was that we will hear them
16 afterwards.

17 But to the defense of the Historic
18 Preservation Commission, we also were trying to slot
19 in the smaller applications, so it worked to our
20 benefit as well, you know, to hear this application
21 and then have it subsequently heard by Historic
22 Preservation.

23 MR. GALVIN: I am just going to say
24 that if you have any difficulty with that, that you
25 would immediately advise us --

1 MR. SPECTOR: I certainly will.

2 MR. GALVIN: -- okay?

3 Because it is supposed to be advisory.
4 We don't have to follow the recommendations of the
5 Historic Commission. And if we do it subsequent, it
6 would be as if our approval was contingent on
7 getting historical approval, which is not the way --
8 the Zoning Board shouldn't give up its jurisdiction.

9 I love our friends at the Historic
10 Commission, but it is not right.

11 CHAIRMAN AIBEL: So what variances are
12 we --

13 MR. GALVIN: We need a D2, expansion of
14 a nonconforming --

15 MR. SPECTOR: A nonconforming dwelling
16 and a nonconforming use.

17 CHAIRMAN AIBEL: Good.

18 MR. SPECTOR: And that was set forth by
19 the planner in her report, which was received within
20 the last day or so.

21 Mr. Carballo?

22 MR. GALVIN: Raise your right hand.

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

1 MR. CARBALLO: Yes, I do.

2 J O S E C A R B A L L O, having been duly sworn,
3 testified as follows:

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

6 THE WITNESS: Sure.

7 Jose Carballo, C-a-r-b, as in boy,
8 a-l-l-o.

9 MR. SPECTOR: Mr. Chairman, he has
10 appeared before this Board on a number of occasions.
11 I would ask that he be approved.

12 MR. GALVIN: I have no familiarity with
13 him. I'm sorry.

14 Can you do me a favor, don't mention
15 us, but give me three other Boards you appeared
16 before recently.

17 THE WITNESS: Recently, West New York
18 Board of Adjustment and Planning Board, Union City.
19 I appeared in Norwich, Connecticut --

20 MR. GALVIN: Stop. Well, no, give me
21 one more in New Jersey. I don't count New York.

22 THE WITNESS: I appeared before all
23 Boards in Hudson County and about 50 percent of the
24 Boards in Bergen County.

25 MR. GALVIN: Okay.

1 Do we accept his credentials?

2 CHAIRMAN AIBEL: We accept his
3 credentials.

4 THE WITNESS: Thank you.

5 MR. SPECTOR: Mr. Carballo, you were
6 retained by the owner of the property to undertake
7 the renovation or possible expansion of this
8 property?

9 THE WITNESS: Yes, I was.

10 MR. SPECTOR: And does that sheet show
11 the map that was submitted with the application that
12 you prepared?

13 THE WITNESS: That is correct.

14 MR. SPECTOR: Would you describe what
15 is on the front page of the -- what sheet is that?

16 THE WITNESS: This is A-1 --

17 MR. SPECTOR: Okay. Before that, did
18 you take those photographs?

19 THE WITNESS: Yes, we did.

20 MR. SPECTOR: Would you describe what
21 is there?

22 THE WITNESS: Certainly.

23 These two photographs show the front of
24 the building.

25 The one on the left shows the front of

1 the building as it is today. You can see the very
2 bland brick wall that was built on the first floor.

3 The second photo on the right shows the
4 proposed front view. As you can see, we are
5 removing the brick on that first floor, and we're
6 designing windows and doorways that are actually
7 more apropos with this style of building.

8 As you can see, we are not touching the
9 building. We are not removing all of the molding on
10 the windows, all the -- I do apologize for our one
11 elevation that was sent out. I believe that wasn't
12 filed -- I'll look on the computer -- it was a file
13 that was just put in here erroneously.

14 We are not touching the building at all
15 on the front except for the first floor.

16 MR. SPECTOR: What does the bottom
17 picture show?

18 THE WITNESS: The bottom picture shows
19 the rear of the building.

20 MR. SPECTOR: Would you go to the last
21 page of the plan, please?

22 Would you tell the Board what is on the
23 last page?

24 THE WITNESS: The last page shows
25 photos of several buildings around our property, our

1 property being this one right here. That is a
2 portion of the block that shows the buildings that
3 basically form part of that part of the block.

4 As you can see, the buildings are
5 pretty consistent, all four stories high, plus a
6 basement, except for that missing tooth that
7 somebody tried to fill in the middle, and it really
8 makes this block different.

9 (Laughter)

10 But anyway, let's leave it at that.

11 You see all of the other buildings,
12 they have -- they are four stories. They're three
13 windows wide. They are all brick. They all have
14 cornices up on top, and at one time or another they
15 all had a first floor that was somewhat different
16 from the floors above.

17 Some of those had been half a width.
18 Some of those were left intact.

19 As counsel would explain, the intent
20 here is not to add physically to this building. We
21 are not touching the building in any way, except
22 for, as I mentioned before, just a little portion,
23 where we are removing that brick veneer that I guess
24 was installed at some point and bringing it back to
25 somehow something that is a little bit more

1 commensurable with the design of the building --

2 MR. SPECTOR: Just -- I'm sorry --

3 THE WITNESS: -- aside from that on the
4 outside, and of course, we are going to be cleaning
5 the brick. We are going to be repointing it, if
6 necessary, and cleaning all of the moldings around
7 the windows and replacing all of the windows.

8 What we are doing is we are not just
9 replacing the windows with what is there, but we are
10 actually bringing the round tops, so that they fit
11 exactly into the masonry opening that is currently
12 there.

13 MS. BANYRA: Can you turn to your
14 picture that shows what you are speaking to?

15 I think it is A-3.

16 THE WITNESS: Well, again, A-3 was that
17 elevation that I don't know why it got in there. I
18 do apologize for that. It is truly embarrassing.
19 But this is actually the applicant --

20 MR. SPECTOR: Why don't you mark that?
21 Do you want to mark it, Dennis?

22 THE WITNESS: Sure.

23 MR. GALVIN: We don't want to mark the
24 one that we don't -- we want to mark this picture
25 here, right?

1 THE WITNESS: This is the one.

2 MR. GALVIN: Yes. What is it marked?

3 Is it marked?

4 MR. SPECTOR: No, it's not.

5 MR. GALVIN: If it's not, let's make

6 that A-1.

7 MR. SPECTOR: Okay. Fine.

8 MR. GALVIN: So what you're

9 proposing -- let's cut to the chase on this, because

10 we don't have to go longer, if we don't have to.

11 MR. SPECTOR: Okay, fine.

12 MR. GALVIN: The first floor, you are

13 changing it, so what we have to decide is: Does

14 that look consistent with the historical look of the

15 building, and I think the Board is already kind of

16 nodding that it is probably better than what was

17 there.

18 THE WITNESS: It's definitely a lot

19 better.

20 MR. GALVIN: Right. But that is not

21 the only concern.

22 We want to try to match up to the

23 proper look, and that is why the Historical

24 Commission should have looked at this to advise us

25 if they thought it --

1 THE WITNESS: Again --

2 MR. GALVIN: -- because they can come
3 back and say --

4 THE WITNESS: -- if you go to the first
5 page, you are going to see the date that the
6 application was submitted, but we were told to come
7 to the Board --

8 MR. GALVIN: Yeah, don't sweat that.

9 But what I am asking you is, like, for
10 instance, you have it -- you're showing the brown
11 versus -- why is it brown versus white? Is there a
12 reason for that?

13 THE WITNESS: Why is what brown? I'm
14 sorry.

15 VICE CHAIR GREENE: The headers and the
16 lintels --

17 THE WITNESS: Oh, yes. We can make
18 that white --

19 MR. GALVIN: Well, no. Again, I think
20 if the Historical Commission looks at this, they
21 would say you don't have to follow the exact -- I
22 have a feeling that they would say that, but I don't
23 know.

24 Why did you choose that over making --
25 I am just curious, why did you choose that --

1 THE WITNESS: Because we wanted to give
2 it more of a brownstone look. Up on top is brick,
3 and down at the bottom is that brownstone type of
4 look, and that's what we're doing, just to
5 differentiate it a little bit more --

6 MR. GALVIN: I just want the Board to
7 know that if you don't agree somehow, I am sure that
8 they will cooperate with whatever --

9 MR. SPECTOR: Whatever the Board --

10 THE WITNESS: We are open for
11 suggestions on this one.

12 MR. SPECTOR: Now, just explain to the
13 Board what will be done internally, so that the
14 Board is aware of what we are asking for internally.

15 THE WITNESS: On drawing A-2 of 4 it
16 actually shows what we are proposing tonight.

17 Like I said before, it is a four-story
18 building and a basement, and the four-story have one
19 unit a piece.

20 The basement is a -- it is high. It's
21 actually about eight and a half feet clear, and what
22 we want to do is put in a unit in there, a
23 two-bedroom unit.

24 The other thing we want to do is if you
25 look on the second drawing, the second floor plan,

1 which is actually the first floor plan, we are
2 exposing an existing stair that is already there.

3 The only way to access the stair is to
4 lift the floor almost like a Bilco door. It's a
5 floor trap, and you actually have to duck underneath
6 the structure at this point to get underneath and go
7 down to the first level.

8 What we want to do is we want to open
9 up that floor, so that the stair is completely open
10 and provides not only easy, easy access to the lower
11 levels, but actually provides another means of
12 egress for that unit.

13 Again, one of the comments from the
14 planner's report is the storage areas. We're going
15 to put doors on the storage areas and lock them up
16 and make them safe, and those are the changes that
17 we are proposing.

18 MR. SPECTOR: There is access through
19 the backyard --

20 THE WITNESS: If you look at the rear
21 elevation, there is a door that leads directly
22 outside out the back, so that unit will have full
23 access to the rear yard.

24 MR. SPECTOR: I have nothing further of
25 Mr. Carballo.

1 COMMISSIONER GRANA: Can I ask a few
2 questions?

3 CHAIRMAN AIBEL: Yes.

4 COMMISSIONER GRANA: I probably know
5 the answer to this, but a basement unit on
6 Washington Street is habitable and outside of the
7 flood --

8 MR. MARSDEN: Yes. It is well above
9 the flood. It's at elevation 20 plus.

10 COMMISSIONER GRANA: Great. Thank you.

11 And then on A-3, I think you were
12 talking about the errant file or whatever it is.
13 You mean that it is not your intent to remove window
14 treatment that described --

15 THE WITNESS: Not at all. That is not
16 our intent, and I do apologize --

17 COMMISSIONER GRANA: It is not your
18 intent to remove the window treatments?

19 THE WITNESS: Definitely not.

20 MR. GALVIN: Mr. Branciforte has got
21 it.

22 COMMISSIONER BRANCIFORTE: Do you want
23 to mark this A-1?

24 MR. GALVIN: Yes. That should be
25 marked A-1 with the stickers.

1 MR. SPECTOR: Oh, with the stickers,
2 Okay.

3 (Exhibit A-1 marked.)

4 COMMISSIONER COHEN: In one of the
5 reports there is a reference to the back that the
6 applicant proposes to legalize the fifth unit.

7 This project is not a legal five-unit
8 project?

9 MR. SPECTOR: It's only -- it is in the
10 R1H zone, which only permits one or two-family uses,
11 so every building in the area is a nonconforming
12 use, so that if we want to add a fifth unit, we are
13 just adding -- expanding a nonconforming use, which
14 requires a D variance.

15 COMMISSIONER COHEN: So right now it is
16 a four-unit apartment, and you want to make it a
17 five-unit --

18 MR. SPECTOR: Correct, correct.

19 COMMISSIONER COHEN: -- and it is not
20 an approved four-unit building?

21 MR. SPECTOR: That's correct.

22 We want the building approved for a
23 fifth unit.

24 MS. BANYRA: Excuse me.

25 It is five units now, right, and you

1 want to legalize that, too. Is that correct?

2 MR. SPECTOR: That's correct.

3 MS. BANYRA: Okay. So there's --

4 COMMISSIONER COHEN: So there are
5 five -- there are five --

6 MR. SPECTOR: There is an existing --
7 there's an existing area down there, and we want to
8 make it legal.

9 COMMISSIONER COHEN: Is there an
10 apartment --

11 MR. SPECTOR: Well, what's there now?

12 THE WITNESS: It is vacant.

13 MR. SPECTOR: It's vacant.

14 COMMISSIONER COHEN: There is a vacant
15 apartment there that could be rented?

16 THE WITNESS: No. It's fully vacant.
17 There's no walls or anything. It's just one big
18 bare floor.

19 COMMISSIONER COHEN: So there are four
20 apartments and an empty basement space, and you want
21 to turn it into five apartments?

22 THE WITNESS: Correct.

23 COMMISSIONER COHEN: And none of them
24 are legal, because it's in a zone for one or
25 two-bedrooms --

1 MR. SPECTOR: No. The building has
2 been there about a hundred years, so the zoning
3 ordinance became after the building was built, so
4 every building on the block became a nonconforming
5 use.

6 COMMISSIONER COHEN: Okay.

7 MR. GALVIN: So to make this space
8 residential would be an expansion of the preexisting
9 nonconforming use.

10 COMMISSIONER COHEN: Okay. Thank you.
11 I didn't understand that.

12 MR. GALVIN: The question really is:
13 Do you want to take the space on Washington Street
14 and change it from a potential commercial location
15 and make that residential?

16 CHAIRMAN AIBEL: Is it sub grade?

17 THE WITNESS: It's actually sub grade,
18 yeah.

19 Again, one of the reasons we are
20 opening up the ground level is just to be able to
21 provide light and air to that unit.

22 It does have three nice windows as you
23 go down below. So once you get those windows and
24 open up that floor, you are going to get light and
25 air, but it is below grade at that point.

1 CHAIRMAN AIBEL: So you are going to
2 have windows below grade?

3 THE WITNESS: Oh, yeah.

4 You're going to have windows below
5 grade, but they are going to be far enough from the
6 edge -- the windows are back in here, and this is
7 going to be the edge of that light well that we're
8 creating --

9 CHAIRMAN AIBEL: So are you building in
10 the city's right-of-way?

11 VICE CHAIR GREENE: The storage must
12 be --

13 THE WITNESS: You know, part of it is
14 not in the city's right-of-way, but the light well
15 is.

16 VICE CHAIR GREENE: So is the storage.

17 CHAIRMAN AIBEL: Well, I guess I am
18 asking Eileen about the construction.

19 MS. BANYRA: Well, there is an existing
20 fence up there, is there not?

21 THE WITNESS: There is. There is.

22 MS. BANYRA: Right.

23 So the light well that he's speaking of
24 is, again, yes, it's in the city's right-of-way --

25 COMMISSIONER MURPHY: But it's already

1 fenced in.

2 MS. BANYRA: -- but it's already fenced
3 in. The fence already exists there, so there is no
4 exterior -- I mean, the changes he is describing
5 right here, there is an existing fence, the building
6 is there, and the space is there.

7 I understood that it was already an
8 existing unit, so I maybe misunderstood, but they
9 are trying to then I thought legalize an existing
10 unit.

11 MR. GALVIN: No. It's already
12 existing. It is an illegal existing unit.

13 MS. BANYRA: Yes, so whatever.

14 They are trying to make it, you know,
15 legal.

16 THE WITNESS: No changes will be done
17 to the sidewalk itself.

18 VICE CHAIR GREENE: Tell me about the
19 storage then.

20 Is that in a vault under the sidewalk?

21 THE WITNESS: That's the old I guess
22 cold walls that all of these old buildings used to
23 have. And if you go down the block, they all have
24 this, which is underneath the sidewalks.

25 MS. BANYRA: That's cool.

1 VICE CHAIR GREENE: Yeah. That's cool.
2 But do you need an easement in order to be able
3 to --

4 COMMISSIONER MARSH: It is there.

5 VICE CHAIR GREENE: -- yeah, it's
6 there, but now you actually want to frame it out and
7 put doors on it and locks on it and actually use it.

8 THE WITNESS: No, no, no. It is
9 actually like that. It is already existing this
10 way.

11 The only thing we are doing is opening
12 up that opening, so we can access the area, but it
13 is there. We are not creating anything new
14 underneath the sidewalk.

15 COMMISSIONER BRANCIFORTE: You are not
16 creating a new or expanding a space underneath the
17 sidewalk --

18 THE WITNESS: It is already being used.

19 MR. GALVIN: It doesn't make it legal.

20 MS. BANYRA: In older cities, this is
21 not unusual. In Paterson, you will see this. You
22 will see this in a lot of older cities.

23 I have not run across this. I don't
24 know the answer to it. Whether or not --

25 MR. SPECTOR: All of the vaults in the

1 City of New York --

2 MS. BANYRA: -- right -- whether or not
3 you have to get City Council approval to kind of
4 give an imprimatur to that, so to speak, you may
5 require that, because I have not run into that
6 before and --

7 MR. SPECTOR: And if that is part of
8 the approval process, then that's fine. I don't
9 have a problem with that.

10 COMMISSIONER COHEN: Can you tell me
11 what the floor-to-ceiling height is in the basement?

12 THE WITNESS: Eight foot nine.

13 COMMISSIONER COHEN: Eight foot nine.

14 THE WITNESS: That is a high floor
15 underneath the joists --

16 MS. BANYRA: Doesn't the unit open up
17 at grade in the backyard?

18 THE WITNESS: It does, yes. You can
19 actually walk out directly on to the rear yard.

20 COMMISSIONER DE FUSCO: Mr. Chairman?

21 CHAIRMAN AIBEL: Go ahead.

22 COMMISSIONER DE FUSCO: Speaking of the
23 rear yard, are there any proposed updates to that,
24 what the current state and what --

25 THE WITNESS: It will just be cleaned

1 out and, you know, landscaped grass and things like
2 that, but other than that, no.

3 COMMISSIONER DE FUSCO: Is it
4 currently -- I'm sorry.

5 Is it currently pervious, impervious?

6 THE WITNESS: It's impervious --
7 actually, no. It's pervious. You have water going
8 through.

9 COMMISSIONER DE FUSCO: So there's
10 grass, gravel, that sort of thing?

11 MR. SPECTOR: We will landscape it.

12 COMMISSIONER DE FUSCO: Okay.

13 And I see you are proposing some new
14 wrought iron that seems to be a good addition, and I
15 would refer to the Historic Commission's future
16 recommendation on that.

17 (Board members conferring)

18 MR. GALVIN: This case isn't density.

19 MR. SPECTOR: It is a D variance.

20 MR. GALVIN: I am sorry.

21 The Chairman is asking me if it is an
22 increase in density.

23 If this was a permitted use --

24 MS. BANYRA: One and two are permitted,
25 but the tougher standard --

1 MR. GALVIN: D-2 is the harder
2 standard.

3 MS. BANYRA: Right. The harder
4 standard, because it already exists, so it is not a
5 use variance because it is an apartment building,
6 but it is an expansion of what is nonconforming
7 because one and two-family are permitted.

8 What exists there, forget the basement
9 for a minute, are four units, and they are asking
10 for five, so it is about use.

11 MR. GALVIN: Right. It is already
12 nonconforming because only two are allowed, and you
13 got four, and now you are going to make it five.

14 If you put a commercial use in here, it
15 wouldn't need -- it might still need it --

16 MS. BANYRA: No.

17 MR. GALVIN: -- so the issue is
18 whether --

19 MS. BANYRA: It's an expansion of a
20 nonconforming use. I went through this a little bit
21 with the planner as well. We had a back and forth
22 over it.

23 MR. GALVIN: One of the important -- I
24 mean, I could play this a little harder than, you
25 know, I think intellectually there are some points I

1 could make, but we don't need to do that.

2 You are asking me what the standard is
3 for a D-2 variance, and I think the strongest point
4 you have to consider in a D-2 variance is that
5 something has proven that it has existed for a long
6 time, so it tends to soften the negative impact
7 because the site has shown us that it has been able
8 to exist for a long time as a preexisting
9 nonconforming use, and it kind of fits in its
10 environs. That is as to the existing four units.

11 The question you have to concern
12 yourself with here is: Are there special reasons --
13 I mean, you have a planner that still has to go,
14 so --

15 MS. BANYRA: Yes.

16 MR. GALVIN: -- but I think in this
17 instance, I think cleaning up the facade of the
18 building is a special reason that you could see as a
19 positive, and then you have to weigh the negative
20 impact on, you know, how do you reconcile the
21 negative impact, but it has already established
22 itself as a multi-family use, and it hasn't had a
23 negative impact on the surrounding property owners.

24 In other words, if we added a couple of
25 stories to get to this, and we were then going to

1 make it worse for the people who live around it,
2 that would be a big negative. But we are not even
3 changing the outline of the building, so you know,
4 what is the extent of the negative impacts when you
5 are balancing it. That is the way to look at this
6 particular case.

7 CHAIRMAN AIBEL: Okay, thank you.

8 Anybody else have questions for the
9 architect?

10 MS. BANYRA: No.

11 MR. GALVIN: Hopefully your planner
12 will --

13 CHAIRMAN AIBEL: Let me open it up to
14 the public.

15 Anybody have questions for the
16 architect?

17 VICE CHAIR GREENE: Seeing no one, I
18 move we close public portion.

19 COMMISSIONER COHEN: Second.

20 CHAIRMAN AIBEL: All in favor?

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

23 COMMISSIONER MURPHY: I'm sorry. I do
24 have a question.

25 MR. GALVIN: Okay. You have a

1 question.

2 COMMISSIONER MURPHY: I think that when
3 we did the last application, one of the things I
4 learned was that living rooms were supposed to have
5 windows, so I am concerned about this -- is there --
6 it doesn't seem to be --

7 MR. GALVIN: I think it's bedrooms that
8 have to have --

9 COMMISSIONER MURPHY: Bedrooms only?

10 THE WITNESS: Bedrooms within certain
11 conditions, they have to have windows, but we do
12 have windows in the bedrooms --

13 COMMISSIONER MURPHY: Okay.

14 THE WITNESS: -- and we have a door in
15 the back, so we can provide light and air to that
16 space, plus, you know, it's going to have an air
17 unit, so --

18 COMMISSIONER MURPHY: So as long as the
19 living room doesn't need it, that is fine.

20 MR. SPECTOR: One other question, Mr.
21 Carballo.

22 You reviewed the planner's report, is
23 that correct?

24 THE WITNESS: That's correct.

25 MR. SPECTOR: And referring to Page 5

1 of the report, talking about item number 15, do you
2 have any problems with providing the Board with the
3 final plans that would include everything from 15 to
4 21?

5 THE WITNESS: Not at all.

6 I think all of these comments referred
7 back to that elevation that was submitted, and I
8 think this basically takes care of all of the
9 comments that we have for the planner, but we will
10 resubmit with those comments answered.

11 MR. SPECTOR: Are you okay with that?

12 MS. BANYRA: With the Historic
13 Preservation --

14 MR. SPECTOR: Well, with Items 15 to 21
15 in your report.

16 MS. BANYRA: Yes. As long as you
17 address them, yes.

18 (Witness excused)

19 MR. SPECTOR: David Spatz.

20 MR. GALVIN: Raise your right hand,
21 please.

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

25 MR. SPATZ: Yes, I do.

1 D A V I D S P A T Z, having been duly sworn,
2 testified as follows:

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

5 THE WITNESS: David Spatz, S-p-a-t-z.

6 MR. GALVIN: Mr. Chairman, do you
7 accept Mr. Spatz' credentials?

8 CHAIRMAN AIBEL: We do.

9 MR. GALVIN: You may proceed.

10 MR. SPECTOR: Mr. Spatz, were you
11 retained to prepare a planner's report with regard
12 to this application?

13 THE WITNESS: Yes, I was

14 MR. SPECTOR: I show you a document,
15 which is dated December 30th, 2014.

16 Is this the report that you prepared?

17 THE WITNESS: That is the report that
18 was prepared and submitted to the Board.

19 MR. SPECTOR: Okay.

20 That was made and copied, and everybody
21 should have copies.

22 Would you describe the background with
23 regard to what was requested of you and what you
24 did?

25 THE WITNESS: Yes.

1 I was asked to take a look at what the
2 impact would be from adding this fifth unit to an
3 existing nonconforming use, and how it would affect
4 the street that we were on, and what the positive
5 and negative impacts might be from what we are
6 proposing.

7 MR. SPECTOR: And what did you
8 determine as the existing conditions?

9 THE WITNESS: Yes.

10 There are -- well, we have an existing
11 four-story building that contains four units. It is
12 legally a four-unit building.

13 It is on a block that has a mixture of
14 uses. There are a few two-families, but then the
15 remaining block is four units or five units.

16 Some of the four units are for
17 residential and commercial, but they are all
18 multiple units on the entire block, even though it's
19 in the R1H zone, which only permits one and
20 two-families.

21 MR. SPECTOR: Now, what were the
22 neighborhood conditions that you were able to
23 observe?

24 THE WITNESS: Again, from the exhibit
25 that was provided by Mr. Carballo, the photograph --

1 you know, the street is almost entirely four stories
2 with the exception of the small section in the
3 middle of it that has two attached, three attached
4 two-family homes in the middle, and everything else
5 is four stories.

6 We took a look at their --

7 MR. SPECTOR: Did you do a census of
8 the --

9 THE WITNESS: I did. I looked at the
10 block on the west side of Washington between 8th and
11 9th. Including our parcel, there are 15 parcels on
12 that.

13 Of those 15, six of them or about 40
14 percent have five units existing as per the tax
15 records.

16 Four out of those 15 have four units,
17 that includes our property, and then the three in
18 the middle of two are there.

19 So on the block of 15, only 20 percent
20 of the parcels actually conform to the standards of
21 the zone. Everything else is preexisting four or
22 five-unit buildings. So what exists on our property
23 and what is being proposed is really more consistent
24 with the development on the block than what the
25 zoning itself permits.

1 MR. SPECTOR: Now, based upon your
2 examination of everything, what variances do you
3 determine are needed?

4 THE WITNESS: The variance that we need
5 is for the expansion of a nonconforming use. The
6 zone, as I indicated, allows ones and twos. We have
7 a legally existing four-unit building. We are
8 expanding that by adding that fifth unit.

9 These are a number of bulk variances,
10 and these are preexisting conditions that are not
11 being affected in any way by what we are proposing.

12 MR. SPECTOR: Now, with regard to the D
13 variance, can you describe any reasons why you
14 believe that this application should be approved?

15 THE WITNESS: Certainly. There are a
16 number of them.

17 First: The fifth unit is actually more
18 consistent. The predominant number of units on the
19 block are five units, so we are consistent with what
20 is there.

21 We are certainly not out of character,
22 although not what the zoning permits, but what the
23 actual development pattern is on this block.

24 We are also consistent with a number of
25 the goals and objectives of the master plan, which

1 include promoting and enhancing Hoboken's historic
2 character and design image, as well as doing facade
3 improvements to bring that up to standards.

4 As Mr. Carballo explained, we have --
5 we are in the historic district. The improvements
6 that are being done to the building actually are
7 bringing that historic character out. They are
8 eliminating some inconsistent development,
9 especially along that first floor, the improvements
10 to the windows.

11 The top of the building is being
12 maintained, so we are actually bringing the building
13 more into character with the historic quality of the
14 block of the building as previously existed.

15 We promote a pedestrian friendly
16 environment for the five units. No parking is
17 permitted. It is required.

18 There is no parking being proposed, so
19 we are meeting that standard of the master plan as
20 well.

21 Promoting compatibility in scale,
22 density, design and orientation.

23 The building contains that fifth unit
24 without any enlargement to it whatsoever. It is not
25 being expanded out towards the rear yard or

1 increased in height. It is fully within the
2 existing building. It is bringing it into
3 compatibility with the block that is there.

4 What is unique about this block is due
5 to the change in topography. Although it is a
6 basement unit, and it is below grade as it is at the
7 street level, it's actually at grade in the rear, so
8 it is unique in that this basement unit actually has
9 access out into the rear yard, which is going to be
10 improved as well, which has a positive impact on the
11 surrounding properties.

12 MR. SPECTOR: Did you find any negative
13 impact?

14 THE WITNESS: I didn't find anything
15 negatively impactful. Certainly nothing that
16 becomes a substantial negative impact. The 15 is
17 consistent. It can be done totally within the
18 building. There is no increased need of parking.
19 In fact, none is required by ordinance, so there is
20 no impact on curb parking in the area.

21 The improvement to the building again
22 will have a positive impact.

23 MR. GALVIN: I have a couple of
24 questions. Can I ask them?

25 MR. SPECTOR: Sure.

1 MR. GALVIN: Number one: One of your
2 alternatives here would have been to combine this
3 space with the floor above it somehow, and then you
4 would still have four units.

5 I guess that would still be an
6 expansion of a nonconforming use --

7 MS. BANYRA: Yes.

8 MR. GALVIN: -- but I'm saying we
9 wouldn't have five wall units, we would still have
10 four.

11 The other thing I want to ask you is,
12 you know, this is like hard for us because it is so
13 small, that we are not used to dealing with a
14 smaller type of case, okay, so you have to indulge
15 us when we're trying to evaluate this.

16 THE WITNESS: I could cut them all up
17 and make ten units.

18 MR. GALVIN: Do you think -- one of the
19 things that this could be impacting is the use of
20 commercial like along Washington Street.

21 Do you have an opinion on that?

22 THE WITNESS: It doesn't, because it's
23 actually, as it is on Washington, it is actually
24 below grade, so I don't think it is really
25 appropriate for commercial.

1 Potentially you could have perhaps a
2 restaurant down there, but the building itself is
3 fully residential already. Using that basement
4 space I don't think takes away any commercial use
5 within it.

6 Some of the buildings on the block, as
7 you can see from the photographs, some are
8 commercial, some are not commercial. It is a
9 mixture on that block.

10 MR. GALVIN: And you agree, we are not
11 increasing the volume of the building in any way?

12 THE WITNESS: The building is not
13 changing in any way, shape or form.

14 The only improvements to the building
15 are the facade is being improved. The building is
16 not being enlarged. It is not taller. It doesn't
17 extend any further out to the side --

18 MR. GALVIN: And if the Historical
19 Commission makes a reasonable recommendation as to
20 that facade, you guys will have no problem with
21 making that --

22 MR. SPECTOR: Not at all.

23 MS. BANYRA: Mr. Galvin, though, since,
24 you know, the Planning -- the Zoning Board doesn't
25 have to abide, so they don't actually have to go to

1 the --

2 MR. GALVIN: But we're going to --

3 MS. BANYRA: -- typically like to do it
4 in steps. Step one, I never --- I didn't hear until
5 I heard tonight that they actually went in April and
6 were basically told to come back. I heard that just
7 this evening because that wasn't our understanding.

8 MR. GALVIN: I am going to correspond
9 with the Historic Commission's new attorney about
10 that. We need to fix it. We really need them to
11 look at it first and tell us what they think, so
12 they can be guiding us, and in granting the variance
13 we could be requiring something, so this way if we
14 have already granted it, it's kind of --

15 MS. BANYRA: Yeah --

16 MR. SPECTOR: Mr. Chairman, just so
17 everybody is aware, what is marked as A-1 is a
18 picture -- is a picture within the application that
19 we filed with the Historic Commission that was given
20 back to us, so this is the entire application that
21 was given to them --

22 MR. GALVIN: No. Mr. Spector, I just
23 feel bad that they didn't look at it and issue a
24 report that would help us and you, rather than have
25 you do another step.

1 Does the Board have any other questions
2 for this witness?

3 COMMISSIONER DE FUSCO: I actually do.

4 MR. GALVIN: Yes.

5 COMMISSIONER DE FUSCO: Just to expand
6 on Mr. Galvin's question, I agree with you that a
7 basement space may not be good for commercial, but
8 what about the ground floor space?

9 There's commercial directly next door
10 to it, it's a commercial zone, why aren't you
11 proposing to expand this conforming use to include a
12 commercial space?

13 THE WITNESS: Again, it looks like the
14 way that the ground floor has a different facade
15 than the rest of the building, it may have been
16 many, many years ago a commercial space when it was
17 converted.

18 You know, I think that having that
19 commercial space and then using the basement as a
20 residence, I think it makes sense to keep it as is
21 and maintain the residential quality.

22 The block itself does have a mixture of
23 residential and commercial uses. It is not as if
24 this would be the only non commercial use on that --
25 on that building, so it's not inappropriate.

1 MR. GALVIN: You know, Mr. DeFusco,
2 too, I would say that if we got a rash of these, I
3 would get real careful with it real quick.

4 But if you have just this one, then the
5 point is we take each case on its own individual
6 merits. Is this one kind of like just cleaning up
7 this building a little bit, does that justify what
8 they are requesting.

9 That is what you have to decide --

10 COMMISSIONER DE FUSCO: It's just --

11 MR. GALVIN: -- but I agree with you,
12 that if, all of a sudden, we started getting these,
13 you could be eroding the commercial nature of
14 Washington Street, and that would be a big concern.

15 COMMISSIONER DE FUSCO: Absolutely.

16 I mean, this use as a ground floor
17 residential spot, the space was clearly made many
18 years before this, you know, many years ago, so we
19 are not going to try to change that. But I think it
20 is interesting to consider from a planning
21 perspective.

22 THE WITNESS: Yes. I think if the
23 proposal was to make it four-unit building taking
24 away a commercial space for the residents, I think
25 that would be true. That would take it out of

1 character. But it has been done many, many years
2 ago.

3 MS. BANYRA: And certainly like, you
4 know, from a planning perspective, you would like to
5 concentrate on commercial where you have commercial.

6 Again, I think the testimony and
7 looking at it, it does look like it has been there
8 for some time, and restoring it, I am not sure, you
9 know, it is spotty to begin with there. It's not
10 like a cluster of existing commercial.

11 CHAIRMAN AIBEL: Okay.

12 Any other questions for Mr. Spatz?

13 Seeing none, open it up to the public.

14 Anybody have questions for Mr. Spatz?

15 Seeing no questions...

16 COMMISSIONER GRANA: Motion to close
17 public portion.

18 COMMISSIONER MURPHY: Second.

19 COMMISSIONER COHEN: Second.

20 CHAIRMAN AIBEL: Thank you.

21 All in favor?

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

24 Are there any conditions, Dennis?

25 MR. GALVIN: Yes. I have three.

1 The applicant is to submit its
2 application to the HPC for its review and comments.
3 Those comments are to be provided to the Board and
4 the Board Attorney.

5 Two: The building facade is only to be
6 modified along the street level --

7 MS. BANYRA: The front facade.

8 MR. GALVIN: -- no, but I am saying
9 only on the --

10 MS. BANYRA: I think it's all being
11 cleaned and repointed, is it not?

12 A VOICE: And the windows will all be
13 replaced.

14 MR. CARBALLO: Not at five, just the
15 first floor.

16 MS. BANYRA: But you are replacing all
17 of the windows?

18 MR. GALVIN: No. I'm saying -- right.

19 (Laughter)

20 So what I'ma saying is the building
21 facade is only being modified along the first floor.

22 We realize that you are upgrading --
23 you are cleaning it up otherwise.

24 The applicant to obtain City Council
25 approval of its use of the vault area, which is

1 located below the city sidewalk.

2 MR. SPECTOR: If required.

3 MR. GALVIN: You will make a request.

4 MR. SPECTOR: Yes. Fine.

5 MS. BANYRA: Because you are in the

6 public right-of-way --

7 MR. GALVIN: I am going to change

8 "Obtain" to "seek."

9 MR. SPECTOR: Thank you.

10 MR. GALVIN: Provide proof that you

11 seek.

12 COMMISSIONER DE FUSCO: They were going

13 to make improvements to the rear yard landscaping.

14 Perhaps there is a way they can share
15 this with our Board's Planner, and then she can use
16 her discretion.

17 MR. SPECTOR: We will put the

18 landscaping into the revised plans.

19 MS. BANYRA: That would be great.

20 COMMISSIONER DE FUSCO: Perfect.

21 MR. GALVIN: The landscaped plan is to
22 be provided to the Board's Planner for her review
23 and approval.

24 MR. SPECTOR: Yes.

25 MS. BANYRA: And then the corrected

1 plans will be submitted to us.

2 MR. SPECTOR: Yes.

3 COMMISSIONER BRANCIFORTE: There's no
4 street tree in question on this, right?

5 MS. BANYRA: Actually -- I didn't
6 look --

7 VICE CHAIR GREENE: If there is a vault
8 there, you can't get much of a tree.

9 COMMISSIONER MURPHY: I was going to
10 say a very small tree.

11 (Board members all talking at once.)

12 COMMISSIONER BRANCIFORTE: The street
13 tree will be put somewhere else in town.

14 CHAIRMAN AIBEL: Okay. Are we all set
15 with the conditions?

16 Mr. Spatz, do you want to sum up for
17 us?

18 MR. SPATZ: I'm sorry?

19 MR. GALVIN: No, no. Mr. Spector.

20 CHAIRMAN AIBEL: My apologies, Mr.
21 Spector.

22 He can sum up, too, but --

23 (Laughter)

24 MR. SPECTOR: It is okay. I don't want
25 to sum up.

1 I am ready. I don't have any other
2 comments. I think we said everything that needs to
3 be said.

4 MR. GALVIN: Thank you.

5 CHAIRMAN AIBEL: Anybody want to make a
6 motion?

7 Great. Don't everybody jump at once.

8 COMMISSIONER BRANCIFORTE: I will make
9 a motion to approve with said conditions.

10 MR. GALVIN: Awesome.

11 Is there a second?

12 COMMISSIONER MURPHY: I'll second it.

13 MR. GALVIN: Awesome.

14 CHAIRMAN AIBEL: Pat?

15 MS. CARONE: Commissioner Greene?

16 VICE CHAIR GREENE: Yes.

17 MS. CARONE: Commissioner Cohen?

18 COMMISSIONER COHEN: Yes.

19 MS. CARONE: Commissioner DeFusco?

20 COMMISSIONER DE FUSCO: Yes.

21 MS. CARONE: Commissioner Grana?

22 COMMISSIONER GRANA: Yes.

23 MS. CARONE: Commissioner Marsh?

24 COMMISSIONER MARSH: Yes.

25 MS. CARONE: Commissioner Murphy?

1 COMMISSIONER MURPHY: Yes.

2 MS. CARONE: Commissioner Aibel?

3 CHAIRMAN AIBEL: Yes.

4 MR. SPECTOR: Thank you very much.

5 CHAIRMAN AIBEL: Thanks, Mr. Spector.

6 MR. SPECTOR: Have a good night.

7 (The matter concluded at 10:45 p.m.)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the 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: 1/22/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
REGULAR MEETING OF THE :Executive Session
HOBOKEN ZONING BOARD OF ADJUSTMENT :January 20, 2015
----- X Tuesday 10:45 pm

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Owen McAnuff

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

Patricia Carcone, Board Secretary

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5 (732) 364-3011
6 Attorney for the Board.

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1 CHAIRMAN AIBEL: Everybody, I neglected
2 to bring the approval of the designation of The
3 Jersey Journal as the official newspaper to your
4 attention.

5 Can I have motion to approve the
6 designation of The Jersey Journal?

7 COMMISSIONER BRANCIFORTE: I'll move
8 it.

9 COMMISSIONER MARSH: I will second
10 that.

11 CHAIRMAN AIBEL: All in favor -- do we
12 need a vote, Dennis?

13 MR. GALVIN: Aye?

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

16 MR. GALVIN: Anybody opposed?

17 CHAIRMAN AIBEL: No. Good, done.

18 COMMISSIONER DE FUSCO: Motion to close
19 the meeting?

20 (Laughter)

21 CHAIRMAN AIBEL: No, good try.

22 Next week we will do the bylaws, so you
23 should look in your packet and review the bylaws for
24 comments, and then we have the matter of our
25 professionals.

1 Dennis has been reappointed by
2 acclamation, but I think we need to have a motion.

3 MR. GALVIN: I feel lucky that no other
4 dumb bunny decided to put in their resume.

5 (Laughter)

6 CHAIRMAN AIBEL: So I think we need a
7 motion to approve your reappointment.

8 MR. GALVIN: Didn't we already do that
9 at the last meeting?

10 MS. CARCONE: No. That was the
11 Planning Board I think.

12 MR. GALVIN: Do it again, if you guys
13 want to. Go ahead.

14 MS. CARCONE: This is our first
15 meeting.

16 MR. GALVIN: Oh, is this our first
17 meeting?

18 MS. CARCONE: Yes.

19 MR. GALVIN: Then I think we should do
20 it.

21 CHAIRMAN AIBEL: Actually I am
22 reconsidering now.

23 (Laughter)

24 MR. GALVIN: Want me to go in the hall?

25 COMMISSIONER DE FUSCO: I'll make a

1 motion to approve Dennis Galvin as our Board's
2 Attorney.

3 COMISSIONER MURPHY: Second.

4 CHAIRMAN AIBEL: All in favor?

5 (All Board members answered in the
6 affirmative)

7 CHAIRMAN AIBEL: Anyone opposed?

8 No.

9 MR. GALVIN: Thanks, guys.

10 CHAIRMAN AIBEL: We have the planner's
11 and the engineer's positions to be discussed.

12 MR. GALVIN: If we are going to discuss
13 them, I normally don't like to go into executive
14 session, but I'm suggesting that we do that, because
15 I feel that there may be some comments that are made
16 that shouldn't be on the record.

17 CHAIRMAN AIBEL: I would agree with
18 that.

19 MR. GALVIN: We should be shielded from
20 that. Okay?

21 CHAIRMAN AIBEL: That's great.

22 VICE CHAIR GREENE: Motion to go into
23 executive session to discuss the reappointment or
24 the appointment of the planner and the engineer.

25 MR. GALVIN: I have to read this

1 resolution, though.

2 CHAIRMAN AIBEL: Okay.

3 MR. GALVIN: "WHEREAS, NJSA 10:4-12
4 of the Open Public Meetings Act permits the
5 exclusion of the public from a meeting in certain
6 circumstances set forth in paragraph (b); and

7 "WHEREAS, this public body is of the
8 opinion that such circumstances presently exist.

9 "NOW, THEREFORE BE IT RESOLVED by the
10 Zoning Board of Adjustment, City of Hoboken, County
11 of Hudson, State of New Jersey as follows:

12 "The public should be excluded from the
13 Board's discussion of the hereinafter specific
14 matter.

15 "The general nature of the subject
16 matter to be discussed is matters involving
17 employment, termination, appointment or related
18 employment matters for the position of planner and
19 engineer pursuant to NJSA 10:4-12(b)(8).

20 "It is anticipated at this time that
21 the above matter will be made public by March 1st,
22 2015 for the resolution shall take effect
23 immediately."

24 Mr. Aibel is going to sign the
25 resolution and hand it over to Pat, and we will go

1 off the record.

2 (Discussion held off the record from
3 10:50 p.m. until 11:45 p.m.)

4 MR. GALVIN: All in favor of going back
5 on the record.

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

8 MR. GALVIN: Anybody opposed?

9 There is nothing to put on the record
10 at this time. The Board is still consulting on what
11 they are doing with their staffing issue.

12 Is there a motion to close?

13 COMMISSIONER MURPHY: Motion.

14 COMMISSIONER MARSH: Second.

15 (The meeting adjourned at 11:45 p.m.)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the 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: 1/22/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.