

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

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RE: REGULAR MEETING OF THE :  
ZONING BOARD OF ADJUSTMENT :March 17, 2015  
OF THE CITY OF HOBOKEN :Tuesday 7 p.m.  
----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

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

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

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

PHYLLIS T. LEWIS  
CERTIFIED COURT REPORTER  
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## I N D E X

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BOARD BUSINESS 223

## WAIVERS

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259 First Street 229

1                   CHAIRMAN AIBEL: Good evening,  
2                   everyone.

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

11                  If you would all join me in saluting  
12                  the flag.

13                  (Pledge of Allegiance recited)

14                  CHAIRMAN AIBEL: Okay. For anybody who  
15                  is in doubt, we are at a Regular Meeting of the  
16                  Hoboken Zoning Board of Adjustment, Tuesday, March  
17                  17th.

18                  Pat, could you do a roll call?

19                  MS. CARCONE: Commissioner Aibel?

20                  CHAIRMAN AIBEL: Here.

21                  MS. CARCONE: Commissioner Greene is  
22                  absent.

23                  Commissioner Cohen?

24                  COMMISSIONER COHEN: Here.

25                  MS. CARCONE: Commissioner DeFusco is

1 absent.

2 Commissioner Grana?

3 COMMISSIONER GRANA: Here.

4 MS. CARCONE: Commissioner Marsh is  
5 absent.

6 Commissioner Murphy?

7 COMMISSIONER MURPHY: Here.

8 MS. CARCONE: Commissioner Branciforte  
9 is absent.

10 Commissioner Fisher is absent.

11 Commissioner McAnuff?

12 COMMISSIONER MC ANUFF: Here.

13 MS. CARCONE: Commissioner DeGrim?

14 COMMISSIONER DE GRIM: Here.

15 CHAIRMAN AIBEL: Great.

16 So we have a six-member Board.

17 Counsel, I am sure you are aware of that, and I  
18 guess at the appropriate time we will talk about  
19 voting.

20 MR. GALVIIN: Let's see how the cases  
21 go.

22 CHAIRMAN AIBEL: Yes.

23 We have a couple of administrative  
24 matters. We have waivers, but we are going to carry  
25 that to end of the hearing. We are going to do two

1 memorializations of resolutions. The first for 808  
2 Washington Street.

3 MR. GALVIIN: Okay.

4 MR. GALVIN: Mr. Cohen, Mr. Grana,  
5 Ms. Murphy, and Chairman Aibel are eligible to vote  
6 on this resolution.

7 Do I have a motion?

8 COMMISSIONER COHEN: Motion to approve.

9 MR. GALVIN: Do I have a second?

10 COMMISSIONER MURPHY: Second.

11 MR. GALVIN: Thank you.

12 Mr. Cohen?

13 COMMISSIONER COHEN: Yes.

14 MR. GALVIN: Mr. Grana?

15 COMMISSIONER GRANA: Yes.

16 MR. GALVIN: Ms. Murphy?

17 COMMISSIONER MURPHY: Yes.

18 MR. GALVIN: Chairman Aibel?

19 CHAIRMAN AIBEL: Yes.

20 MR. GALVIN: And then 722 Jefferson,  
21 this one is a denial, so only those voting opposed  
22 are Ms. Murphy and Chairman Aibel.

23 Can I have a motion?

24 CHAIRMAN AIBEL: Motion to approve the  
25 denial.

1 MR. GALVIN: Could I have a second?

2 COMMISSIONER MURPHY: Second.

3 MR. GALVIN: Ms. Murphy?

4 COMMISSIONER MURPHY: Yes.

5 MR. GALVIN: Chairman Aibel?

6 CHAIRMAN AIBEL: Yes.

7 MR. GALVIN: That carries. It only  
8 requires one vote in accordance with the Municipal  
9 Land Use Law.

10 CHAIRMAN AIBEL: Great.

11 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

----- X  
RE: 502-510 Madison Street :  
APPLICANT: 502 Madison Street, LLC :March 17, 2015  
Preliminary Site Plan Review and :Tuesday 7:15 p.m.  
C & D Variances :  
----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

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- Commissioner Phil Cohen
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## I N D E X

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WITNESS

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Andrew H. Missey

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Antonio Aiello

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Thomas S. Carman

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## E X H I B I T S

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EXHIBIT NO.

DESCRIPTION

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Front facade rendering

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Google Aerial Photos

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Composite Plan

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N-1 to N-4

Photographs

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Photograph Composite Plan

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N-6 to N-11

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1                   CHAIRMAN AIBEL: So good evening. We  
2 are going to start with our agenda.

3                   We are going to start off with 502-510  
4 Madison. We are then going to move to 301 Garden  
5 Street, and we are going to make every effort to get  
6 to 61-63 14th Street.

7                   What we will ask everybody to do is be  
8 as efficient as possible. We are going to try to be  
9 efficient on our side as well.

10                  For people who are new in the audience,  
11 the counsel is going to call witnesses. We will  
12 give everybody an opportunity to question the  
13 witnesses, but during the questioning is not the  
14 time for you to give an opinion. You will have that  
15 opportunity at the very end of the hearing. So with  
16 no further adieu, we are going to ask Mr. Curley to  
17 step up for 502 Madison.

18                  MR. CURLEY: Good evening.

19                  CHAIRMAN AIBEL: Good evening.

20                  MR. GALVIN: It's your ball game.

21                  MR. CURLEY: Good.

22                  CHAIRMAN AIBEL: Put your appearance on  
23 the record, and let's get started.

24                  MR. CURLEY: John J. Curley,  
25 C-u-r-l-e-y, for the applicant.

1                   MR. GALVIN: I think what the Chairman  
2 was trying to tell you is we have six Board members  
3 tonight.

4                   MR. CURLEY: Yes, I am aware of that.

5                   MR. GALVIN: Yes, very good.

6                   MR. CURLEY: Members of the Board, this  
7 is a rather unusual application. It is for a  
8 permitted use with a permitted density and will  
9 result in the elimination of an existing  
10 nonconforming use, if the application is granted.

11                   We have a busy group tonight, so I am  
12 not going to say too much at the beginning, except  
13 to tell you that we have a civil engineer, an  
14 architect, a landscape architect, and a planner, all  
15 of whom will testify.

16                   So with that preface, I would like to  
17 call Andy Missey from Lapatka Associates.

18                   CHAIRMAN AIBEL: Terrific.

19                   MR. GALVIN: I am familiar with Andy.  
20 He has appeared before me many times at the Planning  
21 Board.

22                   CHAIRMAN AIBEL: He's appeared here,  
23 too.

24                   MR. MISSEY: Good evening.

25                   MR. GALVIN: Mr. Missey, raise your

1 right hand.

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

5 MR. MISSEY: Yes, I do.

6 A N D R E W H. M I S S E Y, PE, Lapatka  
7 Associates, having been duly sworn, testified as  
8 follows:

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

11 THE WITNESS: Andrew H. Missey,  
12 M-i-s-s-e-y.

13 MR. GALVIN: Mr. Chairman, do we accept  
14 Mr. Missey's credentials as a licensed engineer?

15 CHAIRMAN AIBEL: We do.

16 THE WITNESS: Thank you.

17 MR. GALVIN: You are good to go.

18 Any exhibit that you have that hasn't  
19 been previously submitted or that has been colorized  
20 needs to be marked. But all documents -- do me a  
21 favor, fix your collar.

22 THE WITNESS: Oh, okay.

23 (Laughter)

24 MR. GALVIN: There's always a lot of  
25 pressure at the start of the case, right?

1 THE WITNESS: Yes.

2 MR. GALVIN: All right. Go ahead.

3 THE WITNESS: All of the exhibits that  
4 I have, have previously been submitted.

5 MR. GALVIN: Then you are fine. You're  
6 good to go.

7 MR. CURLEY: Mr. Missey, do you want to  
8 take us through the existing conditions?

9 THE WITNESS: Certainly.

10 What I will put on the easel first is  
11 the survey that was submitted, I believe it may have  
12 been the last sheet in your plan set, submitted by  
13 Mr. Curley's office. But in any case, what it shows  
14 is 502-510 Madison, which is in the southwest corner  
15 of the city. It is Lots 28 through 32 in Block 67.

16 COMMISSIONER COHEN: Excuse me.

17 Could you turn the easel, so that it  
18 faces the Board?

19 THE WITNESS: Sure.

20 Is that better?

21 COMMISSIONER COHEN: Much better.

22 THE WITNESS: North is to the right of  
23 the sheet on the easel.

24 The property is now improved with a  
25 one-story masonry garage with a parking lot to the

1 north.

2 The property measures 125 feet by 100  
3 feet. The 125 feet is the frontage on Madison. In  
4 this area, Madison is one-way northbound, and Fifth  
5 Street to the immediate south is one-way eastbound.

6 There are four to six-story buildings,  
7 all residential in use along Madison, and along  
8 Fifth Street the buildings are about two to  
9 three-stories in height.

10 I am going to now flip over to the  
11 utility site plan, the back of this survey.

12 For the purposes of civil engineering,  
13 most everything that Lapatka Associates designs  
14 actually goes under the ground, under the pavement  
15 or under the sidewalk or under the street scape.  
16 That is the case with this property.

17 In a few minutes, the architect will  
18 describe to you the new residential building that is  
19 proposed here, five stories and 18 units. And then  
20 the landscape architect will describe to you how  
21 this will appear from the street and also certain  
22 amenities on the -- towards the south and west  
23 corner of the property.

24 What I am going to describe to you are  
25 the utilities. All of the mains that we need to tie

1 into are located in Madison Street right now. We  
2 are going to propose a detention system beneath the  
3 garage or parking area slab. That will be buried.  
4 It will capture the runoff from the roof areas and  
5 from the parking area that is open to the sky and  
6 detain that stormwater and release it at a  
7 controlled rate to the combined sewer in the street.

8 Our water connections will be separate  
9 for domestic water and for fire protection water  
10 that will be Hoboken water, a simple application to  
11 Hoboken water. Gas and electric will be supplied by  
12 Public Service.

13 And for demolition purposes, we already  
14 have our erosion control permit from  
15 Hudson-Essex-Passaic Soil Conservation District.

16 In addition, because this property is  
17 in an area that is within the tidal flood plain, we  
18 need to apply to the New Jersey Department of  
19 Protection for an individual permit and a hardship  
20 waiver because we will not be filling this property,  
21 we can't in Hoboken, nor would we be raising the  
22 streets to a foot above the 100-year flood  
23 elevation, so that is our hardship. We will make  
24 that application to the DEP. We have done that  
25 frequently in the Northwest Redevelopment District

1 in recent months, and that is probably the norm for  
2 most of the projects that come before you now and in  
3 the future.

4 We do have the engineer's letter, and  
5 we do have the planner's letter with I believe no  
6 exceptions. We really have no comments on the  
7 letter from EFB Associates.

8 Mr. Curley did furnish me with the  
9 revised report from H2M, and if you would like, I  
10 will go briefly through that report and advise you  
11 how LaPatka Associates will address the points that  
12 concern our plans.

13 MR. GALVIN: What do you think, is that  
14 necessary?

15 MR. MARSDEN: I don't think it is  
16 necessary at this point, but if you want --

17 THE WITNESS: I will agree with you.  
18 Perhaps I should stop there and maybe just answer  
19 any questions.

20 CHAIRMAN AIBEL: Yes. If you disagree,  
21 maybe those are the points we should address.

22 THE WITNESS: We really don't. The  
23 points that are made are on point, so...

24 MR. MARSDEN: I am good.

25 MR. GALVIN: Awesome.

1 Thank you, Mr. Missey.

2 MR. CURLEY: Any questions?

3 CHAIRMAN AIBEL: Questions, Board  
4 members?

5 COMMISSIONER GRANA: One question, Mr.  
6 Missey, just to confirm your testimony, the three  
7 lots combined equal 100 feet frontage on Madison  
8 Street. Is that correct?

9 THE WITNESS: Actually they are 125  
10 feet of frontage, and it is five lots.

11 COMMISSIONER GRANA: It's five lots?

12 THE WITNESS: Yes.

13 COMMISSIONER GRANA: So it is Lots 28  
14 through 32?

15 THE WITNESS: That's correct.

16 COMMISSIONER GRANA: And that is 125  
17 feet?

18 THE WITNESS: That's 125 feet of  
19 frontage, because the lots are 25 foot increments.

20 COMMISSIONER GRANA: And just to  
21 confirm, the depth of the lots is the same?

22 THE WITNESS: It is 100 feet actually.

23 COMMISSIONER GRANA: Thank you very  
24 much.

25 CHAIRMAN AIBEL: Mr. Cohen?

1                   COMMISSIONER COHEN: You mentioned the  
2 retention system to collect stormwater runoff.

3                   THE WITNESS: Yes.

4                   COMMISSIONER COHEN: What is the size  
5 of the retention tank that is going to be installed?

6                   THE WITNESS: It is actually pipes. It  
7 is not a tank, individual tanks. It's pipe laid  
8 below the garage grate from inlet to inlet. I am  
9 not sure I brought that part that summarizes the  
10 calculations. We just analyzed -- all that I  
11 brought were the runoff reductions.

12                   Runoff reductions, for what it is  
13 worth, in the 100-year event, we reduced runoff 36  
14 percent from what occurs right now, and in less  
15 frequent or more frequent storm events on the order  
16 of 75 percent.

17                   COMMISSIONER COHEN: So then is it your  
18 plan to have basically an underground pipe take the  
19 runoff off of the property? There is no plan for  
20 retention of stormwater on this property?

21                   THE WITNESS: No, there is not. It is  
22 going to be a detention system, and it will release  
23 the water at a much slower rate than what occurs  
24 right now with the direct runoff to the sewers.

25                   COMMISSIONER COHEN: Maybe you can just

1 explain that to me a little bit.

2 MR. MARSDEN: He's retaining water on  
3 site in the tank, and he has a smaller orifice, so  
4 that the amount of water that runs in is not the  
5 amount of water that runs out, and as the storm  
6 continues it actually stores the water and then  
7 slowly releases it, so --

8 COMMISSIONER COHEN: So my question  
9 was: What is the size of the retention basin.

10 I mean, it sounds like there is a  
11 retention basin, and it's being released through a  
12 pipe, right?

13 THE WITNESS: It's a detention basin,  
14 yes. It's 36-inch diameter pipe and a total of --

15 MR. MARSDEN: He is using a pipe  
16 instead of a tank to store the water.

17 THE WITNESS: -- 160 feet.

18 MR. GALVIN: What is its capacity? Is  
19 it's serving --

20 THE WITNESS: I don't know. I don't  
21 know --

22 MR. GALVIN: You don't know what year  
23 storm?

24 THE WITNESS: -- I can't furnish that  
25 to you, but it's in our report that was submitted.

1 COMMISSIONER COHEN: I didn't see it.

2 THE WITNESS: It's on --

3 COMMISSIONER COHEN: I understand your  
4 testimony is that it holds the storm. It's adequate  
5 to hold the storm. I just --

6 THE WITNESS: It is on Page 5 of the  
7 drainage calculations. That is the one page I did  
8 not bring.

9 MR. MARSDEN: That puts it at 1404.

10 COMMISSIONER COHEN: 1404 cubic feet of  
11 storage.

12 MR. GALVIN: Right. But is that the  
13 two-year storm, the ten-year, the hundred-year  
14 storm?

15 THE WITNESS: That is the total system  
16 capacity.

17 MR. GALVIN: No, no --

18 COMMISSIONER COHEN: What type of a  
19 storm would that represent, because I know --

20 THE WITNESS: That represents in excess  
21 of the 100-year storm event.

22 MR. GALVIN: Okay. That is a great  
23 answer.

24 (Laughter)

25 MR. GALVIN: Thank you.

1 THE WITNESS: We are not short changing  
2 anything.

3 MR. GALVIN: That is what we are trying  
4 to figure out.

5 COMMISSIONER COHEN: Okay. Thank you.

6 CHAIRMAN AIBEL: Nothing?

7 MR. GALVIN: Unless, of course, a  
8 hundred-year storm happens twice a year now, but --

9 (Laughter)

10 CHAIRMAN AIBEL: I may have  
11 misunderstood your testimony, but you referred to  
12 demolition.

13 What is being demolished?

14 THE WITNESS: Well, for one thing the  
15 parking lot to the north will be removed in its  
16 entirety.

17 There is also an inlet in that parking  
18 area right now that is connected out to the combined  
19 sewer, and that will be removed. That will be  
20 removed.

21 Then portions of the masonry garage  
22 will also be removed, the roof in its entirety and  
23 certain walls. I think it is probably better that  
24 we let the architect answer the extent of that work.

25 CHAIRMAN AIBEL: Okay. Thank you.

1 Board professionals, anything for Mr.

2 Missey?

3 MS. BANYRA: No.

4 CHAIRMAN AIBEL: Let me open it up to  
5 the public.

6 Does anybody in the public have  
7 questions for Mr. Missey?

8 Seeing none, can I have a motion?

9 COMMISSIONER COHEN: Motion to close  
10 the public portion for this witness.

11 COMMISSIONER GRANA: Second.

12 CHAIRMAN AIBEL: All in favor?

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

15 CHAIRMAN AIBEL: Thanks.

16 Thanks, Mr. Matule.

17 MR. CURLEY: Next I call Antonio

18 Aiello.

19 MR. AIELLO: Good evening.

20 MR. GALVIN: Mr. Aiello, raise your  
21 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. AIELLO: Yes, I do.

1       A N T O N I O   A I E L L 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:  Antonio Aiello,  
6       A-i-e-l-l-o.

7                 MR. GALVIN:  Mr. Chairman, do we accept  
8       Mr. Aiello's credentials as an architect?

9                 CHAIRMAN AIBEL:  We do.

10                MR. GALVIN:  You may proceed.

11                THE WITNESS:  Thank you.

12                MR. GALVIN:  The same thing, if you  
13       have things that have to be marked, those pictures  
14       may have to be marked.

15                THE WITNESS:  Yes.

16                MR. GALVIN:  So our trusty secretary --  
17       oh, you have given them the labels --

18                MS. CARCONE:  Stickers.

19                MR. GALVIN:  -- okay, yes, stickers.

20                (Laughter)

21                THE WITNESS:  Want me to place them on  
22       the back?

23                MR. GALVIN:  With little Snoopy's.

24                MS. CARCONE:  Snoopy's?

25                MR. GALVIN:  Why don't you put the

1 stickers on them and identify what they are?

2 THE WITNESS: Yes, sir.

3 MR. GALVIN: Who took the pictures and  
4 when they were taken also would help, unless they  
5 are Google.

6 THE WITNESS: Exhibit A-1 would be the  
7 front facade rendering.

8 MR. GALVIN: Okay.

9 (Exhibit A-1 marked.)

10 THE WITNESS: Exhibit A-2 would be  
11 context photos of the block taken by me  
12 approximately September or October.

13 MR. GALVIN: Okay.

14 (Exhibit A-2 marked.)

15 THE WITNESS: Exhibits A-3, A-4, and  
16 A-5 are Google aerial photos, depicting the site  
17 from different angles.

18 (Exhibits A-3, A-4, A-5 and A-6  
19 marked.)

20 THE WITNESS: Do you prefer if I hand  
21 these around, so everybody can get an idea of the --

22 MR. GALVIN: And A-6?

23 THE WITNESS: I'm sorry?

24 MR. GALVIN: A-1, A-2, and then you  
25 just put four on --

1 THE WITNESS: A-3, A-4, A-5 and A-6.

2 MR. GALVIN: Correct.

3 THE WITNESS: I apologize.

4 MR. GALVIN: Don't apologize. I'm just  
5 helping. We're good.

6 CHAIRMAN AIBEL: Okay. Ready to go.

7 THE WITNESS: As was mentioned by the  
8 engineer, the project is on a currently occupied  
9 site. It is a paved parking lot. There is a  
10 single-story garage in that area.

11 As you can see from the context photo,  
12 this is the parking lot to the right. The parking  
13 garage to the left, the southern portion. We are  
14 occupying that space.

15 Along the entire site, we have  
16 six-story structures for the rest of the building --  
17 for the rest of the block, other than the one-story  
18 building that is currently occupying the site  
19 adjacent to ours, as well as the  
20 three-and-a-half-story building on the corner.

21 Across the street, very similar  
22 context, four and five-story buildings. Our design  
23 will try to replicate a lot of the instances of one  
24 of the buildings I previously designed across the  
25 street, which is four stories -- five stories, the

1 fifth floor being set back.

2 The building will be five stories  
3 total, 18 residential units, four residential floors  
4 over a parking garage, which will occupy a good part  
5 of the site, other than the rear portion on one of  
6 the corners, which I will identify.

7 The fifth corner -- the fifth floor  
8 will be set back, so as to minimize visualization  
9 from across the street.

10 I did a couple of diagrams, as well as  
11 on the rendering to show that when you are looking  
12 at the site, you do not see the fifth floor, similar  
13 to the building across the street. You only see the  
14 first four floors, so that fifth floor setback  
15 provides almost like a hidden floor there, but that  
16 would be residential.

17 As far as context on the site, it is a  
18 five-story building that we are proposing. To the  
19 north there are three additional buildings all six  
20 stories. We are going to be below that, well below  
21 the existing elevator shaft that is actually not  
22 shown in this image.

23 So the rest of the block is still going  
24 to be taller, but we are trying to maintain the  
25 context of the site by bringing the story up one

1 more floor.

2 On the ground floor, we will have our  
3 main lobby area, the building accommodations. The  
4 existing garage will be partially demolished. We  
5 will be removing the roof in order to accommodate  
6 the residential floors above.

7 The sections that will be removed will  
8 be reinforced with steel and concrete columns as  
9 necessary to support the rest of the structure as  
10 well as comply with the code.

11 So that portion will be maintained  
12 where the existing single-story garage is, and then  
13 we're pulling back an additional row of columns to  
14 accommodate the residential floors above over the  
15 parking area.

16 The back right corner or northwest  
17 corner of the property will be open to the air  
18 above. It will not be enclosed in that location.

19 On the second floor you can actually  
20 see this. We are occupying the 65 foot four depth  
21 of the building, plus the width of the entire site,  
22 and then the second story area of that one-story  
23 garage will be a landscaped terrace area with a  
24 living roof area, as well as landscaping and pavers,  
25 and there will be private terraces for the tenants

1 in that location.

2 The rest of the property will be  
3 completely open to the parking garage in order to  
4 minimize the lot coverage in that location.

5 The third and floor floors will  
6 basically take up the same footprint as the second  
7 floor minus the terrace on the rear.

8 Then the top floor will be set back in  
9 order to accommodate the additional units and a  
10 common area up on that area with the roof terrace  
11 along the front.

12 MR. CURLEY: Mr. Aiello, what are the  
13 size of the units?

14 THE WITNESS: The approximate sizes of  
15 the units will vary.

16 Right now they are all above 1200  
17 square feet. They are going to be mostly three and  
18 four-bedroom units, and we do have a handful of  
19 two-bedroom units in there as well. Right now they  
20 are approximately 1300 to 1800 square feet.

21 In addition, we also have resident of  
22 the roof plan itself will have solar panels along  
23 the top edge, and the mechanical systems will be  
24 seated up there as well, and then we'll try to  
25 provide as much greenery for the structure as well,

1 white roofs, car charging stations, living roofs on  
2 the terrace area, as well as the solar panels that I  
3 mentioned.

4 Here is the front facade. As you can  
5 see, the lower level mimics the context of Hoboken  
6 with the masonry and glazing, and the top floor set  
7 back with a pitched roof in order to minimize the  
8 view.

9 Lastly, there is a basic diagram from  
10 the center of the sidewalk across the street, cuts  
11 through the cornice, as well as the pitched roof in  
12 order to cut off that view.

13 MR. CURLEY: Is that the diagram you  
14 were referring to in terms of the sight line to the  
15 roof?

16 THE WITNESS: Correct, yes.

17 MR. CURLEY: How about the parking  
18 facilities?

19 THE WITNESS: The parking will  
20 accommodate a total of 35 parking spaces, 20 which I  
21 am being told are deeded to the space that will  
22 occupy a majority of the ground floor, as well as  
23 the trash rooms, building accommodations, and lobby  
24 area, and fitness room.

25 MR. CURLEY: Where will the curb cuts

1 be?

2 THE WITNESS: The curb cuts will be --  
3 a single curb cut for the garage entrance  
4 approximately 35 feet from the corner of the site.

5 MR. CURLEY: Will that result in the  
6 elimination of an existing curb cut?

7 THE WITNESS: Yes, I believe so.  
8 According to the survey, there is an additional curb  
9 cut, which will become a sidewalk and an additional  
10 parking area. That is correct.

11 MR. CURLEY: And is the height that  
12 this building is designed for required in order to  
13 accommodate the size of the units proposed?

14 THE WITNESS: Yes. In order to  
15 accommodate larger family-oriented dwelling units,  
16 we added this partial fifth floor that is set back  
17 from the rest of the facade.

18 MR. CURLEY: I have no other questions.

19 CHAIRMAN AIBEL: Thanks.

20 Board members, questions for architect?

21 Mr. Grana?

22 COMMISSIONER GRANA: Two questions, Mr.  
23 Aiello.

24 Thank you.

25 If I go back to sheet -- I think

1 it's -- it might be sheet four --

2 THE WITNESS: Okay.

3 COMMISSIONER GRANA: -- so I just want  
4 to be clear. If I look at the front -- I'm sorry.  
5 I'm going to kind of go back and forth between your  
6 sheet and my sheet.

7 THE WITNESS: Of course.

8 COMMISSIONER GRANA: If I look at the  
9 front of the sheet here on the street, it says  
10 "Madison," and I go to the back end on the first  
11 floor, on the ground floor with the parking over the  
12 side, that is covering a hundred percent of the lot.  
13 Is that correct?

14 THE WITNESS: On which floor, sir?

15 COMMISSIONER GRANA: On the ground  
16 floor, where there is parking. We'll call it the  
17 parking level --

18 THE WITNESS: Sure.

19 COMMISSIONER GRANA: -- and the parking  
20 level will cover a hundred percent of the lot and  
21 that will be reduced. As you go up, there will be a  
22 terrace on the second floor, and then open space  
23 above that. Is that correct?

24 THE WITNESS: Correct, yes.

25 COMMISSIONER GRANA: Okay. Thank you.

1                   My second question was -- I don't know  
2 if this is an exhibit --

3                   THE WITNESS: Yes, it is.

4                   COMMISSIONER GRANA: -- that is --

5                   THE WITNESS: A-1.

6                   COMMISSIONER GRANA: -- A-1 for the  
7 record. I just was looking at this. I heard  
8 partial demolition of the masonry garage  
9 structure --

10                  THE WITNESS: Yes.

11                  COMMISSIONER GRANA: -- and I was just  
12 wondering where in Z-1 that structure will exist in  
13 the future.

14                  THE WITNESS: Got you.

15                  Well, the front facade is being removed  
16 to accommodate the new design. We are maintaining  
17 the party walls and the rear wall. It accommodates  
18 this --

19                  COMMISSIONER GRANA: In this space  
20 here?

21                  THE WITNESS: Correct. That portion  
22 where the garage entrance is going --

23                  COMMISSIONER GRANA: Okay. So the  
24 front of that structure will not actually be  
25 retained in the future. A portion of the walls will

1 be retained for parking use, and you intend to put  
2 columns and build above that?

3 THE WITNESS: Correct, yes.

4 COMMISSIONER GRANA: Thank you.

5 Those are my questions.

6 CHAIRMAN AIBEL: Mr. Cohen?

7 COMMISSIONER COHEN: I noticed in the  
8 planner's report, our planner's report, it mentioned  
9 that there is no open space at the back of the lot,  
10 that it is all going to be impervious covered with  
11 concrete.

12 THE WITNESS: Correct.

13 COMMISSIONER COHEN: Was there any -- I  
14 mean, we are talking about a large property in the  
15 middle of the flood zone. Was there any  
16 consideration given to turning that into a green  
17 space, to, you know, not treating -- I saw on the  
18 application that there is a deeded parking  
19 requirement that relates to another property on  
20 another application.

21 I mean, I don't know if that is the  
22 reason, but I am wondering why there was no  
23 consideration given to making that into a green  
24 space in the backyard.

25 THE WITNESS: That was the reason.

1       Actually the additional 20 spaces that were required  
2       because it brings the whole number to 35 thus  
3       requiring us -- actually 32 or 33 that were required  
4       for the whole project, so that we needed to occupy  
5       as much of the space as possible to maintain that  
6       parking --

7                   COMMISSIONER COHEN:   So how many of the  
8       parking spots are actually under the building as  
9       opposed to behind the building?

10                   THE WITNESS:   Approximately 16 are  
11       under the building.   Two, four, six, eight of them  
12       are completely open to above, and two, four, six,  
13       eight of them are approximately partially below and  
14       within the open area as well.

15                   COMMISSIONER COHEN:   I guess I am  
16       trying to understand how many of the spots are  
17       accounted for by that feature that I was just asking  
18       you about, the covered backyard?

19                   THE WITNESS:   Well, let's take a look  
20       at the site plan here.

21                   As you can see, this is our existing  
22       building.   Right here is the line that demarks where  
23       the second floor happens, so these are completely  
24       open to above, and these are below a covered area,  
25       but completely open to the rest of the space.   So,

1 two, four, six, eight parking spots are currently  
2 open to the air above, as well as the drive aisle  
3 itself.

4 COMMISSIONER COHEN: Okay. So you are  
5 saying eight of the spots are accounted for by the  
6 backyard blacktop, is that --

7 THE WITNESS: Eight as well as the  
8 other eight on the other side, because the drive  
9 aisle is shared by both --

10 COMMISSIONER COHEN: So 16 spots?

11 THE WITNESS: Correct.

12 COMMISSIONER COHEN: That's all I've  
13 got.

14 CHAIRMAN AIBEL: Any other Board  
15 members?

16 COMMISSIONER MURPHY: So roughly how  
17 much of the preexisting building to the south is  
18 going to be demolished?

19 Like, you are taking down the front,  
20 which I personally think is interesting looking, but  
21 you are taking down the front. I am just trying to  
22 understand how much of it you are going to keep.

23 THE WITNESS: Sure.

24 We're removing the roof, the front  
25 facade and approximately 50 to 60 percent of the

1 north facing wall.

2 COMMISSIONER MURPHY: Okay.

3 So -- and then are you going to have to  
4 like rip up the floor or anything?

5 THE WITNESS: Yes. We are going to  
6 remove everything that is there in order to  
7 accommodate the new utilities as well as the  
8 detention system --

9 COMMISSIONER MURPHY: So the only thing  
10 you will be retaining in its entirety is the south  
11 wall and the back wall?

12 THE WITNESS: Correct. The west facing  
13 wall, the south wall, and then portions of the north  
14 facing wall.

15 COMMISSIONER MURPHY: Okay.

16 CHAIRMAN AIBEL: Are they are going to  
17 be bearing walls?

18 THE WITNESS: Yes.

19 CHAIRMAN AIBEL: And will they support  
20 the four-story, five-story building that you're  
21 proposing --

22 THE WITNESS: We will need to determine  
23 that and underpin it as necessary.

24 CHAIRMAN AIBEL: Is it your testimony  
25 that that building would support a major new

1 building on top of it?

2 THE WITNESS: I cannot answer that  
3 wholeheartedly at the moment. Once the tests are  
4 in, we can definitely accommodate that. I believe  
5 we can definitely undertake that with -- with piles  
6 and underpinning of the existing foundation walls  
7 facing the --

8 CHAIRMAN AIBEL: You'd build up new  
9 structural supports?

10 THE WITNESS: Below it under the  
11 underground, yes.

12 Okay. Anything else, Board members?

13 COMMISSIONER DE GRIM: I have a  
14 question.

15 So the idea is regardless of whether or  
16 not those walls can sustain the building that you  
17 are intending to put on top of it, you are going to  
18 keep those walls and do what is necessary to support  
19 the building?

20 THE WITNESS: Below grade, correct.

21 COMMISSIONER DE GRIM: Okay.

22 CHAIRMAN AIBEL: Is this an adaptive  
23 reuse of the building?

24 THE WITNESS: Yes.

25 CHAIRMAN AIBEL: Okay.

1                   COMMISSIONER MURPHY: Except that you  
2 are losing 50 percent of it.

3                   MR. GALVIN: You are running into a  
4 problem here, Counselor. I just want you to be  
5 aware of it.

6                   We've had a couple of cases where  
7 people came in and said it is an adaptive reuse, and  
8 we are going to save the building, and then they get  
9 out in the field, and they find that it's a  
10 hundred-year-old building, and it really can't be  
11 saved, and the whole thing comes down.

12                   The question is, the Board has to  
13 believe that any condition that's a preexisting  
14 condition that you are saving, that they should be  
15 giving you latitude for that because you are going  
16 to keep this historic part of Hoboken alive.

17                   If you're not, then why shouldn't we  
18 treat this as five lots? We have a blank slate for  
19 five lots that are 25 foot wide and a hundred foot  
20 deep, and you might need variances. You might want  
21 variances, but I don't know. It is going to go to  
22 the credibility of the testimony as to whether or  
23 not they believe that the building can or should be  
24 retained, but I don't know that our focus has to be  
25 on that.

1                   The focus should be -- if that is not  
2                   the case, then the focus should be is this an  
3                   appropriate proposal, does it otherwise meet the  
4                   zoning criteria for this location.

5                   CHAIRMAN AIBEL: That's right.

6                   MR. CURLEY: Mr. Aiello, can you point  
7                   out on the northerly wall where the openings would  
8                   be and how much of that wall is being preserved?

9                   THE WITNESS: Yes.

10                  The north facing wall, as I mentioned,  
11                  approximately 60 percent of the structure is being  
12                  removed. We have a 20-foot wide opening towards the  
13                  rear of the section in order to accommodate the  
14                  drive aisle, as well as portions of the front area  
15                  in order to accommodate the parking areas along that  
16                  side, approximately 60 percent.

17                  We have done projects like this in the  
18                  past, where we have maintained the existing walls  
19                  throughout the project, and we resupported them and  
20                  reused the masonry walls for the garage areas.

21                  CHAIRMAN AIBEL: It is your testimony  
22                  that wouldn't be structural steel that will bear the  
23                  weight of that building placed along those rubber  
24                  walls?

25                  THE WITNESS: Those openings, yes.

1                   CHAIRMAN AIBEL:  There will be  
2   structural steel?

3                   THE WITNESS:  Yes.

4                   CHAIRMAN AIBEL:  All right.

5                   Mr. Marsden?

6                   MR. MARSDEN:  Just a quick question.

7                   You indicated that you might have to  
8   put new columns in, okay?

9                   Are those columns going to affect the  
10   location of parking or the driveways?

11                  You don't know at this point or --

12                  THE WITNESS:  Oh, we currently have  
13   them where they are spaced every other parking spot,  
14   so it should not alter the parking any more than  
15   what's on the plans.

16                  COMMISSIONER MARKS:  Then you are not  
17   going to be able to add any more columns?

18                  THE WITNESS:  From what is on the site  
19   plan, no.

20                  MR. MARSDEN:  That's it.

21                  CHAIRMAN AIBEL:  Mr. Cohen?

22                  COMMISSIONER COHEN:  Your testimony was  
23   that the fifth floor was going to be set back  
24   various feet across the top?

25                  THE WITNESS:  Yes.

1                   COMMISSIONER COHEN: Can you just show  
2 me -- I really couldn't tell from your picture how  
3 the setback worked.

4                   THE WITNESS: I am sorry.

5                   On the fifth floor on the north and  
6 southern ends, we are setting back the building five  
7 feet from the face of the property line below, and  
8 then 15 feet along the center area. Above that, the  
9 roof is going to be pitched back in order to also  
10 maintain that. From the view that we took from the  
11 rendering, it was hardly visible. You can just  
12 barely catch the roof edges above.

13                  COMMISSIONER COHEN: Okay.

14                  So looking at Z-6, I guess it is, you  
15 have a common lounge on the roof there, and that  
16 opens on to that patio on the roof, is that right?

17                  THE WITNESS: Correct, yes.

18                  COMMISSIONER COHEN: And then that is  
19 goes right to the street edge, that patio, I guess?

20                  THE WITNESS: To a 42-inch high parapet  
21 wall, and then the cornice, that finishes the main  
22 body of the building will go -- will be in that  
23 location.

24                  COMMISSIONER COHEN: Will there be any  
25 chairs on the roof deck up there, or furniture, or

1 anything like that, or are you considering it just  
2 being an open space?

3 THE WITNESS: I do not know what it is  
4 going to end up being used for.

5 COMMISSIONER COHEN: Okay.

6 CHAIRMAN AIBEL: This may be a question  
7 for the planner, but I will ask it anyhow.

8 Is there any historical significance in  
9 the walls that you are keeping?

10 THE WITNESS: Not necessarily, no.  
11 They're just standard masonry walls along the --

12 CHAIRMAN AIBEL: They're rubber walls,  
13 as we say in Hoboken.

14 THE WITNESS: Yes.

15 (Laughter)

16 CHAIRMAN AIBEL: And wouldn't it be  
17 easier to knock that building down and build a new  
18 ground up building?

19 THE WITNESS: Hum, yes, but in a lot of  
20 instances, as I mentioned, we have used existing  
21 masonry structures such as these before, and it has  
22 been to our benefit to reutilize those existing  
23 walls.

24 CHAIRMAN AIBEL: And what is the  
25 benefit to using rubber walls?

1 THE WITNESS: Not to have to tear  
2 everything down and rebuild it again.

3 CHAIRMAN AIBEL: Oh, okay. I have  
4 nothing more.

5 Go ahead.

6 MR. MARSDEN: Isn't it more costly to  
7 underpin the existing wall, if you find out it needs  
8 to be underpinned than replacing it in the first  
9 place, significantly more expensive?

10 THE WITNESS: Yeah, depending on what  
11 is below grade, which we haven't conducted the tests  
12 yet.

13 CHAIRMAN AIBEL: Thank you.

14 Anything else, Board members?

15 Let me open it up to the public.

16 Anybody in the public have questions of  
17 the architect?

18 Please come forward, and state your  
19 name and address for the record.

20 MS. RUDDEN: Joann Rudden, R-u-d-d-e-n.

21 MR. GALVIN: You are just asking  
22 questions at this time.

23 MS. RUDDEN: Yeah, yeah.

24 I just had a question about the parking  
25 spaces.

1 THE WITNESS: Of course.

2 MS. RUDDEN: Is it overly crowded, an  
3 area with only 35 parking spaces, and 38 are needed,  
4 so I was just wondering why you are only offering  
5 35.

6 THE WITNESS: Actually 33 are required.  
7 It is 18 minus five.

8 MS. RUDDEN: You don't have to allow  
9 for a parking spot for every unit in the building?

10 THE WITNESS: No. It's every unit  
11 minus five.

12 MS. RUDDEN: For the eight that you  
13 said were going to be in the back, is that going to  
14 be on the north side of the building or the south  
15 side of the building?

16 THE WITNESS: It's on the northwest  
17 side.

18 MS. RUDDEN: And that is going to be  
19 blacktop, nothing on top of that, correct?

20 THE WITNESS: Correct. Right now it is  
21 open, so it is not going to be a wall right on the  
22 property line.

23 MS. RUDDEN: And the part that is  
24 covered, is that completely covered in the back or  
25 is that open, that all of the fumes will be going

1 out?

2 THE WITNESS: Well, no. It's a  
3 completely open garage, so it will have, based on  
4 code, most likely a fan to exhaust fumes up out of  
5 the space -- I'm sorry -- up into the air.

6 MS. RUDDEN: Up to the roof?

7 THE REPORTER: I can't hear you.

8 MR. GALVIN: Talk to us.

9 THE WITNESS: I'm sorry.

10 Based on code, once we get into it, we  
11 will mostly likely have to put some kind of an  
12 exhaust fan, which draws air from the front and  
13 exhausts it out through the back upwards wherever  
14 possible. We have to maintain a certain distance  
15 from the property line, as long as, you know,  
16 depending on how wide that is, we might not even be  
17 required because it is open air, and the fresh air  
18 alone will be able to draw that out.

19 MS. RUDDEN: Is it open in the front,  
20 the parking, because parking is going to the whole  
21 length of the deck of the building, correct?

22 THE WITNESS: Yes.

23 MS. RUDDEN: Is parking open in the  
24 front or just in the back?

25 THE WITNESS: Just in the back.

1 MS. RUDDEN: Just in the back?

2 THE WITNESS: Yes.

3 MS. RUDDEN: So the fumes are going to  
4 go up to the ceiling and not to the homes behind it?

5 THE WITNESS: Yes. I mean, it is  
6 usually transient. It is not a lot of cars just  
7 running constantly in that area. There's no control  
8 of that, yeah, no, but it's usually based on code,  
9 you are allowed to let it just exhaust open up to  
10 the air.

11 MS. RUDDEN: That's it for this part.

12 CHAIRMAN AIBEL: Thank you.

13 MR. GALVIN: All right.

14 CHAIRMAN AIBEL: Anybody else?

15 Come forward.

16 MS. FUDIM: Hi.

17 Do I have to introduce myself?

18 CHAIRMAN AIBEL: Please.

19 MR. GALVIN: Name?

20 MS. FUDIM: My name is Elissa Fudim. I  
21 live at 503 Monroe Street on the ground floor  
22 property.

23 MR. GALVIN: We are just asking  
24 questions right now.

25 MS. FUDIM: Yes, I know that.

1 MR. GALVIN: Awesome.

2 THE REPORTER: Could you please spell  
3 your name?

4 MS. FUDIM: E-l-i-s-s-a, F-u-d-i-m,  
5 like Mary.

6 I had a few questions.

7 The first is: What is the total square  
8 footage of the property?

9 I saw in the planning report, it said  
10 12,500 for the lot, but what is the square footage  
11 for the actual building?

12 THE WITNESS: For the building itself  
13 as a whole as we are proposing it?

14 MS. FUDIM: Yes.

15 THE WITNESS: One moment.

16 Total all floors together, it is  
17 43,970.

18 MS. FUDIM: Okay. And what is the  
19 square footage of the fifth floor?

20 THE WITNESS: The fifth floor is  
21 approximately 7,095.

22 MS. FUDIM: Okay. Because I heard, and  
23 maybe I misunderstood you, but I heard that your  
24 testimony was that the additional fifth floor was  
25 needed in order to have units that were of a certain

1 size. Is that accurate?

2 THE WITNESS: Correct.

3 MS. FUDIM: So it is your testimony  
4 that the 43,000 and subtract out seven, that width,  
5 whatever that is, more than 35,000 square feet  
6 wouldn't be enough room to have a four-bedroom or  
7 three-bedroom apartment?

8 THE WITNESS: Not to accommodate those  
9 kinds of units that are being requested.

10 If we take out an additional 7,000-plus  
11 square feet minus the stairs, elevators and all of  
12 the common area that is required, it will just be  
13 back down to your standard, substandard sized units,  
14 one and two-bedrooms. I don't believe you are going  
15 to be fitting the same amount of units or the same  
16 style units with one floor removed.

17 MS. FUDIM: So all of your four-bedroom  
18 units are going to be on the fifth floor?

19 THE WITNESS: Let me see. I don't  
20 believe so, but let me double check.

21 We have three-bedrooms on approximately  
22 every floor, and we have four-bedrooms. On the top  
23 floor we have two four-bedrooms and a three-bedroom.

24 On the other floors, we have  
25 two-bedrooms as well as four-bedrooms on the other

1 floors as well.

2 MS. FUDIM: So you do have  
3 four-bedrooms on other floors, so it is possible to  
4 have four-bedrooms on those floors?

5 THE WITNESS: But then we would be  
6 removing the units that we have from upstairs and  
7 placing them downstairs.

8 MS. FUDIM: Right. I understand  
9 there's fewer units, but in 35,000 square feet, you  
10 could have large apartments.

11 THE WITNESS: Yes, but then we would  
12 have fewer units, a lesser density than what we are  
13 requesting.

14 MS. FUDIM: Okay.  
15 You also said that you weren't aware of  
16 any historical character to the existing one-story  
17 garage, particularly the back west facing wall.

18 THE WITNESS: Correct.

19 MS. FUDIM: Have you gone to the back  
20 side of that wall to investigate what it faces on  
21 the other side?

22 THE WITNESS: What it faces, I have  
23 not --

24 MS. FUDIM: Okay. I don't know how  
25 this --

1 THE WITNESS: -- I have taken photos.

2 I do not know what it faces.

3 CHAIRMAN AIBEL: You will have a chance  
4 to testify later.

5 MS. FUDIM: Okay.

6 So I shouldn't enter -- show photos now  
7 to suggest that there is a historic character to  
8 those walls?

9 CHAIRMAN AIBEL: Should we --

10 MR. GALVIN: We have the witness now.

11 We want to cross-examine the witness.

12 Do you have an objection to the  
13 pictures?

14 MR. CURLEY: I believe that if there is  
15 a photograph to be shown to the witness, it should  
16 be shown now.

17 MR. GALVIN: Raise your right hand

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

21 MS. FUDIM: Yes.

22 MR. GALVIN: Okay.

23 Why don't you show Mr. Curley the  
24 pictures you want to introduce into evidence.

25 MS. FUDIM: Okay. Hum --

1 MR. GALVIN: No, no, Mr. Curley,  
2 quietly.

3 MS. FUDIM: I'm sorry. I'm sorry. I  
4 didn't know.

5 MR. GALVIN: That's okay.

6 MS. FUDIM: Sorry.

7 These are photographs of portions of  
8 the --

9 MR. GALVIN: What you are really doing  
10 is you're having a side bar. He is looking at them,  
11 so we don't talk then. He's seeing if he has an  
12 objection to them.

13 MS. FUDIM: Okay, I'm sorry.

14 MR. CURLEY: I have no objection as  
15 long as they are described what they depict.

16 MR. GALVIN: Okay. We will stay on top  
17 of that.

18 Let's mark those. Use the yellow  
19 labels, and there are five of them, right?

20 MS. FUDIM: Yes.

21 MR. GALVIN: They are going to become  
22 N-1 through 5, and N is for neighbor.

23 (Exhibits N-1 through N-4 marked.)

24 MR. GALVIN: It is always good to use  
25 less.

1 MS. FUDIM: I think one is a duplicate,  
2 so there is actually only four.

3 MR. GALVIN: I have been doing this for  
4 a long time, and I see that a lot.

5 So now you took four photos. Who took  
6 them?

7 MS. FUDIM: I did.

8 MR. GALVIN: When did you take them?

9 MS. FUDIM: In the spring or -- no, I  
10 guess it would have been the summer, last summer.

11 MR. GALVIN: Okay.

12 Mr. Curley, if you have an objection,  
13 you need to pose it as the questions are asked.

14 Go ahead. Ask away.

15 MS. FUDIM: I'm sorry. I don't  
16 remember your name.

17 THE WITNESS: Antonio.

18 MS. FUDIM: All right.

19 Antonio, have you seen before that this  
20 wall, the back face of the garage wall, which you  
21 stated doesn't provide any historic character and  
22 has no significance in the neighborhood, have you  
23 seen this wall before, which creates the boundary of  
24 several yards of all of the units that are on Monroe  
25 Street that would abut the back side of your

1 building?

2 THE WITNESS: I have not had access to  
3 this space, no.

4 MS. FUDIM: Seeing these photographs,  
5 wouldn't you agree that there is a historical charm  
6 component to this wall and to the back side of the  
7 garage that currently exists?

8 THE WITNESS: Yes. But this is one of  
9 the walls that we are maintaining. That is not  
10 being removed.

11 MS. FUDIM: Right. And I understood  
12 that that was the plan, but I heard some of the  
13 members of the Council question you and --

14 MR. GALVIN: No, let me say this. We  
15 are very concerned because people tell us they are  
16 saving a wall like that, and then once they get in  
17 the field, it is a little bit damaged, and it comes  
18 down, and we didn't save it, and we don't want to be  
19 granting approvals based on saving that good looking  
20 wall that is not going to be there after the project  
21 is built.

22 MS. FUDIM: Well, what are you going to  
23 be able to do to ensure the retention of this wall,  
24 which forms a crucial component as a party wall to a  
25 number of our yards?

1                   How are you going to be able to ensure  
2                   its structural integrity when you are doing  
3                   demolition, one, so closeby, and two, you are  
4                   planning to erect a five-story building on top of  
5                   it?

6                   THE WITNESS: Well, given that this,  
7                   specifically this location here is only  
8                   accommodating the terrace area, special care can be  
9                   taken for that specific location.

10                  As you see the garage area, that area  
11                  is not going to have additional residential floors  
12                  above it. The residential floors are approximately  
13                  35 feet back from this, so that area is only going  
14                  to be supporting a single terrace, so it is not  
15                  going to need the same accommodations that these  
16                  walls on this location will need to in order  
17                  accommodate the five-story residential. So that  
18                  one, we can take special care in that location  
19                  because it is not holding as much weight, not nearly  
20                  as much weight.

21                  MS. FUDIM: Would the special care that  
22                  you intend to give include point work on the back of  
23                  the wall?

24                  I don't know if you can see the brick  
25                  is already and has been for some time crumbling.

1                   What restorative measures would you  
2                   take to ensure that it would be able to bear the  
3                   terraces or whatever was going to be right above  
4                   that?

5                   THE WITNESS:   Okay.   So you are asking  
6                   what kind of precautions we are going to take for  
7                   the rear facade?

8                   MS. FUDIM:    Yes.

9                   What restorative measures would you  
10                  take since already the wall is -- has certain  
11                  crumbling components, how can you be able to ensure  
12                  the integrity of that wall?

13                  THE WITNESS:   I think we have to take  
14                  precautions to make sure that we do repoint and  
15                  regROUT the brick in order to accommodate the  
16                  terrace.

17                  If we see cracks, I think it needs to  
18                  be dealt with, rather than just remaining.   We won't  
19                  be able to just leave it with certain cracks, if  
20                  it's not going to be able to support what we are  
21                  requesting of it.

22                  MS. FUDIM:    Is this building an  
23                  owner-occupied building or is this going to be like  
24                  leased for tenants?

25                  THE WITNESS:   That I don't know.

1 MR. GALVIN: We have to hold on to the  
2 pictures.

3 MS. BANYRA: You should look at them,  
4 too, Dennis.

5 MS. FUDIM: Okay. That's all I have.

6 MR. GALVIN: Thank you.

7 THE WITNESS: Thank you.

8 MR. GALVIN: Any other questions of the  
9 witness?

10 CHAIRMAN AIBEL: Come forward.

11 MR. D'ALESSIO: My name is Mark  
12 D'Alessio, 520 Jeff --

13 MR. GALVIN: 520 Jefferson?

14 Okay. You have to talk up, all right?

15 MR. D'ALESSIO: Okay.

16 You said you don't know if it is going  
17 to be tenant or residential, purchased?

18 THE WITNESS: I do not know.

19 MR. D'ALESSIO: And how are the  
20 parking --

21 MR. GALVIN: Let me just say this.

22 Even if they told us, they always have  
23 a right to condo a building, so we really probably  
24 couldn't control whether it's going to be condo or  
25 be rental.

1                   MR. D'ALESSIO: No, that's fine. I am  
2 not worried about that as much as I'm worried about  
3 parking actually.

4                   MR. GALVIN: Okay.

5                   MR. D'ALESSIO: So how are the parking  
6 lots that are being allocated with the building  
7 going to be allocated to the units?

8                   Do you have a purchase price, or are  
9 they going to be rented separately, or are they  
10 going to be, like if somebody rents a unit, are they  
11 going to get a parking spot?

12                   THE WITNESS: Unfortunately, I do not  
13 know the answers to those questions.

14                   MR. GALVIN: What witness knows the  
15 answers to the questions, or you don't know?

16                   MR. CURLEY: I don't think I have a  
17 witness here today who has the answer to that  
18 question.

19                   I don't think a decision has been made  
20 as to how to allocate parking. However, I will say  
21 that the intention is to preserve the parking for  
22 the 520 Jefferson tenants who are in a different  
23 building.

24                   So you're from 520 Jefferson?

25                   MR. D'ALESSIO: Yeah, but I'm not --

1       that building anyway, I will have to talk later, I  
2       am just worried about parking in the area, quite  
3       frankly, is what I'm worried about ---

4               MR. GALVIN: Well, let's hold off on  
5       opinion. Just do questions.

6               MR. D'ALESSIO: But I have one more  
7       question actually.

8               MR. GALVIN: Sure.

9               MR. D'ALESSIO: So in building -- in  
10      building -- in constructing the building, you said  
11      there is only going to be one entrance way to the  
12      parking area?

13              THE WITNESS: Correct, yes.

14              MR. D'ALESSIO: So there is going to be  
15      actually no street spots lost on this side of the  
16      building?

17              THE WITNESS: Correct.

18              MR. D'ALESSIO: Because I am familiar  
19      with it. There is an entrance way right now to the  
20      parking area now.

21              THE WITNESS: Right, right. One at the  
22      garage and one at the parking area.

23              MR. D'ALESSIO: And that is going to  
24      stay intact?

25              THE WITNESS: That's correct, yes.

1 MR. GALVIN: Thank you.

2 CHAIRMAN AIBEL: Anything else?

3 Please come up.

4 MS. FUDIM: I just neglected to --

5 THE REPORTER: Please state your name.

6 MS. FUDIM: Elissa Fudim.

7 I showed you this and forgot to put the

8 label on it, and forgot to leave it here. I think

9 it got stuck to the back of another one, so should I

10 do that or move on?

11 MR. GALVIN: Yes. Go ahead. Go ahead.

12 Do you object?

13 MR. CURLEY: No objection.

14 MR. GALVIN: Okay.

15 MS. FUDIM: I'm sorry. I don't know

16 what number it is.

17 MS. CARCONE: N-5. We did 1, 2, 3, 4.

18 (Exhibit N-5 marked.)

19 COMMISSIONER GRANA: I have 2, 3, and

20 4.

21 MR. GALVIN: And here comes 1 and 5.

22 COMMISSIONER GRANA: Here comes 1 and

23 5.

24

25 MR. GALVIN: We're not overlooking you.

1                   Tell us your name and your street  
2                   address.

3                   MR. ADAM COHEN:   Adam Cohen, 503 Monroe  
4                   Street, Apartment 3.

5                   MR. GALVIN:   Okay.   Ask questions.

6                   MR. ADAM COHEN:   So you said in your  
7                   original statement that you are trying to maintain  
8                   this building in the same kind of a style as the  
9                   rest of the neighborhood.

10                  When you look at -- outside of those  
11                  two buildings that have been there for a long time,  
12                  every other building in that entire area is a  
13                  four-story, it's a single lot, it has a lot of  
14                  character and a lot of history.

15                  So when you see a building like this,  
16                  especially one this size, it is going to stick out.  
17                  I don't understand how you can justify saying that  
18                  it's going to fit into the facade with the rest of  
19                  the neighborhood.

20                  THE WITNESS:   I believe what I  
21                  mentioned was that we are trying to make it similar  
22                  to the project across the street as well, so that it  
23                  starts to bring the fabric of the block together.

24                  The height itself was what was  
25                  collaborated with the existing buildings next door.

1           I know this one structure has been here  
2           for a long time. These are a little bit newer.  
3           They are all six-story, so we are trying to maintain  
4           the height better than right now across the street,  
5           where there is a lot of difference in height and  
6           width of the buildings, so we are trying to bring  
7           that block together on both sides of the street.

8           As far as, you know, we are just trying  
9           to make use of the materials, the brick and glazing  
10          and metal, to try to contextualize it to the rest of  
11          Hoboken and the neighborhood and look similar to the  
12          buildings on the corner, which do a similar thing  
13          with the brick, glazing, as well as masonry bays.  
14          Rather than protrude out onto the street, we are  
15          trying to maintain a flat facade.

16          MR. ADAM COHEN: I wouldn't argue that  
17          the flat one looks nice, but at the same time,  
18          outside of those buildings, you are trying to make a  
19          cohesive neighborhood, but if you look at anything  
20          that's historic --

21          CHAIRMAN AIBEL: Ask a question.

22          MR. GALVIN: You can just ask  
23          questions. Sorry. You will get a chance to tell us  
24          that later.

25          MR. ADAM COHEN: You know, outside of

1       those two buildings, I can't see any other buildings  
2       that are five stories, anything that's facing the  
3       southwest.

4                    So you're taking -- so why are you  
5       trying to say that this one direction deserves more  
6       height, and you know, makes it cohesive when the  
7       opposite direction is the exact opposite of that?

8                    You are picking and choosing --

9                    MR. GALVIN: Stop, stop, stop, stop,  
10       stop, stop, stop.

11                   CHAIRMAN AIBEL: Let him answer.

12                   MR. GALVIN: You did good. You had a  
13       good question. Stop.

14                   (Laughter)

15                   THE WITNESS: All right. One more  
16       time, if you don't mind.

17                   MR. ADAM COHEN: So the northeast, you  
18       know, I do acknowledge the fact that those buildings  
19       are taller and they are wider.

20                   However, you're ignoring -- why are you  
21       ignoring the fact that other buildings south and  
22       west is shorter and smaller?

23                   MR. GALVIN: Okay.

24                   MR. CURLEY: Let me say that this is  
25       probably a better question for the planner.

1                   MR. GALVIN:  There was testimony,  
2                   though, that it fits into the neighborhood, and what  
3                   he is saying is there is a perspective in one  
4                   direction that maybe favors height, but in the other  
5                   direction it doesn't favor the height, and you  
6                   didn't show us the -- you're not -- what about the  
7                   other direction that has lower housing, how does  
8                   that affect your opinion?

9                   THE WITNESS:  I believe when you are  
10                  walking down the street, there's always going to be  
11                  a variance, I believe, in context and the fabric of  
12                  the town, and you want to see that variation change  
13                  in a building setback, you might be able to see it  
14                  from one corner or the other, similar to the  
15                  building across the street.

16                  Really, you know, it is a matter of  
17                  time before some of the other properties on the  
18                  other side get developed, and it becomes, you know,  
19                  not as obtrusive, in my honest opinion, but I think  
20                  from a certain distance, it doesn't come off as a  
21                  five-story building.

22                  If you are coming up Madison, you might  
23                  see it from, you know, from the street corner as you  
24                  approach it, but it doesn't give that overall feel  
25                  of a five-story building when you are walking

1 directly in front of it or even across the street,  
2 in my opinion.

3 MR. GALVIN: All right.

4 You are better off just telling us how  
5 you feel about it when it's your turn.

6 MR. ADAM COHEN: Yeah, I know.

7 MR. GALVIN: Okay?

8 MR. ADAM COHEN: I can probably change  
9 the question, but we will skip that.

10 MR. GALVIN: No problem.

11 THE WITNESS: Thank you.

12 CHAIRMAN AIBEL: Mr. Aiello, one last  
13 quick question.

14 THE WITNESS: Of course.

15 CHAIRMAN AIBEL: Let me go back to the  
16 rear wall on the -- the rear west facing wall that  
17 was the subject of conversation by one of your  
18 neighbors.

19 THE WITNESS: Of course.

20 CHAIRMAN AIBEL: On Sheet Z-8, you are  
21 showing that that wall is going to be clad with  
22 cementitious clad over an existing masonry wall with  
23 new stone coping at the top.

24 Is that correct?

25 THE WITNESS: That was the proposal

1 that they prefer that we maintain the existing  
2 masonry.

3 CHAIRMAN AIBEL: Okay. Without any  
4 additional support?

5 THE WITNESS: Yes.

6 CHAIRMAN AIBEL: Okay.

7 Are we finished?

8 MR. MARSDEN: Jim, sorry.

9 CHAIRMAN AIBEL: Please go ahead.

10 MR. MARSDEN: I'm sorry.

11 Since this is preliminary approval, I  
12 am assuming that you are going to present your  
13 geotechnical investigation on that wall and the  
14 stutelage of that wall prior to final?

15 THE WITNESS: Correct.

16 CHAIRMAN AIBEL: Mr. Evers?

17 We are being efficient tonight, so --

18 MR. GALVIN: Come up.

19 MR. EVERS: I am glad somebody is  
20 wearing green.

21 (Laughter)

22 Michael Evers, 252 2nd Street, Hoboken,  
23 New Jersey.

24 This application has more than ten  
25 units in it?

1 THE WITNESS: Correct.

2 MR. EVERS: It is asking for a density  
3 variance?

4 THE WITNESS: It is actually not. We  
5 are permitted 18 units on the property.

6 MR. EVERS: Then why does the notice  
7 say a density variance?

8 THE WITNESS: I do not know.

9 MR. CURLEY: The notice doesn't, but I  
10 think the agenda says that by mistake.

11 MR. EVERS: Uh-huh. I am very sorry to  
12 be here tonight then.

13 (Laughter)

14 CHAIRMAN AIBEL: Anybody else have  
15 questions for the architect?

16 COMMISSIONER COHEN: Just I might have  
17 missed it, so I just wanted to be clear, because I  
18 didn't have the opportunity to see the picture of  
19 the back of the wall of the existing structure.

20 But I just want to understand clearly,  
21 your testimony is that it is your goal to save that  
22 part of the structure, so that it exists into the  
23 future with your new project. Is that correct?

24 THE WITNESS: Yes.

25 COMMISSIONER COHEN: Yes.

1                   MR. CURLEY: I think on behalf of the  
2 applicant, I can stipulate that the wall will be  
3 preserved and not covered up, and repointed provided  
4 that the neighbors give us access to do so.

5                   COMMISSIONER COHEN: I suspect that  
6 will not be a problem.

7                   CHAIRMAN AIBEL: Okay, sir?

8                   MR. NIEHUES: Karsten Niehues,  
9 N-i-e-h-u-e-s, 505 Monroe Street, Apartment 1B.

10                  THE REPORTER: I'm sorry. What was  
11 your first name?

12                  MR. NIEHUES: Karsten, K-a-r-s-t-e-n.

13                  THE REPORTER: Thank you.

14                  MR. NIEHUES: I have a couple of  
15 questions.

16                  One is: Do you have pictures of what  
17 it looks like from the back, because you had these  
18 really nice pictures from the front?

19                  THE WITNESS: I have just the designs  
20 shown in the elevation of the rear. It's basically  
21 clad in a cementitious fort mimicking the pattern of  
22 the front facade.

23                  MR. NIEHUES: I was more interested in  
24 the solar panels and stuff on the roof.

25                  THE WITNESS: Got you.

1                   Yeah. The solar panels are going to be  
2 below the parapet area and guardrail, so it is not  
3 going to be higher or viewable from there.

4                   MR. NIEHUES: And did you do some  
5 calculations about the shadow that the sun will cast  
6 on the backyards of the units on Monroe Street?

7                   THE WITNESS: I have not, but we  
8 currently have, as I mentioned, about 35 feet before  
9 that section meets the property line, and then  
10 any -- most of the shadows are going to be cast in  
11 the afternoon towards the taller building to the  
12 north.

13                   MR. NIEHUES: In the afternoon the  
14 sun --

15                   THE WITNESS: I'm sorry?

16                   MR. NIEHUES: -- in the afternoon the  
17 sun will come from the other side, so --

18                   THE WITNESS: Yes. So once noon and  
19 afternoon hits, it is going to be mostly against the  
20 taller building to the north, but we have not done a  
21 study.

22                   MR. NIEHUES: Let me get this straight  
23 about the wall and the garage.

24                   THE WITNESS: Sure.

25                   MR. NIEHUES: You are going to leave

1 the back wall and above that will be garage space  
2 next to the open, so that the people who live on  
3 Monroe Street will see all of those pretty cars.  
4 Is that correct?

5 (Laughter)

6 THE WITNESS: In that back area, we are  
7 currently proposing a fence. That is the extent of  
8 it. We are just proposing a fence in that location  
9 to block off the visibility, but we are not planning  
10 on having a full view of the vehicles.

11 MR. NIEHUES: So how many vehicles will  
12 be there on top of and above the historically --

13 THE WITNESS: No, no, no. It's only at  
14 grade. The parking is only at grade, so none of the  
15 cars are above grade that there are 35 cars total  
16 on.

17 MR. NIEHUES: Okay. So I must have  
18 misunderstood that then.

19 THE WITNESS: Got you.

20 No. The ground floor is where the  
21 parking is, and the second floor is where the  
22 residents begin. We have residents and then the  
23 terrace above that, but no parking above that?

24 MR. NIEHUES: So on the front floor  
25 there will be to the wall, right, so there will be

1 no open space? I don't get it.

2 THE WITNESS: Well, right now, the  
3 parking occupies the rest of the site that is not  
4 occupied by lobbies and garden areas above -- you  
5 have this section here --

6 MR. NIEHUES: Well, where is Madison  
7 Street?

8 THE WITNESS: Madison is right here in  
9 the front. Sorry.

10 So you are driving through the drive  
11 aisle. You have parking along one side. You turn,  
12 and you have parking on either side, to the east and  
13 west.

14 Above that is going to be the  
15 residents, which is 65 feet four inches deep.

16 The second story will accommodate a  
17 terrace. This is going to be open to below. We  
18 will be able to provide a fence along the back, so  
19 you are not looking at cars from behind.

20 MR. NIEHUES: Where will the back wall  
21 be here? It's going to be here, right?

22 THE WITNESS: This is that back masonry  
23 wall, correct.

24 MR. NIEHUES: And then you will have  
25 parking there?

1                   THE WITNESS: Correct. We have parking  
2 along this side and parking along the back.

3                   MR. GALVIN: Where is Page 8?

4                   There you go.

5                   Isn't that what we are talking about?

6                   THE WITNESS: Yes, this rear area here.

7                   MR. GALVIN: Wait, wait. Slow down.

8 Slow down.

9                   The first thing to the right -- let me  
10 talk, guys -- the first thing to the right is the  
11 wall we are talking about, right?

12                   THE WITNESS: Correct.

13                   MR. GALVIN: Then where the edge of the  
14 wall ends, then there is some fencing there, right?

15                   THE WITNESS: Correct.

16                   MR. GALVIN: And that's where the cars  
17 are going to be parked, is that correct?

18                   THE WITNESS: Correct.

19                   MR. NIEHUES: So this is the current  
20 wall -- this is the same height that the wall is  
21 right now?

22                   THE WITNESS: Hum --

23                   MR. NIEHUES: -- I mean, the  
24 perspective, is it that much or will that wall will  
25 be the height of this building?

1 THE WITNESS: Yes.

2 MR. NIEHUES: Thank you.

3 I have no more questions.

4 MR. GALVIN: Awesome.

5 MS. RUDDEN: I just have one more.

6 MR. GALVIN: We don't usually do  
7 twosies, but go ahead.

8 (Laughter)

9 MR. GALVIN: Your name. We need your  
10 name.

11 MS. RUDDEN: Joann Rudden.

12 MR. GALVIN: Okay.

13 MS. RUDDEN: I'm sorry. I am really  
14 confused on the parking, because if this is the  
15 current building --

16 THE WITNESS: Right.

17 MS. RUDDEN: -- my unit is here, so if  
18 the garage is the first floor -- or is this first  
19 floor building going to be right smack up against my  
20 property line, and I do have a picture, if that  
21 helps from the back --

22 CHAIRMAN AIBEL: No. That's open  
23 surface parking.

24 MS. RUDDEN: But I thought the -- I  
25 understand that. But when we start the first floor

1 level, is that right above the parking lot where the  
2 building -- the unit on the first floor is going to  
3 start right on the property line that would be  
4 adjacent to this brick wall?

5 THE WITNESS: No. It is set back 35  
6 feet.

7 MS. RUDDEN: It's going to be set back.  
8 Okay.

9 THE WITNESS: Right.

10 MR. GALVIN: Okay.

11 MS. FUDIM: I have one more question.

12 MR. GALVIN: Like I said, we don't do  
13 twosies, but we did it once, so go ahead. This is  
14 the last twosie, though.

15 MS. RUDDEN: Okay. You said that  
16 you --

17 MR. GALVIN: Oh, I need your name.

18 MS. FUDIM: Oh, I'm sorry. Elissa  
19 Fudim.

20 You have not studied the effect of the  
21 additional fifth floor upon the reduction of  
22 sunlight to the eastern facing yards of all of the  
23 properties along Monroe Street?

24 THE WITNESS: Correct.

25 MS. FUDIM: You are aware that this

1 building will be built due east of them, so it would  
2 affect more of the sunlight, correct?

3 THE WITNESS: Correct.

4 MS. FUDIM: Your statement before about  
5 the fact that it wouldn't reduce sunlight, that  
6 pertains to sunlight in the afternoon?

7 THE WITNESS: Correct. I'd say that we  
8 have not -- I have not done a study on it, but once  
9 the afternoon rolls around, it will just be strictly  
10 north facing the street. But on the eastern side,  
11 it will have to be studied, but we haven't conducted  
12 that.

13 MS. FUDIM: Right.

14 Well, you would agree it would make  
15 sense that in the afternoon, it will have no effect  
16 upon sunlight because it's --

17 THE WITNESS: Correct.

18 MS. FUDIM: -- the east, so afternoon  
19 is irrelevant. But you would agree that with an  
20 additional 15 feet, particularly in the winter and  
21 fall months when the sun is more in the sky and to  
22 some extent the summer months, it will create a  
23 longer shadow, and it will diminish the sunlight to  
24 all of the yards -- for all of the unit owners who  
25 have yards along Monroe Street, you would agree with

1           that?

2                         THE WITNESS:  Yes.  It eventually  
3           could, yes.

4                         MS. FUDIM:  And you have done no  
5           studies to determine that?

6                         THE WITNESS:  I have not.

7                         MS. FUDIM:  Thanks.

8                         MR. GALVIN:  All right.  Thanks.

9                         CHAIRMAN AIBEL:  Thank you.

10                        MS. BANYRA:  Can I just ask?  I didn't  
11           get a chance.  You jumped to the public.

12                        (Laughter)

13                        CHAIRMAN AIBEL:  Go ahead.

14                        MS. BANYRA:  I think on the back wall,  
15           you indicated a 42-inch height wall against the  
16           adjacent properties.

17                        THE WITNESS:  Yes.

18                        MS. BANYRA:  So I mean, I think that  
19           that probably --

20                        THE WITNESS:  Okay.  Yes.  I thought it  
21           was --

22                        MS. BANYRA:  -- and I don't know why  
23           it's staggered like that.

24                        THE WITNESS:  -- I referred to it as  
25           six foot going across --

1 MS. BANYRA: And then the second  
2 question I had: Is there a structural reason why --  
3 I think you have 65 foot percent coverage of the  
4 proposed building, and is there a structural reason  
5 why that extra five percent?

6 The ordinance calls for 60 percent  
7 coverage. I understand the existing building, but  
8 why the extra square footage?

9 THE WITNESS: It was really just in  
10 order to maximize the interior units to try and work  
11 the interior dimensions of the apartments inside.

12 MS. BANYRA: Thank you.

13 CHAIRMAN AIBEL: Thanks, Eileen.

14 Seeing no further questions, can I have  
15 a motion to close?

16 COMMISSIONER COHEN: Motion to close  
17 public portion for this witness.

18 COMMISSIONER GRANA: Second.

19 CHAIRMAN AIBEL: All in favor?

20 (All Board members answered in the  
21 affirmative)

22 CHAIRMAN AIBEL: Thank you.

23 THE WITNESS: Thank you.

24 MR. CURLEY: I call Thomas Carman,  
25 please.

1 MR. CARMAN: Good evening.

2 MR. GALVIN: Raise your right hand.

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

6 MR. CARMAN: I do.

7 T H O M A S S . C A R M A N, LLA, Melillo & Bauer  
8 Associates, 200 Union Avenue, Brielle, New Jersey,  
9 having been duly sworn, testified as follows:

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

12 THE WITNESS: Thomas S. Carman,  
13 C-a-r-m-a-n.

14 MR. GALVIN: All right.

15 Mr. Chairman, do we accept Mr. Carman's  
16 credentials as a landscape architect?

17 CHAIRMAN AIBEL: We do.

18 THE WITNESS: Thank you. Thank you.

19 This is a -- this I will mark into  
20 evidence because this is L-3. It is a composite  
21 plan of the landscape drawings. This would be A--

22 MR. GALVIN: What are we up to?

23 MS. CARCONE: A-7.

24 THE WITNESS: A-7.

25 (Exhibit A-7 marked.)

1 THE WITNESS: L-3 is labeled

2 "Composite Plan," and it's dated 3-17.

3 The bottom of the sheet we have  
4 Madison, Fifth Street heading up in this direction  
5 north to the right of the sheet.

6 This is a composite drawing in that it  
7 shows the street scape along Madison, and then it  
8 also shows the second floor rooftop amenity that has  
9 been discussed, and the footprint of that is  
10 reflective of that existing building.

11 Just for clarification, please  
12 understand that the building in terms of what is  
13 exposed of parking, this line, this dashed line  
14 right over here, represents that building coming  
15 down. This parking goes underneath there, so this  
16 is the mass of the building coming from here.

17 Along Madison Street, there are four  
18 hornbeam trees proposed. The landscape plans have  
19 been submitted to the Hoboken Shade Tree Commission.  
20 They have reviewed them, and they have approved  
21 them.

22 The planting detail for those is  
23 consistent with their new standards in that it is  
24 not a more traditional tree grate or a tree coming  
25 out of tighter pavement. It is a much larger

1 opening. The pit itself is eight foot long along  
2 Madison, all right, and it is planted with some  
3 ground cover, so it allows for much more impervious  
4 surface than the previous details that the Shade  
5 Tree Commission --

6 MS. BANYRA: Pervious.

7 THE WITNESS: -- pervious. I'm sorry.  
8 Thank you. Thank you.

9 There is a paver band at the curb and  
10 then a concrete sidewalk.

11 The entry into the residential building  
12 has some decorative pavement.

13 At the building face, there is a plant  
14 bed that is similar to some of the plantings at  
15 foundations at other buildings in Hoboken, where  
16 there is a low planter curb and a decorative rail on  
17 top of that.

18 And then the planting itself really is  
19 reflective of the architecture in that, as this  
20 graphic proposes, it shows the brick treatment  
21 coming down, and then the glazing. So the plant  
22 material, whether it is evergreen, hedge or  
23 ornamental grasses to provide some seasonal  
24 interest, that's organized on those elements of the  
25 building, so taking that architectural treatment and

1 bringing it down to the grade plan.

2 Additionally, there are some planters  
3 that are proposed at those brick piers coming down  
4 to grade, and those are located at the face of the  
5 building.

6 The rooftop amenity space, the two  
7 private terrace spaces have a combination of  
8 intensive, as well as extensive green roof  
9 plantings, so what that means is it's a four-inch  
10 soil profile. It's an engineered soil. That is  
11 located right in this back area.

12 Then there is intensive planting.  
13 Intensive planting has an 18-inch soil depth, and  
14 what it is doing is it is supporting some larger  
15 plant material, some shrubs, larger evergreen  
16 shrubs, and that is located along the back property  
17 line to provide some screening to the adjacent  
18 residents, for those adjacent residents, out towards  
19 these private terraces.

20 To the south and north, there is  
21 deciduous shrubs, a native shrub that's proposed  
22 there to just soften that edge treatment.

23 MS. BANYRA: Mr. Carman, how tall is  
24 the plant shrub on the western edge, the mature  
25 height?

1                   THE WITNESS: The shrub that -- it is  
2                   an arborvitae that's proposed in there, and it's  
3                   proposed to go in at six feet.

4                   Arborvitae in this application will  
5                   probably stay more. It will probably be maintained  
6                   at about ten feet, I would imagine.

7                   MS. BANYRA: Did you say an 18-inch  
8                   soil depth, or that was --

9                   THE WITNESS: That 18-inch soil depth  
10                  would be for the deciduous shrub right along there.

11                  In that back area, that would be 18 to  
12                  two feet. We do do that, those trees, in that  
13                  two-foot soil depth, and that is one of the reasons  
14                  that it does end of limiting the size of that  
15                  specimen.

16                  Dividing the terrace space is a  
17                  planter, and within that planter is an evergreen  
18                  hedge. It is a Japanese holly.

19                  That concludes my direct testimony  
20                  regarding the landscape improvements.

21                  CHAIRMAN AIBEL: Thank you, sir.

22                  Board members?

23                  Professionals?

24                  COMMISSIONER COHEN: Are there any  
25                  green roof elements at all that are included in

1 your -- I know there are some solar arrays that are  
2 considered. Do you know if there are any green roof  
3 elements?

4 THE WITNESS: On the uppermost roof,  
5 the architect indicated that it is a white roof, and  
6 it is solar. There is no living green roof up on  
7 that upper rooftop.

8 COMMISSIONER COHEN: Okay.

9 Is that because the solar panels take  
10 up all of the space, or because the parts that  
11 aren't solar panels are just a white roof instead?

12 THE WITNESS: I can't speak to the  
13 exact reason or the extent of the solar panel.

14 COMMISSIONER COHEN: Thank you.

15 COMMISSIONER MC ANUFF: Are you putting  
16 in an irrigation system?

17 THE WITNESS: There is an irrigation  
18 system, yes.

19 COMMISSIONER MC ANUFF: Is it some kind  
20 of water or catching stormwater and reusing it?

21 THE WITNESS: We are not intending to  
22 harvest rainwater in the system.

23 The green roof, the extensive green  
24 roof would be -- the irrigation would just be for an  
25 establishment period.

1                   The other deeper soil profile would  
2                   have a traditional irrigation system.

3                   CHAIRMAN AIBEL: Does anyone in the  
4                   public wish to question the witness?

5                   Please come forward.

6                   COMMISSIONER DE GRIM: Oh, I'm sorry.

7                   CHAIRMAN AIBEL: My apologies. Give  
8                   Mr. DeGrim a chance.

9                   COMMISSIONER DE GRIM: I'm sorry.  
10                  Thank you.

11                  The arborvitae along the west wall  
12                  there, are they going to be in essentially a tray  
13                  that is two foot high, or how are they going to be  
14                  planted?

15                  THE WITNESS: Right. That is within --  
16                  essentially there is a planter wall that is at that  
17                  edge, and the planter wall is for the paver system,  
18                  because the paver system is raised up a little bit,  
19                  it is probably about an 18-inch high wall. But  
20                  going down to the rooftop would be two feet of soil  
21                  volume. That width of it is -- the width from the  
22                  back wall to the front wall is five feet, four or  
23                  five feet by that two-foot deck.

24                  COMMISSIONER DE GRIM: Okay.

25                  So above the brick wall would be

1 another 18 inches or two feet --

2 THE WITNESS: The exact --

3 COMMISSIONER DE GRIM: -- the existing  
4 brick wall?

5 THE WITNESS: -- the exact detail of  
6 the section through that in terms of the overall  
7 height of that brick wall to the finished floor, I  
8 would have to study it and get back to you.

9 I don't know exactly if we are picking  
10 that up, up above the existing wall height. I will  
11 find that out.

12 COMMISSIONER DE GRIM: So, in fact,  
13 these terraces could, in fact, be -- the level of  
14 the terraces is below the height of the wall, is  
15 that --

16 THE WITNESS: Can I just confer with  
17 the architect one moment, or is that --

18 MR. GALVIN: Yes. You are not under  
19 grueling cross-examination.

20 (Laughter)

21 (Witness confers)

22 COMMISSIONER DE GRIM: No. It is not  
23 supposed to be grueling.

24 THE WITNESS: It was indicated that  
25 that --

1 MR. GALVIN: Do you need a drink of  
2 water?

3 (Laughter)

4 THE WITNESS: -- it was indicated that  
5 the height of the existing wall extends above the  
6 finished floor elevation acting as a parapet wall,  
7 so we will not be building on top of that.

8 COMMISSIONER DE GRIM: Okay. Thank  
9 you.

10 CHAIRMAN AIBEL: Jeff?

11 MR. MARSDEN: Yes. One real quick  
12 question.

13 Was consideration given to providing  
14 pervious pavement in front to help feed the planters  
15 and the trees?

16 THE WITNESS: Right now we have  
17 conventional pavers. We did not look into doing  
18 pervious pavers.

19 MR. MARSDEN: Okay. Thank you.

20 CHAIRMAN AIBEL: The public quickly.

21 MS. RUDDEN: I have a quick question.

22 CHAIRMAN AIBEL: Thank you.

23 MS. RUDDEN: Can you -- these are  
24 street side, correct?

25 THE WITNESS: Correct. They are right

1 at the curb.

2 MS. RUDDEN: And are these planters all  
3 up against the curb?

4 THE WITNESS: There is centered on each  
5 tree an eight-foot plant bed. It's not the whole  
6 length, so for parallel parking --

7 MS. RUDDEN: So people can get in and  
8 out of their cars?

9 THE WITNESS: -- correct, correct.

10 And that detail, there is a low rail  
11 that goes around that tree planter as well, and it  
12 is open on the street side.

13 MS. RUDDEN: Street side, okay.

14 And my other question is: Beyond this  
15 terrace here --

16 THE WITNESS: Yes.

17 MS. RUDDEN: -- do any of the rear --  
18 are there any other rear facing units that will have  
19 terraces, and if so, where?

20 THE WITNESS: I don't believe there are  
21 any other terraces. There are no other terraces on  
22 the back of the building, correct?

23 MR. AIELLO: The rear facing is only  
24 the rear units, and it's only the two dwelling  
25 units --

1 MS. RUDDEN: These two shown?

2 MR. AIELLO: -- exactly, that are  
3 connected to that area.

4 MR. GALVIN: Anyone else?  
5 Your name, please.

6 MS. FUDIM: Elissa Fudim.  
7 So these things right here are  
8 arborvitae?

9 THE WITNESS: Correct.

10 MS. FUDIM: And you said that they  
11 grow -- they are going in at six feet, and they grow  
12 to how tall?

13 THE WITNESS: I would say in this kind  
14 of condition, I would say they would max out at  
15 about ten feet.

16 MS. FUDIM: So in addition to the  
17 height of the one-story garage, there is now going  
18 to be addition -- additional sun blocking, and in  
19 addition to the building of another ten feet above  
20 that?

21 THE WITNESS: That's correct, and those  
22 were selected on my part for the idea that I felt  
23 that the neighbors would want some additional  
24 privacy viewing into this space and for these  
25 residents looking to the neighbors.

1 MS. FUDIM: Did you -- I mean, I  
2 appreciate that you looked at privacy. We want  
3 privacy, but did you also consider the visual effect  
4 of looking from the yards, which line on Monroe  
5 Street, to look out and that would be a line of  
6 trees above the current structure that is there?

7 THE WITNESS: Yes, yes.

8 MS. FUDIM: Are there smaller trees  
9 that could be used or shrubs that would provide  
10 privacy without compromising sunlight to those yards  
11 that depend upon sunlight for our plants to grow?

12 THE WITNESS: Certainly the height of  
13 these, that selection could be revised to something  
14 lower. It could be.

15 MS. FUDIM: Okay.

16 And then I might be mistaken, but I had  
17 thought I had seen -- I could be mistaken, but I  
18 thought I had seen something that there were also  
19 outdoor terraces on the top roof of the main  
20 building, am I mistaken?

21 Are there not? Are there green spaces  
22 on the top roof --

23 THE WITNESS: I don't believe there are  
24 green spaces, but --

25 CHAIRMAN AIBEL: Mr. Aiello, do you

1 want to answer the question?

2 MR. AIELLO: There's only front facing  
3 terraces. There aren't terraces along --

4 THE REPORTER: I'm sorry. What did you  
5 say? I can't hear you.

6 MR. AIELLO: I'm sorry.

7 MS. BANYRA: Come up.

8 MR. AIELLO: Of course.

9 MR. GALVIN: Let's try to get through  
10 this quickly, because I think the testimony so far  
11 is there is nothing on the roof except solar panels.

12 MR. AIELLO: Correct.

13 On the roof plan, there are front  
14 facing terraces, no rear facing terraces above --

15 MS. FUDIM: So the other terraces face  
16 Madison Street?

17 MR. AIELLO: Correct.

18 MR. GALVIN: Good.

19 CHAIRMAN AIBEL: Anybody else,  
20 questions for the landscape architect?

21 Seeing none.

22 COMMISSIONER COHEN: Motion to close  
23 the public portion for this witness.

24 THE WITNESS: Thank you.

25 COMMISSIONER GRANA: Second.

1 CHAIRMAN AIBEL: All in favor?

2 (All Board members answered in the  
3 affirmative)

4 CHAIRMAN AIBEL: Okay, Mr. Curley?

5 MR. CURLEY: I call Edward Kolling.

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

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

11 MR. KOLLING: Yes, I do.

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

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

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

18 CHAIRMAN AIBEL: Mr. Chairman, do we  
19 accept his credentials as a planner?

20 CHAIRMAN AIBEL: We do.

21 MR. GALVIN: Please proceed, Mr.  
22 Kolling.

23 THE WITNESS: I am going to cover a  
24 little bit of the stuff that has already been  
25 covered just to refresh everybody's memory.

1                   The way the property is developed now,  
2                   there is a 50 foot wide industrial style commercial  
3                   garage that covers a hundred percent of two of the  
4                   lots 50 feet wide by a hundred feet deep.

5                   To the north of that is a lot that's 75  
6                   by a hundred, and that is covered with asphalt, and  
7                   it has open parking in it today.

8                   The proposed development would maintain  
9                   the footprint of the one-story garage structure and  
10                  leave the open parking where it is, build a  
11                  building, a 65 foot deep residential building at the  
12                  front property line from the side property line to  
13                  side property line, so that is how it would lay out,  
14                  so the open parking that is there today would  
15                  continue to exist and be reconfigured in the rear  
16                  corner. The rest of the parking would be under the  
17                  building.

18                  There will be 18 dwellings units. A  
19                  certain number, it appears, I think there is five  
20                  four-bedrooms and three three-bedrooms, and then the  
21                  rest are two-bedroom units, so there's a mixture of  
22                  units.

23                  You heard about the solar panels.

24                  The reflective white roof is also a  
25                  green element.

1                   Today the property drains completely  
2                   into the street or into storm drains on site and  
3                   immediately into the sewer system. We will be  
4                   creating a detention system that will reduce the  
5                   runoff and then capture it all and then release it  
6                   slowly.

7                   The surrounding neighborhood is  
8                   residential. It's a mixture of heights, mostly  
9                   three to six stories.

10                  Immediately to the north, there is  
11                  Columbus Arms, which is a six-story building. The  
12                  next two structures are also six stories.

13                  Across the street there is a series of  
14                  smaller buildings coming in from corner of Fifth  
15                  Street, but then the buildings go taller again. I  
16                  believe they're five stories there.

17                  Directly behind the site, I believe  
18                  there's a five and a six-story, but as you continue  
19                  north, they range from three, four, five stories, so  
20                  there is a mixture of heights in the area. The  
21                  property is about six or seven blocks to the 9th  
22                  Street light rail system.

23                  The site is in the R3 district, which  
24                  permits the residential uses and permits the  
25                  accessory parking.

1                   We are not asking for a parking  
2                   variance. There are 35 parking spaces that will be  
3                   maintained on site. There are currently already 20.  
4                   The 20 that are on site, my understanding is they  
5                   are required to be dedicated or utilized by another  
6                   building that is off site. I am not sure what  
7                   building that is, but those 20 will be maintained  
8                   for those purposes. We will then have another 15  
9                   spaces.

10                   The requirement for the 18 units is 13  
11                   parking spaces. There's the residential parking  
12                   standard, which is one per unit after the first  
13                   five.

14                   The variances that we are asking for --  
15                   so it is not a density variance obviously.

16                   The variances that we are asking for  
17                   include height in terms of both feet and number of  
18                   stories. 40 feet are permitted, which would be four  
19                   stories inclusive of the ground floor parking. We  
20                   are asking for 55 feet and five stories, which is  
21                   four stories over the parking.

22                   The lot coverage is 60 percent. As you  
23                   know, the lot coverage and building coverage -- or  
24                   lot coverage is defined the same as building  
25                   coverage in Hoboken, so the lot coverage is 60

1 percent. We are asking for 79 percent at the ground  
2 floor with the existing portion of the garage that  
3 we are maintaining. Above that will be 65 percent,  
4 because the building that is being constructed over  
5 that is a pretty straightforward rectangle, 65 feet  
6 deep by the 125 feet in width.

7 We are asking for a front yard variance  
8 at zero feet. The existing building on site is at  
9 zero feet, and the rest of the block, as you can see  
10 from the diagram, is also at zero feet, so we  
11 maintain the same street line,

12 The roof coverage is 34.5 percent  
13 versus the maximum of 10 percent. In that regard  
14 the actual equipment is much lower than that and  
15 under the 10 percent. However, because we have the  
16 terraces that are there counted as roof coverage  
17 brings us over the limit.

18 Looking at the master plan, I believe  
19 that this building promotes compatibility in scale  
20 and density and design and orientation of the other  
21 structures on this site. It is the way it is  
22 oriented for the street. Its height is comparable  
23 to other buildings and in the range of heights on  
24 the block and on the street frontage. It also has a  
25 density that's permitted, so it is consistent with

1       that.

2                   Another recommendation in the master  
3 plan talks about green architecture requirements,  
4 and the architect went through that already. Solar  
5 panels, a white reflective roof, a detention system,  
6 car charging stations. The green roofs that are on  
7 the lower terrace all fall into that category. We  
8 are providing additional street trees, which is also  
9 one of the recommendations in the master plan.

10                   Within the housing element, we have all  
11 talked many times about the family-friendly units  
12 aspect with the idea of providing diversity unit  
13 types, which this does by providing two-bedroom,  
14 three-bedroom and four-bedroom units.

15                   Also the idea of a quality housing  
16 quality model, which again talks about assigning  
17 points to larger units, three-bedrooms or larger,  
18 which this project does. I believe there's eight or  
19 nine altogether that are three or four-bedrooms.  
20 And then we're talking about average unit sizes, and  
21 when you're averaging unit sizes, that means that in  
22 addition to your smaller units, you have to have  
23 larger units, which again this project does.

24                   The property does not have any open  
25 space as it is today, and as proposed, there would

1 be none at grade level. In order to mitigate that  
2 effect, you have seen the terraces that are being  
3 provided in the rear of 35 feet over where the  
4 garage is today, so the intent there is to mimic  
5 what a rear yard would be in that location.

6 So, again, we are asking for a height  
7 variance, and the main driver behind that is the  
8 idea of creating these larger units. You could fit  
9 18 units into three residential floors, but the  
10 units would have to be smaller necessarily because  
11 you would lose the entire top floor, and then that  
12 space would have to be then absorbed into lower  
13 three floors, because this density is a permitted  
14 density, and we are not asking for a density  
15 variance.

16 The height, though, is in keeping in my  
17 mind with what really is already on the block, so I  
18 don't see any detriment in terms of the detriment to  
19 the character of the area, because I think that the  
20 parcel can accept this added height without  
21 substantial detriment to the character of the area  
22 or in terms of substantial detriment to the zone  
23 plan.

24 The fifth floor is set back in the  
25 front to try to, again, mitigate any visual impact

1 of the added floor as well.

2 So I think we actually are consistent  
3 with the recommendations of the master plan to  
4 promote compatibility in scale, density and design.

5 I also believe that we advance the  
6 purpose of the zone plan, which talks about in the  
7 R3 District, to advance the achievement of a viable  
8 residential neighborhood.

9 We are removing an open parking lot  
10 from the street scape and the industrial-style  
11 building and replacing it with a fully residential  
12 structure with accessory parking, so I think that  
13 advances that purpose of the zone plan.

14 I have already mentioned the lot  
15 coverage being 79 percent primarily because we are  
16 preserving the portion of the existing building.  
17 Above that, we're 65 percent. That's not really --  
18 but we still are having or creating a 35-foot deep  
19 setback at the rear. So notwithstanding the fact  
20 that we're five percent over on the coverage, we are  
21 increasing or exceeding the rear yard setback.

22 The added coverage, especially at the  
23 ground level, allows us to continue to hide parking  
24 on the ground level of the building, which is one of  
25 the recommendations also of the master plan, and

1 again, the project in general advances the  
2 achievement of the viable residential neighborhood,  
3 so I think we are promoting both the purpose of the  
4 master plan and the zone plan. In that case the  
5 variance really could be granted under the C2  
6 criteria where the benefits would outweigh the  
7 department.

8 The additional coverage, like the  
9 additional floor, also provides the additional floor  
10 area, as their architect described for the way the  
11 units can then be laid out.

12 The front yard requirement is five to  
13 ten feet, I believe it is. We are asking for zero.  
14 Again, that is the prevailing setback. This is a  
15 common variance that comes before this Board.  
16 Again, the idea is to continue the street scape.  
17 It's a better approach to urban design and  
18 development, and I think that in that case we also  
19 are under the C2 criteria.

20 Roof coverage is primarily the result  
21 of the additional coverage caused by the roof  
22 terraces on the second and the fourth floors. But  
23 for those, the roof coverage would only be -- it  
24 would be less than 10 percent, so we wouldn't have  
25 the variance at all, but the terraces provide the

1 ability to provide outdoor living space, which again  
2 supports family-friendly units, and I think that  
3 that, again, creates a C2 type of variance, where  
4 the benefits outweigh the detriments.

5 So I think that the positive and  
6 negative criteria have been met for all of the  
7 variances requested.

8 We also advance the purposes of the  
9 Municipal Land Use Law in terms of guiding the  
10 appropriate use and development of the site in a  
11 manner that promotes the general welfare. We are  
12 removing open parking and an industrial style  
13 building and replacing it with residential housing,  
14 including family-friendly and ADA accessible units,  
15 so I think that that advances the general welfare in  
16 that regard.

17 The project has a density that's  
18 consistent with the zoning district, and therefore,  
19 promotes the establishment of appropriate population  
20 density, and that's Paragraph 2(b) of the purposes  
21 of the Municipal Land Use law.

22 I think the site given its larger size  
23 provides sufficient space in an appropriate location  
24 for the proposed residential use, and it does have  
25 parking, which is Paragraph 2(g).

1           I think the project promotes a  
2           desirable visual environment by removing the  
3           industrial commercial-type structure and open  
4           parking and replacing it with an attractive  
5           residential building, so I think we promote those  
6           purposes of zoning.

7           The variances will not substantially  
8           impair the intent and the purpose of the zone plan  
9           and actually will advance the purposes of the R3  
10          district, and I don't believe that the granting of  
11          the variances will result in a substantial detriment  
12          to the public good either, and because of the larger  
13          size of the site and the ability of the site to  
14          accommodate the added height, and that pretty much  
15          is the end of my testimony.

16                   CHAIRMAN AIBEL: Thanks.

17           MR. CURLEY: Mr. Kolling, just one  
18          thing: The open parking now is visible to the  
19          street. Is that correct?

20                   THE WITNESS: Yes.

21           MR. CURLEY: And if the project is  
22          approved and built, it would not be?

23                   THE WITNESS: That's correct. The  
24          entire street scape will now be replaced with the  
25          new residential building, and a significant portion

1 of the parking for the rear will also be covered by  
2 overhang of the building over some of the parking  
3 that is currently exposed.

4 MR. CURLEY: I have no other questions.

5 CHAIRMAN AIBEL: Thanks.

6 Board members?

7 Do you want to start?

8 COMMISSIONER GRANA: Mr. Kolling, there  
9 was earlier testimony that this project might  
10 qualify as an adaptive reuse, and some of the walls  
11 are being retained. Do you agree with that  
12 assessment?

13 THE WITNESS: Typically an adaptive  
14 reuse is preserving much more of the building, so I  
15 don't know if I would go so far as to call it an  
16 adaptive reuse, although I think that the  
17 preservation of the walls that are being preserved  
18 is still beneficial because it means that during the  
19 construction phase, the properties that adjoin those  
20 walls will probably disturb to a lesser extent.

21 COMMISSIONER GRANA: Okay. And by --  
22 if this application were approved then, we would be  
23 promoting a positive visual environment, so nothing  
24 will remain of any existing structures on the site.  
25 We will remove industrial uses and replace them all

1 with residential?

2 THE WITNESS: Correct.

3 COMMISSIONER GRANA: So if I look at  
4 the ordinance on the 60 percent lot coverage, what  
5 do you believe would be the intention of that 60  
6 percent?

7 THE WITNESS: Well, typically if you  
8 back into what required setbacks are, it is five to  
9 ten feet in the front and 30 foot in the back, and  
10 so you kind of create your envelope, and so the 60  
11 percent kind of falls in there.

12 Usually coverage is a to allow for an  
13 open area to allow for rain to percolate the soil  
14 and those types of things, areas for landscaping  
15 that are not the covered by the building, and that  
16 sort of stuff.

17 I think in this case because of the  
18 need to preserve those parking spaces, we weren't  
19 able to create that naturally, but today all of the  
20 water drains directly from the site. We have been  
21 able to sort of accomplish that goal artificially  
22 with detention systems and through the ability of  
23 putting a landscaped area on the roof of the  
24 existing building.

25 COMMISSIONER GRANA: Okay.

1                   So with the removal of the existing  
2                   structure and erection of this new structure, we  
3                   will in fact retain all of the existing parking, and  
4                   we will add new parking that will effectively be 100  
5                   percent lot coverage on the ground floor?

6                   THE WITNESS:   A hundred percent  
7                   coverage --

8                   COMMISSIONER GRANA:   Effectively 100  
9                   percent lot coverage --

10                  THE WITNESS:   -- right, impervious  
11                  surface

12                  COMMISSIONER GRANA:   -- impervious on  
13                  the ground floor.   Okay.

14                  Thank you.

15                  CHAIRMAN AIBEL:   Okay.

16                  Any other Board members?

17                  MR. GALVIN:   Go ahead.

18                  CHAIRMAN AIBEL:   Let me just ask a  
19                  couple of questions.

20                  What is accessory parking?

21                  THE WITNESS:   What is accessory  
22                  parking?

23                  CHAIRMAN AIBEL:   Under the code, what  
24                  does accessory parking mean under the code?

25                  THE WITNESS:   An accessory use has to

1 include accessory to another -- to a principal use,  
2 and a principal use on the same site.

3 CHAIRMAN AIBEL: Okay.

4 THE WITNESS: So we are providing that  
5 for this building.

6 The other parking that is there was  
7 approved by a previous resolution by a previous  
8 Board for an off-site --

9 MR. GALVIN: Time out.

10 What does that have to do with  
11 anything?

12 Do you have a position on that?

13 CHAIRMAN AIBEL: I mean, Mr. Curley --

14 THE WITNESS: I probably answered more  
15 of the question than I needed to.

16 (Laughter)

17 The parking that we are providing is  
18 accessory.

19 CHAIRMAN AIBEL: For the units in the  
20 building?

21 MR. CURLEY: Yes.

22 CHAIRMAN AIBEL: Mr. Curley, are you  
23 going to give us any evidence of what this other  
24 parking arrangement is?

25 MR. CURLEY: The only evidence that

1 exists to my mind is the certificate of occupancy  
2 for the other building. I believe I had the address  
3 wrong previously. That building is located at 530  
4 to 532 Jefferson Street. It's CO'd. It's  
5 contingent upon and conditioned upon revision of the  
6 parking at this site.

7 A search was conducted as to Planning  
8 Board and Zoning Board records, and nothing was  
9 produced as far as a file with respect to that  
10 approval.

11 CHAIRMAN AIBEL: So, Mr. Kolling,  
12 wouldn't the parking, assuming it exists under this  
13 C of O, how can that qualify as accessory parking  
14 for this particular site?

15 THE WITNESS: Well, it couldn't. That  
16 is why it would have to have been granted by some  
17 previous Board action.

18 You can grant -- and I don't have the  
19 ordinance in front of me, but I recall that parking  
20 can be considered a conditional use, but --

21 MR. GALVIN: In an R3 zone, parking is  
22 a -- a public parking facility is a conditional use  
23 in that zone. I can confirm that.

24 THE WITNESS: So it may have been done  
25 under that action, that because this other building

1 was in the neighborhood, it was approved as a  
2 conditional use to support the other building. To  
3 be honest, I don't know the answer.

4 CHAIRMAN AIBEL: Okay.

5 MR. GALVIN: I can't find what the  
6 conditions are for that, so I am working on that.  
7 I'm sorry I didn't have that for you, but --

8 CHAIRMAN AIBEL: So tell me, what is  
9 the public benefit of using a hundred percent lot  
10 coverage to take care of surface parking?

11 THE WITNESS: Well, there's two things:

12 One, we are able to continue to provide  
13 the parking that's there, so that those cars will  
14 not end up on the street, and we can meet the  
15 requirements for parking of this subject building,  
16 the new 18 units. Also by allowing for the  
17 additional building portion of that coverage, a  
18 majority of the parking will be enclosed within the  
19 building. It will not be exposed.

20 I believe that it's one of the  
21 recommendations or goals of the master plan is to  
22 try to hide the parking, so that it's not open to  
23 the public or visual to view.

24 CHAIRMAN AIBEL: I think you testified  
25 that you maintained a 35 foot setback on the north

1 side of the property?

2 THE WITNESS: For all of the new  
3 construction, yes.

4 CHAIRMAN AIBEL: But, in fact, you have  
5 surface parking back there, so is it fair to say  
6 that's a 35 foot setback?

7 THE WITNESS: Well, the 35 foot setback  
8 is measured to the rear face of the building.

9 CHAIRMAN AIBEL: From the rear face of  
10 the building, okay.

11 So basically your testimony is that you  
12 are obliged to provide an impervious surface over a  
13 hundred percent of the lot because of this parking  
14 arrangement, whatever it is?

15 THE WITNESS: That's part of it, yes.

16 CHAIRMAN AIBEL: Board professionals,  
17 anybody else?

18 MS. BANYRA: I had a question.

19 Mr. Kolling, can you just indicate,  
20 Columbia Arms, was that an adaptive reuse?

21 THE WITNESS: I don't know.

22 MS. BANYRA: You don't know if it was  
23 in a former industrial building, you can't tell?

24 THE WITNESS: I couldn't tell. It  
25 looked to me that it was constructed as residential,

1 but very institutional looking.

2 MS. BANYRA: Yes, okay.

3 And I guess, and I'm wondering, the  
4 question I had was about mitigating the hundred  
5 percent impervious coverage that the Chairman asked.

6 Was anything looked at to do some kind  
7 of terrace, open air terrace?

8 And you have an open air backyard. I  
9 think your testimony was that usually the backyards  
10 are for an impervious area and greenery or anything.

11 Was there any condo terracing,  
12 landscape terracing or something that could soften  
13 that, maybe improve air quality, was any of that  
14 considered?

15 THE WITNESS: No. The two things that  
16 we looked at, that I know of, were the idea of  
17 disconnecting the current drainage that goes  
18 directly into the sewer system and then having it  
19 drain into the detention system and then to use the  
20 roof area over that on the existing industrial style  
21 building as a landscaped area. But in terms of  
22 creating a trellis or some other way of screening  
23 the parking, I don't know of any other attempt at  
24 that.

25 MS. BANYRA: I think your testimony on

1 the front facade was that it's at zero foot, so  
2 you're going to maintain that. Part of the front  
3 facade is actually being removed, correct, at zero  
4 setback?

5 I think that was the testimony.

6 THE WITNESS: Yes. We are maintaining  
7 the same line.

8 MS. BANYRA: Right. Okay.

9 CHAIRMAN AIBEL: Are you okay?

10 COMMISSIONER GRANA: I know, Dennis,  
11 you're not allowing twosies.

12 MR. GALVIN: No, no, no. Board  
13 members --

14 COMMISSIONER GRANA: Just be polite.

15 (Laughter)

16 Mr. Kolling, there was previous  
17 testimony that the fifth floor was necessary in  
18 order to accommodate larger units on the site.

19 Do you agree with that, or could larger  
20 units be accommodated on the site with a building  
21 that was within the required variance?

22 THE WITNESS: I don't -- well, let me  
23 answer it this way.

24 The permitted density in the area is 18  
25 units, and that's what the development program is.

1 So having 18 units with less floor area, the units  
2 will necessarily shrink, so they would be smaller,  
3 so you couldn't have the larger units, and they'll  
4 do it in a four-story building with 60 percent  
5 coverage.

6 COMMISSIONER GRANA: Thank you.

7 CHAIRMAN AIBEL: Let me open it up to  
8 the public.

9 Does anybody in the public have  
10 questions for the planner?

11 Please come forward.

12 MS. FUDIM: Elissa Fudim.

13 Just to piggyback off the last  
14 question, I understand that the density requirements  
15 allow you to have 18 units, but you don't in fact  
16 have to have 18 units.

17 THE WITNESS: True. You could have no  
18 units.

19 (Laughter)

20 MS. FUDIM: You could have 12 or 13  
21 units?

22 THE WITNESS: Correct

23 MS. FUDIM: But if you had fewer than  
24 the 18 units that you're permitted without having  
25 the additional floor, you could certainly in 36,000

1 square feet have three and four-bedroom units?

2 THE WITNESS: That wouldn't be up to  
3 me, the answer, because the developer would have to  
4 decide if he wanted to build that, so I couldn't  
5 answer it.

6 MS. FUDIM: Well, I am not asking if  
7 you wanted to or not. But if it was physically  
8 possible to have three and four-bedroom units in  
9 35,000 square feet of space.

10 THE WITNESS: I have gone through these  
11 types of questions many times, in other words, "Is  
12 it physically possible."

13 For it physically to be possible, you  
14 could lay two bricks on top of each other and add  
15 enough bricks to make it into a building, but those  
16 bricks have to come from some place. Deliveries  
17 have to come from some place. Somebody has to buy  
18 the materials. Somebody has to pay the laborers, so  
19 I don't know if it's possible.

20 MS. FUDIM: So your answer is you don't  
21 know if it's possible?

22 THE WITNESS: Yes.

23 MS. FUDIM: Okay.

24 You said that you considered the  
25 detriments to the neighborhood and that having the

1 additional fifth floor will not create a detriment  
2 to the surrounding character of the neighborhood.

3 THE WITNESS: Yes.

4 MS. FUDIM: You did not consider or  
5 mention at least the detriment that would be created  
6 from diminished sunlight due to an additional 15  
7 feet on your building.

8 THE WITNESS: Well, you are right, an  
9 additional 15 feet, because without the additional  
10 15 feet you could still have a 40-foot tall building  
11 that would be 30 foot from the rear property line.

12 So the question is: Would 15 feet  
13 that's now 35 feet from the rear property line still  
14 constitute a substantial detriment.

15 I would argue that it wouldn't. The  
16 sun does come up in the east and goes to the west  
17 and goes to the south as it wraps around, so in the  
18 very earliest part of the day, I'm sure it casts a  
19 shadow in the winter, I'm sure, but once it moves  
20 past a certain time of day and a certain time of  
21 season, I don't think that the diminution of  
22 sunlight would be that significant.

23 That being said, I have not done a  
24 study, so I couldn't really attest to that.

25 MS. FUDIM: Okay. You also keep

1 talking about substantial detriment to the  
2 neighborhood --

3 MR. GALVIN: There's a reason.

4 MS. FUDIM: -- well, it's up to the  
5 detriment. It's about detriment. It's not --

6 MR. GALVIN: No. It's about the  
7 standard, is there a substantial detrimental. All  
8 projects have some detriment, and the courts  
9 recognize that. So the standard they have to  
10 satisfy, and every case that we have has to satisfy,  
11 is there a substantial detriment to the surrounding  
12 property owners.

13 MS. FUDIM: Because I looked up the  
14 code earlier, and number 20 said under C variances,  
15 it just says detriment --

16 MR. GALVIN: I teach --

17 MS. FUDIM: -- I believe --

18 MR. GALVIN: -- teach for Rutgers, New  
19 Jersey Planning Officials --

20 MS. FUDIM: -- I believe you, but I'm  
21 just saying that's what it says in the code --

22 MR. GALVIN: -- the standard is --

23 THE REPORTER: I'm sorry, but you can't  
24 speak while the attorney is speaking.

25 THE REPORTER: You teach for?

1                   MR. GALVIN: It doesn't matter who I  
2                   teach for, but the point is, with all due respect,  
3                   we do use that interchangeably. We know that  
4                   there's a standard that has to be met, and that is  
5                   substantial.

6                   You know, the Supreme Court argued over  
7                   the word "such" the other day and what it means. We  
8                   are not going to do "substantial" here, so just go  
9                   ahead and ask him your question.

10                  MS. FUDIM: That was my only note that  
11                  I saw, "substantially outweigh any detriment," but  
12                  it just said without detriment to the public good in  
13                  the code when I looked it up a few minutes ago.

14                  MR. GALVIN: No problem.

15                  CHAIRMAN AIBEL: Anybody else have  
16                  questions?

17                  MR. D'ALESSIO: Mark D'Alessio again.

18                  Just to clarify, so in this  
19                  construction you are putting 35 parking spots for 20  
20                  that have been already allocated to another  
21                  building?

22                  THE WITNESS: Yes.

23                  MR. D'ALESSIO: So you are only adding  
24                  15 parking spots for 18 units?

25                  THE WITNESS: That is compliant with

1 the code.

2 MR. D'ALESSIO: Yeah, but then I will  
3 speak to that in my comments to save time.

4 CHAIRMAN AIBEL: Okay. Thank you.  
5 Anybody else, questions for the  
6 planner?

7 Seeing none?

8 COMMISSIONER COHEN: Motion to close  
9 public portion for this witness.

10 COMMISSIONER GRANA: Second.

11 CHAIRMAN AIBEL: All in favor?

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

14 CHAIRMAN AIBEL: Could we have a  
15 five-minute recess?

16 THE REPORTER: Yes.

17 CHAIRMAN AIBEL: What do you have left?

18 MR. CURLEY: I may have a request.

19 MR. GALVIN: Okay.

20 CHAIRMAN AIBEL: For our court  
21 reporter, we will take a break.

22 (Laughter)

23 Five after nine, please, everybody be  
24 back.

25 (Recess taken)

1                   CHAIRMAN AIBEL: Thanks, everybody.

2                   And to the HOPES people, thank you for  
3 your patience.

4                   Mr. Curley, you have a request?

5                   MR. CURLEY: Yes, Mr. Chairman.

6                   I would request to carry the meeting to  
7 a new date for us to be able to conduct a more  
8 thorough search of the city records concerning the  
9 parking that is on the site and servicing the  
10 property at 530-532 Jefferson.

11                  We did an earlier search that did not  
12 disclose a resolution or a file for that. However,  
13 it has been pointed out that there were places where  
14 searches have not been done, such as the building  
15 department and the zoning department.

16                  CHAIRMAN AIBEL: Okay.

17                  So let me say this. We will come back  
18 to an adjourned date or a carried date, but what we  
19 would like to propose right now is to open it up for  
20 public comment, subject to the public's right to  
21 come back at a carried, the next meeting, to listen  
22 to Mr. Curley's additional proof, and if there are  
23 additional comments that are required based on that  
24 additional proof, you will have that opportunity,  
25 but everybody is here.

1                   If you would like to come up and make  
2 your comments right now, that's fine.

3                   If you choose -- I don't know, do we  
4 want to leave open the possibility that we give a  
5 brief public comment opportunity at the next  
6 meeting?

7                   MR. GALVIN: How much room do we have  
8 on the 31st?

9                   MS. CARCONE: We have three  
10 applications scheduled.

11                  CHAIRMAN AIBEL: No way can we carry --

12                  MR. GALVIN: Let me just talk plainly  
13 to the public.

14                  I thought the right thing to do is:  
15 You've been here. You are engaged. You have  
16 thoughts. You want to tell us how you feel. We  
17 will take those comments now, and then that would  
18 pretty much close your comments.

19                  When we go to the next meeting, Mr.  
20 Curley is going to bring in very little information  
21 about the parking easement, and he is not going to  
22 reopen the case and do all kinds of new stuff.

23                  You are allowed to ask questions of  
24 that new information. I think it would be okay for  
25 you to comment on that new information, but what I

1 would prefer, like I was saying, no twosies. I  
2 would prefer that you not come back and repeat  
3 exactly, you know, if we were to let you speak at  
4 that time, that you not say the same comment that  
5 you are making now.

6 Is that okay with everybody?

7 Is that fair?

8 THE AUDIENCE: Yes.

9 MR. GALVIN: The other thing is there  
10 are Board members who aren't here who are going to  
11 read this transcript. You have to have confidence  
12 that they're going to read the transcript. I know  
13 that they are going to read this transcript, so  
14 they're going to probably be fresher than we are,  
15 because they would have looked at it more recently  
16 than us. All right.

17 CHAIRMAN AIBEL: Is that acceptable,  
18 Mr. Curley?

19 MR. CURLEY: Yes, it is.

20 Thank you very much.

21 CHAIRMAN AIBEL: So let me open it up  
22 to the public for comment.

23 Anybody wish to make a comment on the  
24 case?

25 MR. GALVIN: Who wants to go first?

1                   CHAIRMAN AIBEL:  Sir, come up.

2                   MR. GALVIN:  She might want to go  
3 cleanup, I think.

4                   (Laughter)

5                   MR. GALVIN:  You don't put Alex  
6 Rodriguez up first, right?

7                   (Laughter)

8                   CHAIRMAN AIBEL:  So we need your name  
9 and address.

10                  MR. D'ALESSIO:  Mark D'Alessio, 520  
11 Jefferson Street.

12                  MR. GALVIN:  Raise your right hand.

13                  MR. D'ALESSIO:  I'm sorry.

14                  MR. GALVIN:  You don't have to be  
15 sorry.

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

19                  MR. D'ALESSIO:  Yes.

20                  MR. GALVIN:  All right.  Thank you.

21                  So that makes you Derek Jeter.

22                  (Laughter)

23                  MR. D'ALESSIO:  I am obviously here for  
24 the parking issue.  I live in the region -- I live  
25 in the area, and I park on the street, so I will try

1 to be brief.

2 But I think this project exemplifies  
3 the parking issue in Hoboken in general in that  
4 these constructions go up like large units,  
5 multi-bedroom units, and only a minimal amount of  
6 parking facilities for the people that are going to  
7 be living there.

8 And in this case, they are using a  
9 hundred percent lot coverage to put in 35 parking  
10 spots, 20 of which aren't even going to be used for  
11 that building, because they are allocated somewhere  
12 else.

13 Okay. The reason why I asked whether  
14 it was going to be a rental or owner occupied is  
15 because I believe if it is owner occupied, there is  
16 more propensity for the people to actually use the  
17 parking spots that are in the building.

18 If it is rental, that is probably less  
19 likely. And not only that, but if it is rental,  
20 some of those four-bedroom units might be rented by  
21 four adult people sharing an apartment because of  
22 the affordability and parking their cars in the  
23 street since there is none available under the  
24 building.

25 Okay. The other thing is -- the other

1 point I was going to make is the allocation of the  
2 parking lot to the units is important as well for  
3 the very same reason.

4 If somebody is living there, do they  
5 have to pay extra for parking?

6 If they are buying the unit, does it  
7 come with the unit they are buying, or do they have  
8 to rent that parking forever more?

9 And then again, the same issue: Does  
10 that force those people to forego actually paying  
11 for parking in that building, even though it is  
12 limitedly available anyway and park in the street,  
13 and therefore, make the streets more crowded for  
14 people who are actually not parking off-street  
15 parking?

16 Okay. You know, the current law, which  
17 says the number of units minus five, it helps, but  
18 it is really not enough. Okay?

19 Perhaps it should be number of bedrooms  
20 minus ten percent, so therefore, that will alleviate  
21 a lot of these parking issues that I have been  
22 raising to some of the people in this room actually  
23 for many, many years since I have been living here,  
24 and that is my comments.

25 I also think perhaps, you know, this

1 is -- to support some of the other comments I heard  
2 previously, perhaps this is too ambitious of a  
3 project for that lot, given the allocation of  
4 parking spots to other locations. Perhaps if they  
5 downsize the project, the parking situation that I'm  
6 concerned with and the height situation and some of  
7 the other issues that some of the other people  
8 raised would go away as well.

9 CHAIRMAN AIBEL: Thank you.

10 COMMISSIONER GRANA: Thank you.

11 CHAIRMAN AIBEL: Anybody else wish to  
12 comment?

13 Come on up.

14 MR. GALVIN: Raise your right hand.

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

18 MR. SAMIDA: I do.

19 MR. GALVIN: State your full name for  
20 the record.

21 MR. SAMIDA: Dexter Samida.

22 MR. GALVIN: Street address?

23 MR. SAMIDA: 505 Newark.

24 THE REPORTER: How do you spell your  
25 last name?

1 MR. SAMIDA: S-a-m-i-d-a.

2 THE REPORTER: Thank you.

3 MR. SAMIDA: As I mentioned, I am a  
4 joint owner of a unit in 505 Newark. I strongly  
5 object to this proposal.

6 In my opinion, this building sounds  
7 like a monstrosity. It is wide. It's deep, and  
8 it's tall.

9 The height means that the building will  
10 crowd out sunlight, reduce privacy, and destroy  
11 views. Our views were impeded by the building that  
12 the architect mentioned across the street, and they  
13 are going to be further diminished by this building.

14 They compared the height to the Knights  
15 of Columbus building that is sort of north of it.  
16 That building itself is an eye sore. If that is  
17 what they are going for on this one, that is the  
18 wrong model.

19 The roof coverage will be an additional  
20 eye sore for us.

21 In sum, I think what this project gains  
22 is reducing the property values for its neighbors.

23 Thank you.

24 CHAIRMAN AIBEL: Thank you, sir.

25 Anybody else wish to comment?

1                   Come forward.

2                   MS. RUDDEN: I have some photos that I  
3 wanted to show them --

4                   MR. GALVIN: Yes. Show them to Mr.  
5 Curley first.

6                   MS. RUDDEN: Joann Rudden, 505 Monroe  
7 Street, Unit 1A.

8                   I think I was sworn already.

9                   MR. GALVIN: No, you haven't.

10                  Raise your right hand.

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

14                  MS. RUDDEN: I do.

15                  MR. GALVIN: Thank you.

16                  Show the photos to Mr. Curley.

17                  What are we up to in the "N"  
18 department?

19                  MS. CARCONE: In the "N," we are up to  
20 N-6.

21                  (Counsel and Ms. Rudden confer.)

22                  MR. GALVIN: Are you guys okay?

23                  MS. RUDDEN: I do have some photos,  
24 Mister --

25                  MR. GALVIN: We have to mark them. Do

1 we have the things to mark them?

2 MS. CARCONE: They were on the table.

3 I have more here.

4 MR. GALVIN: I appreciate that. As I  
5 said earlier --

6 MS. RUDDEN: I will edit them down.

7 MS. CARCONE: How many do you have?

8 MS. RUDDEN: I am editing.

9 MR. GALVIN: N-6, N-7, and N-8. She's  
10 got to have a couple.

11 Go ahead.

12 MS. CARCONE: N-7 and N-8.

13 MS. RUDDEN: I have six.

14 MR. GALVIN: N-9, N-10 and N-11.

15 That's six.

16 MS. RUDDEN: On the front or back does  
17 it matter.

18 MS. CARCONE: The front is fine.

19 (Exhibits N-6 through N-11 marked.)

20 CHAIRMAN AIBEL: Okay, please.

21 MS. RUDDEN: My main concern about this  
22 building is the sunlight. I have been a resident of  
23 505 Monroe Street for 12 years. I have been a  
24 Hoboken resident for 20 years. Hoboken is my home.  
25 I would like to stay in Hoboken and raise my family

1 here, but the lack of sunlight is, like I said, a  
2 major concern to me.

3 There was, when I purchased, a single  
4 floor garage that was built -- that was falling down  
5 and was next to me. I was told it would be a  
6 one-floor structure that would replace it. It is  
7 three floors.

8 So I just wanted to show my yard, what  
9 you are seeing here, I took this picture. This is  
10 approximately 2005 --

11 MR. GALVIN: Well done.

12 MS. RUDDEN: -- so my yard faces the  
13 open parking lot right now, so that's what you're  
14 seeing. My fence just divides from that yard.

15 So at one point it was like Ireland  
16 back there.

17 (Laughter)

18 I had grass back there, and then this  
19 building went up next to me.

20 I had to tear out the grass, tear out  
21 the vegetables, tear out all of the shrubs because  
22 the sunlight was gone. Nothing grew. So I don't  
23 need a test to tell me, I have proof that nothing  
24 grows back there except if it is something that is  
25 in the shade and grows in the middle of the

1 afternoon.

2 The sunlight -- it starts to cast a  
3 shadow there depending on the time of year between  
4 one and two o'clock.

5 This one is just a different view of  
6 that existing garage that faces my neighbor's yards.  
7 So, as you can see from there, I have sunlight  
8 still, but I don't always any more.

9 COMMISSIONER COHEN: Excuse me.

10 Can you pass them around, so we can see  
11 them?

12 MS. RUDDEN: Yes.

13 This is the view from my son's bedroom.  
14 He has sunlight. I mean, not to be dramatic here,  
15 but I honestly wake up with my son, and I open up  
16 the blinds and I say, "Let's say good morning to  
17 mother nature," and it is going to be gone, and that  
18 is really distressing to me.

19 This, I am a little confused with what  
20 we were talking about of how we are actually going  
21 to handle the drainage. But if it does help, these  
22 photos just show the yards after Hurricane Sandy.  
23 There is 27 inches of rainwater that spanned from my  
24 yard, my neighbor's yard -- from 505, 507 to 503.  
25 That is those.

1                   This one just shows a different view.  
2           503 is a newer building, so all of the debris that  
3           you are seeing back there is because it wasn't  
4           completely built at that time, but I wanted to show  
5           that the flood spanned all three yards, so sunlight  
6           may be a concern.

7                   The sound -- so I am concerned also  
8           about the sound. Once 503 went up, it is like this  
9           tunnel effect back there, that whenever somebody is  
10          out on their terrace, very nice people, but it is  
11          like they are standing right next to me. I can be  
12          in my bedroom and hear every single sound of anybody  
13          who is out on that balcony, so just the sound.

14                   The privacy is a major concern for me  
15          that I am going to be -- I won't have that terrace.  
16          I am going to have a brick wall right in front of  
17          me, so my property value is diminished. I bought  
18          that place specifically because of the yard feature  
19          and the open space that was in front of me.

20                   COMMISSIONER GRANA: Thank you.

21                   CHAIRMAN AIBEL: Thank you.

22                   CHAIRMAN AIBEL: Anybody else,  
23          questions?

24                   Yes, sir.

25                   Please come forward,

1                   MR. GALVIN: You have already been  
2 sworn, but you have to state your name again for the  
3 record.

4                   MS. FUDIM: Elissa Fudim.

5                   I had given you guys some exhibits that  
6 I would like to hold up, but I don't know where they  
7 went.

8                   Oh, thank you. Thank you.

9                   I am a resident at 503 Monroe Street on  
10 the ground floor. Unlike Joanne, I am new to  
11 Hoboken. I bought my property in June, and I loved  
12 Hoboken for a long time, and I had been looking for  
13 a property here for two years, and I made five  
14 offers on properties that I lost in bidding wars.

15                   My sole qualification or my main thing  
16 I was looking for was a large yard that got  
17 sunlight, and so I know from making five offers on  
18 properties before getting this one, that the added  
19 expense of having a yard like that adds about a  
20 hundred-thousand dollars to the cost of a property.

21                   After purchasing my property, I  
22 completely relandscaped my yard and made substantial  
23 investments in that regard as well.

24                   Unlike Joanne, I am luckier in that my  
25 yard does still get a lot more sunlight than her

1 yard gets, and it is really a very charming space,  
2 and I had took these photos that show the wall  
3 that's directly behind it.

4 So one of my first big concerns is the  
5 retention of this wall. I was very glad to see that  
6 the planner was planning to retain it, but as one of  
7 the Board members mentioned, I have concerns about  
8 whether or not that is actually going to be  
9 feasible, and what they are going to do to ensure  
10 that.

11 This picture depicts all of the  
12 plantings that were just completed at my expense and  
13 landscaping.

14 This one shows my property, as well as  
15 a tiny piece of the yard of one of my neighbors next  
16 door.

17 The fact that the entire back wall,  
18 which faces east, is all glass windows. There is  
19 another window here, which is also all windows. And  
20 then the charm of the ivy that grows along this  
21 wall, it is really like a secret garden within  
22 Hoboken, and it has tremendous historical charm, and  
23 I hope that that would be retained.

24 With respect to my objection to the  
25 height variance, I mean, I understand they are

1       entitled to build, and that there will be at least a  
2       four-story building there, and that is the nature of  
3       a growing community. I understand that, but I don't  
4       think we can downplay the importance of what that 15  
5       feet differential means.

6                    When we spoke to a bunch of the  
7       gentlemen who testified today, it seemed that no one  
8       had given any consideration to the detriment that  
9       would be -- the increased detriment that would occur  
10      due to that additional 15 feet.

11                   I heard some reference by the  
12      architect, in fact, that, well, once you hit the  
13      afternoon, you don't have any shadows. Fine.

14                   Well, our yards all face east, so the  
15      afternoon light is completely irrelevant to this  
16      discussion. That is going to come from the west.  
17      That's not even the same side.

18                   We all face east. These are east  
19      facing units and east facing yards on Monroe, and so  
20      our morning sunlight will be adversely affected by  
21      the additional 15 feet that are going to go up next  
22      to us.

23                   This is a massive building. The  
24      average width of a building in Hoboken is 25 feet.  
25      This building is five times that. It is 125 feet

1 long by 65 feet deep. Their proposed building is  
2 over 40,000 -- it's even more than that, the  
3 number -- square feet, and they have admitted that  
4 even without the additional floor, it would still be  
5 close to 37,000 square feet.

6 Yet, when asked if it would be possible  
7 to have three and four-bedroom units in a 37,000  
8 square foot space, we heard a lot of thumpering and  
9 people not wanting to commit, but I think common  
10 sense would tell us that you can build three and  
11 four-story apartments in a 37,000 square foot unit.

12 I also would like to voice concerns  
13 about the -- and object to the variance, which is  
14 seeking the roof coverage for the outdoor space. As  
15 the person who faces that charming brick wall, I  
16 have concerns about the fact that now there is going  
17 to be terraces here and ten foot tall arborvitae,  
18 and presumably whatever trees they place there,  
19 whoever is living there, could choose to replace  
20 those trees with something else. Maybe they will be  
21 20 foot tall trees. Maybe there will be trees that  
22 lose their leaves in winter, so now I am cleaning up  
23 all of the foliage as well.

24 And so I would object to the fact that  
25 there would be rooftop space there when we have

1 green space in our neighborhood already where two  
2 blocks, three blocks from the park at Fifth Street,  
3 and there is also Mama Johnson Field closeby,  
4 there's no need for them to create roof space --  
5 green space on the roof.

6 If they want to have green space, they  
7 can do it where the parking is and move that around  
8 and maybe counsel can figure out what the deal is  
9 with the 20 allocated spots is, and maybe there will  
10 be some movement there.

11 Lastly, when I was looking at the  
12 requirements for a D variance, which had to do the  
13 with the height variance, I saw a requirement that  
14 they had to have proof of special reasons, which  
15 promote the purposes of zoning, as specified in New  
16 Jersey Statutes Annotated in the notice -- in the  
17 section it was in. I have not heard any testimony  
18 about special reasons.

19 I understand why they want it, more  
20 units, more space, more money. I get that. But we  
21 are the public. We are already the ones living  
22 there, and it seems to be sought out at our expense.

23 When you go to the New Jersey Statues  
24 Annotated, the Section that it references, which is  
25 40:50-2(d) slash 2(c), and it talks about the

1 purposes of zoning, the third one listed as a  
2 benefit to the community is to provide adequate  
3 light, air and open space, and this massive  
4 structure will be diminishing the adequate light,  
5 air and open space for all of our units that face it  
6 on Monroe Street, so that is my opposition.

7 Thank you.

8 CHAIRMAN AIBEL: Than you very much.

9 Anybody else have comments?

10 Please come forward.

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. NIEHUES: Yes.

16 MR. GALVIN: State your full name again  
17 for the record.

18 MR. NIEHUES: Karsten Niehues,  
19 N-i-e-h-u-e-s.

20 MR. GALVIN: Go ahead.

21 MR. NIEHUES: We live on 505 Monroe  
22 Street. I have this bank yard facing the charming  
23 wall in between these two ladies. Thanks for taking  
24 those beautiful pictures of the backyards.

25 And it is basically the same thing.

1       When I saw the pictures there of like of the height  
2       of that wall in its current state and how much more  
3       higher that building was going to be, I was really  
4       shocked because our backyard is not going to be like  
5       a little darker, it will be really, really dark.  
6       There will be no sunlight in the morning.

7                   I have four children, and we actually  
8       bought this place because we want our kids to play  
9       in the backyard, and it will be really just a dump  
10      after this monstrosity is built there, so I really  
11      object to this plan.

12                   I mean, I can't be as eloquent as  
13      Elissa was, so there is nothing else to add to that.  
14      I just wanted to also voice my strong concern about  
15      that project.

16                   CHAIRMAN AIBEL: Thank you.

17                   MR. GALVIN: Thank you.

18                   CHAIRMAN AIBEL: Okay.

19                   MR. GALVIN: Raise your right hand.

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

23                   MR. DEGASPERIS: I do.

24                   MR. GALVIN: State your full name and  
25      spell your last name.

1                   MR. DEGASPERIS: Kyle Degasperis,  
2 D-e-g-a-s-p-e-r-i-s.

3                   I have pictures. I guess I have to  
4 submit them into evidence.

5                   MR. GALVIN: Are they different than  
6 the photos that we have already put into evidence?

7                   MR. DEGASPERIS: Yeah. They are a  
8 little bit different.

9                   So I live at 503 Monroe Street,  
10 Apartment Number 4, so it is the fourth floor, so we  
11 have a different view.

12                   MR. GALVIN: No problem. Show Mr.  
13 Curley.

14                   Pat, why don't you come up with three  
15 more "N" letters starting with N-12.

16                   Jeff, that's three more, right?

17                   MR. MARSDEN: Three more.

18                   MS. CARCONE: You got the engineer's  
19 approval.

20                   MR. CURLEY: These I have to object to.

21                   MR. GALVIN: Why?

22                   MR. CURLEY: Because there is a drawing  
23 of the proposed building on two of these diagrams,  
24 and unless the witness is qualified as an expert,  
25 that would be difficult to accept into evidence.

1                   MR. CURLEY: This one, I have no  
2 problem with.

3                   MR. GALVIN: How did you come to the  
4 box?

5                   MR. DEGASPERIS: Using an approximation  
6 of a ruler.

7                   (Laughter)

8                   MR. GALVIN: Yes. I kind of think he  
9 might be right about that, so why don't we put this  
10 one in, and you can --

11                   MR. DEGASPERIS: The point that this  
12 was trying to make is --

13                   MR. GALVIN: Wait, wait, wait. Just  
14 hold on one second.

15                   Yes. I think you could use this  
16 picture and be able to explain it without doing this  
17 and then giving Mr. Curley something he can object  
18 to, if he is not successful.

19                   MR. DEGASPERIS: Great.

20                   MS. CARCONE: So put that on there,  
21 N-12.

22                   (Exhibit N-12 marked.)

23                   MR. DEGASPERIS: Objection Sustained.

24                   (Laughter)

25                   MR. GALVIN: No. It was partially --

1                   MR. DEGASPERIS: Just keep in mind you  
2 wanted --

3                   MR. GALVIN: -- actually it was  
4 sustained. He did say it was okay to put that one  
5 in, so we agreed on that one.

6                   MR. CURLEY: Yes.

7                   MR. DEGASPERIS: Great.

8                   So this is the picture I am submitting  
9 into evidence.

10                  MR. GALVIN: If anybody would like a  
11 larger copy of that, they will hook you up at CVS.

12                  (Laughter)

13                  MR. DEGASPERIS: It is actually on  
14 Instagram as well.

15                  So the reason I wanted to show this  
16 picture is because one of the things that we want to  
17 object to is the height variance, and I guess the  
18 witnesses had been testifying that the height  
19 that -- of the fifth floor is kind of in line with  
20 the neighborhood. And I guess you could call it the  
21 block where, you know, Elissa explained it as well,  
22 but they're really just looking at a few sample sets  
23 of buildings. Obviously, the Knights Building, I  
24 think it is called, the very, very large one to the  
25 north, is a monstrosity. It's absolutely humongous.

1                   But if you look at really the sky scape  
2                   of Hoboken and particularly like the surrounding  
3                   blocks where we live, it is predominantly four  
4                   floors, and I think the height variance is there for  
5                   a reason. It's really to keep the sky scape -- the  
6                   sky scrape and to keep Hoboken from having this kind  
7                   of neighborhood type feeling.

8                   The reason I wanted to print this out  
9                   is because if the additional fifth floor is granted,  
10                  it will have a substantial impact on the sky scrape.  
11                  I mean, it will stand up well and beyond the other  
12                  buildings, and I think that, again, when you look at  
13                  it across the neighborhood, and I am calling the  
14                  neighborhood the surrounding four or five blocks, it  
15                  does make a very large impact, and again, it will  
16                  have a large impact on the light that penetrates all  
17                  of the units and the light that is, you know, able  
18                  to access its way into the grass.

19                  Obviously, it would be, you know, as  
20                  she said before, the reason that the additional  
21                  fifth floor is requested is quite clear. It's  
22                  obviously more square footage and more money, but I  
23                  think there is a reason there is a variance, and  
24                  there is a reason that Hoboken has tried to keep  
25                  this four to four maximum because it really does

1 keep the neighborhood type of feeling, and I think  
2 that -- at least for ourselves, and I think a lot of  
3 people here, we would like to keep that neighborhood  
4 type feeling.

5 I object to, I guess, all of the other  
6 things that Elissa said, but this is the one I am  
7 focusing on.

8 (Laughter)

9 Thank you

10 CHAIRMAN AIBEL: Thank you very much.

11 Anybody else?

12 MR. ADAM COHEN: Adam Cohen.

13 MR. GALVIN: Adam, raise your right  
14 hand.

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

18 MR. ADAM COHEN: I do.

19 MR. GALVIN: All right.

20 MR. ADAM COHEN: So the big thing about  
21 like why people move back to where we live on Monroe  
22 and on Madison is because it is a neighborhood.  
23 It's small buildings, you know, predominantly small  
24 buildings. You know, there are the one or two big  
25 ones that are out there, but it's all small

1 buildings.

2                   You know, at the Astoria Lofts across  
3 the street from where they are proposing to build  
4 it, it's a beautiful building, and it's three  
5 floors, a garage, three floors. So they will  
6 accomplish what they want to, big units, you know,  
7 with proper density without taking away from anybody  
8 else's sight line, you know, the sun, and from  
9 anybody else's yard.

10                   These are all things that they can do.  
11 That, you know, this whole idea of getting a  
12 variance to protect the public is that, you know, we  
13 bought because we wanted something. We found  
14 something in this neighborhood, and they want to  
15 take it away to make a little extra money. That  
16 doesn't seem fair, and we are really trying to  
17 protect our neighborhood and protect our property  
18 values and just the enjoyment of why we moved to  
19 this area.

20                   CHAIRMAN AIBEL: Thank you very much.

21                   Okay. Seeing nobody else, can I have  
22 motion to close --

23                   COMMISSIONER MURPHY: Motion to ---

24                   CHAIRMAN AIBEL: -- oh, no.

25                   MS. O'FLYNN: All right. I won't be

1 very long.

2 MR. GALVIN: That is all right.

3 Raise your right hand.

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

7 MS. O'FLYNN: I do.

8 MR. GALVIN: State your name.

9 MS. O'FLYNN: Megan O'Flynn, O,  
10 apostrophe, F-l-y-n-n.

11 MR. GALVIN: Okay. Street address?

12 MS. O'FLYNN: Every day, not just St.  
13 Patrick's Day, that's where I live, 503 Monroe.

14 (Laughter)

15 MR. GALVIN: What is it?

16 MS. O'FLYNN: 503 Monroe.

17 MR. GALVIN: Okay.

18 MS. O'FLYNN: I am not a new resident  
19 to Hoboken, and I just think, I mean, as everybody  
20 else also said, I moved from Manhattan, and I lived  
21 in the financial district in a 25-floor building,  
22 and part of the charm of moving to Hoboken was the  
23 benefit of having, you know, a neighborhood with  
24 smaller buildings, more, you know, where we know our  
25 neighbors and talk to our neighbors as opposed to

1 these huge buildings.

2 I know in Hoboken there are huge  
3 buildings, you know, and this is anticipated to be  
4 one of those, but the neighborhood that's there, the  
5 reality is that, you know, Hoboken is meant to kind  
6 of -- the city ordinance exists for a reason, and  
7 that is to keep the charm of the neighborhood and  
8 the charm of the area and not to be Manhattan, not  
9 to be even Brooklyn, right?

10 It's to be its own entity and have and  
11 maintain its charm and maintain its historical  
12 significance.

13 So I think the main variance that I  
14 would be opposed to would be the height variance  
15 because even though, as other people have said,  
16 there is the -- what is it called -- the Columbus  
17 Arms building a couple of doors down on Madison, if  
18 you go by that building, it is not very charming,  
19 and I think the idea is to get away from that sort  
20 of building and towards the types of buildings that  
21 are being built around in newer areas that are still  
22 maintaining that neighborhood feeling.

23 CHAIRMAN AIBEL: Thank you very much.

24 MR. GALVIN: Raise your right hand.

25 Do you swear to tell the truth, the

1 whole truth, and nothing but the truth so help you  
2 God?

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

5 MS. DEGISPERIS: Adrianna Degisperis.  
6 D-e-g-i-s-p-e-r-i-s.

7 MR. GALVIN: Street address?

8 MS. DEGISPERIS: 502 Monroe.

9 MR. GALVIN: You may proceed.

10 MS. DEGISPERIS: Top floor, so I live  
11 in this building.

12 MR. GALVIN: Right, the picture that we  
13 can't look at.

14 (Laughter)

15 MS. DEGISPERIS: Right.

16 So when we bought this unit, we  
17 actually bought it because we had an open view, and  
18 now it's going to be blocked.

19 We the love sunlight. That is another  
20 reason why we chose to buy this building as well, so  
21 that's, you know, it is going to be very different  
22 living there, and the privacy as well, so that is  
23 another thing, you know.

24 I feel like people are going to be  
25 looking in, and you are going to be looking in on

1           them, which is another reason as well.

2                         We agree with what everything everyone  
3 else said, and that is it.

4                         (Laughter)

5                         CHAIRMAN AIBEL: Thank you.

6                         MS. DEGISPERSIS: Thanks.

7                         CHAIRMAN AIBEL: Nobody is budging.

8                         Motion to close.

9                         COMMISSIONER COHEN: Motion to close  
10 the public portion.

11                         COMMISSIONER MURPHY: Second.

12                         CHAIRMAN AIBEL: All in favor?

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

15                         MR. GALVIN: All right.

16                         So now we need a motion to carry this  
17 matter to March 31st without further notice, and you  
18 are going to have to waive the time in which the  
19 Board has to act. Can you do that?

20                         MR. CURLEY: I will waive the time  
21 and --

22                         MR. GALVIN: To March 31st.

23                         MR. CURLEY: -- and I may ask to have  
24 it carried again, if the city doesn't respond to the  
25 OPRA request promptly, but I anticipate that they

1 have a week to do so.

2 MR. GALVIN: Two weeks.

3 MR. CURLEY: That is what I mean. They  
4 have --

5 MS. CARCONE: They have seven days --

6 (Everyone talking at once.)

7 MR. CURLEY: So I should be okay.

8 MR. GALVIN: Yes.

9 With the terms that we had outlined  
10 before, the public just had their say. If something  
11 new comes in, and you think you have to address it,  
12 of course, you are going to be allowed to do that,  
13 but otherwise, I beg your consideration of not  
14 duplicating what we just did. All right?

15 MR. CURLEY: I thank the Board for  
16 carrying it.

17 COMMISSIONER COHEN: Motion to carry it  
18 to March 31st without further notice.

19 CHAIRMAN AIBEL: Want to do a vote?

20 MS. CARCONE: Commissioner Cohen?

21 COMMISSIONER COHEN: Yes.

22 MS. CARCONE: Commissioner Grana?

23 COMMISSIONER GRANA: Yes.

24 MS. CARCONE: Commissioner Murphy?

25 COMMISSIONER MURPHY: Yes.

1 MS. CARCONE: Commissioner McAnuff?

2 COMMISSIONER MC ANUFF: Yes.

3 MS. CARCONE: Commissioner DeGrim?

4 COMMISSIONER DE GRIM: Yes.

5 MS. CARCONE: Commissioner Aibel?

6 CHAIRMAN AIBEL: Yes.

7 (The matter concluded at 9:50 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: 3/19/15  
This transcript was prepared in accordance with  
NJAC 13:43-5.9.

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HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

----- X  
 RE: 301 Garden Street :  
 APPLICANT: HOPES Community Action :March 17, 2015  
 Partnership, Inc. :  
 Minor Site Plan Review and :Tuesday 9:50 p.m.  
 C & D Variances :  
 ----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel  
 Commissioner Phil Cohen  
 Commissioner Antonio Grana  
 Commissioner Diane Fitzmyer Murphy (Recused)  
 Commissioner Owen McAnuff  
 Commissioner Frank De Grim

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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## I N D E X

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1                   CHAIRMAN AIBEL: Okay. We are going to  
2 start 301 HOPES in exactly three minutes. We will  
3 let everybody switch out.

4                   (Recess taken)

5                   CHAIRMAN AIBEL: Good evening,  
6 everybody.

7                   We are going to start up again. Thanks  
8 again, everybody, for waiting until ten to ten to  
9 start, but we are going to do our best to get  
10 through it.

11                   Before we turn this over to Mr. Matule,  
12 though, a couple of the Board members need to  
13 disclose a relationship that we want to make sure  
14 everybody is aware of, and Mr. Matule and the  
15 applicant can determine whether we should step aside  
16 because of those relationships --

17                   MR. GALVIN: Or the public.

18                   CHAIRMAN AIBEL: -- or the public.

19                   Thank you.

20                   My wife was I guess the chairman or  
21 head of the Board of Stevens education, Stevens  
22 School, a tenant in the building. I believe it was  
23 probably in 1988 or '89, and please don't date me by  
24 that, but it was quite a long time ago. My children  
25 went to Stevens in 1988 to, you know, whatever,

1           sometime in the '90s. That is my relationship with  
2           Stevens. I have had no further contact really with  
3           them since then. It was my wife's relationship, but  
4           I have now disclosed it.

5                     Mr. Cohen?

6                     MR. GALVIN: You are absolutely out.

7                     COMMISSIONER MURPHY: I am?

8                     MR. GALVIN: Yes.

9                     COMMISSIONER MURPHY: Oh.

10                    And you're out, too?

11                    CHAIRMAN AIBEL: Here we have yet  
12           another issue.

13                    Mr. Cohen?

14                    COMMISSIONER COHEN: So my children  
15           attended Stevens as well, and I served on the Board  
16           of Trustees of Stevens for four years and was the  
17           Board Chair for two of them. My time on the Board  
18           ended in 2006, so it has been eight years --

19                    MR. GALVIN: Almost nine years.

20                    COMMISSIONER COHEN: -- almost nine  
21           years since I served on the Board. But if anybody  
22           has a concern about that, I wanted to disclose that.

23                    CHAIRMAN AIBEL: If you are out, you  
24           are out.

25                    COMMISSIONER MURPHY: But I don't know



1 a tenant of the applicant. I certainly think with  
2 that disconnect, plus the passage of time, I am  
3 certainly comfortable going forward with Mr. Cohen  
4 and Mr. Aibel sitting on this matter.

5 I will also say I have appeared here  
6 for many years, and I have no reservations at all  
7 about their objectivity on the --

8 MR. GALVIN: Except that is not the  
9 standard that the Court would review my decision,  
10 and that is why we are disclosing it.

11 I think when we evaluate this under the  
12 Ponimatrix, there's direct and indirect, and there  
13 is financial and nonfinancial. This is clearly a  
14 nonfinancial -- if it were a conflict, it would fall  
15 into a nonfinancial criteria, and I think the length  
16 of time that has gone on for both members of the  
17 Board, Mr. Cohen and Mr. Aibel, I am agreeing with  
18 you. I don't believe it is conflict.

19 On the other hand, Ms. Murphy's I think  
20 is, and I could explain to you why, but I don't  
21 think I should --

22 COMMISSIONER MURPHY: Okay. Okay.

23 MR. GALVIN: -- at this point, but I  
24 will.

25 CHAIRMAN AIBEL: Is it something that

1 the applicant can waive?

2 MR. GALVIN: No. It is not waivable by  
3 the applicant because it has to do with the  
4 objectors or somebody who is not even here tonight  
5 could have a problem with that, and that would sour  
6 the case, and that is the other risk of going  
7 forward even with a potential conflict and  
8 disclosing it is that somebody could try to raise  
9 that issue on appeal, but I think we are defensible  
10 because of the time that has lapsed here, but I  
11 don't think we're defensible in your case.

12 Does anybody here have an objection to  
13 these two Board members sitting on the case?

14 MS. WELCH: We do not have an  
15 objection.

16 MR. GALVIN: Can we have your name?

17 MR. MATULE: Ms. Welch, why don't you  
18 come up and put your name on the record.

19 MS. WELCH: My name is Ora Welch, and I  
20 am President and CEO of HOPES.

21 MR. GALVIN: No, no, no. But, okay, so  
22 HOPES doesn't have an objection, and Mr. Matule is  
23 representing you, and he's saying he doesn't have an  
24 objection.

25 Is there anybody here who is against

1           this case, who might be against it?

2                         So we have everybody here who is for  
3           the bride.

4                         (Laughter)

5                         All right. But just remember, even  
6           though we are making this ruling, that somebody who  
7           is not here might have an objection, and it will be  
8           an issue. But if everybody is okay, we are going to  
9           proceed.

10                        Ms. Murphy, I'm sorry. You have to  
11           step off the Board.

12                        COMMISSONER MURPHY: Are we going to  
13           listen to the next case?

14                        CHAIRMAN AIBEL: I don't think so.

15                        Are we going to get to 14th Street?

16                        MR. GALVIN: Well, let's talk about  
17           that.

18                        A different matter now, ma'am.

19                        MS. WELCH: Oh. You mean I sit down  
20           now?

21                        CHAIRMAN AIBEL: Yes.

22                        (Laughter)

23                        MR. GALVIN: You're used to being the  
24           boss. I don't know. You will have to tell me.

25                        MS. WELCH: I will sit.

1 MR. GALVIN: Okay. Thank you.

2 (Laughter)

3 (Board members confer)

4 CHAIRMAN AIBEL: Mr. Matule, what do  
5 you think about the timing for 14th Street?

6 MR. MATULE: I am not optimistic. I  
7 don't know if the Board wants to start hearing a  
8 case at quarter to eleven. I mean, I think this is  
9 going to take at least a half an hour. Everything  
10 does take at least a half an hour.

11 MR. GALVIN: What do you want to do?

12 MR. MATULE: I don't know what --

13 MR. GALVIN: But then we're going to  
14 make Diane sit while we're waiting.

15 COMMISSIONER MURPHY: Okay. I am okay  
16 waiting.

17 MR. GALVIN: Why don't you give us like  
18 20 minutes and see how we are going. If we look  
19 like we are going off the bridge, then wave at me,  
20 and we will cut them loose.

21 COMMISSIONER MURPHY: Sorry.

22 (Commissioner Murphy recused.)

23 CHAIRMAN AIBEL: Mr. Matule, 301 Garden  
24 Street.

25 MR. MATULE: Good evening, Mr.

1 Chairman, and Board members.

2 Robert Matule appearing on behalf of  
3 the applicant.

4 This is an application for variances  
5 and minor site plan approval to construct a  
6 four-story addition to the existing Rue School  
7 building and to construct an outdoor recreation  
8 space on the roof of the building.

9 I have Mr. Vandermark here from  
10 Minervini Vandermark to testify, and Mr. Kolling, my  
11 planner. But just very briefly before we get to  
12 them, I would like to have Ms. Welch come back  
13 because while I know some of you are familiar with  
14 HOPES and what they do, I don't know if all of the  
15 Board members are. I have a little packet here that  
16 we prepared that we would just like to pass out to  
17 the Board members and put a copy in the record.

18 It is a little synopsis of what HOPES  
19 does and their history in the community.

20 MR. GALVIN: We are going to mark that  
21 as an exhibit.

22 MR. MATULE: Mark it as A-1?

23 MR. GALVIN: Sure.

24 (Exhibit A-1 marked.)

25 MR. MATULE: But while that is being

1 distributed, if I could have Ms. Welch come up and  
2 be sworn in and have her give two minutes about what  
3 HOPES does.

4 MR. GALVIN: Yes. That's how we are  
5 going to get through this.

6 Raise your right hand.

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

10 MS. WELCH: I do.

11 O R A W E L C H, having been duly sworn, testified  
12 as follows:

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

15 THE WITNESS: Ora Welch, W-e-l-c-h,  
16 like the grape juice.

17 MR. GALVIN: Thank you so much.

18 MR. MATULE: Ms. Welch, as you said you  
19 are the President and CEO of the applicant, HOPES,  
20 correct?

21 THE WITNESS: That's correct.

22 MR. MATULE: Could you just tell the  
23 Board a bit about the history HOPES in the City of  
24 Hoboken and generally and the various activities  
25 they perform for the community?

1 THE WITNESS: Yes.

2 HOPES has been in existence about 50  
3 years since 1964, '65, and we -- the purpose of our  
4 being here is we have handed you a package, and our  
5 mission is written right in here. It's to help  
6 people get on their feet and become self-sufficient.

7 Our funding is mostly public funding,  
8 and also in this packet is a guideline for the  
9 people that we consider under certain public  
10 funding. People that make a certain salary can be  
11 served under certain grants that we get.

12 The grant that we are talking about now  
13 to build this annex, this addition, comes about as a  
14 result of Sandy, the storm.

15 We lost space on Grand Street, and we  
16 need space to continue to grow. We serve our own  
17 demographics of the city. Mostly our focus is on  
18 low income people, people who fit within the  
19 guidelines that I included in your packet. I won't  
20 waste your time going over what's in the packet, but  
21 if you have questions, you can ask me, and I'll  
22 zoom, kind of tune into those questions.

23 We provide over 250 jobs in the  
24 community, I don't have to repeat, you can read it  
25 for yourself, there's a number -- many of our staff

1 work in Hoboken or live in Hoboken, and to a large  
2 extent live in Hudson County.

3 So, in addition, we are a service  
4 organization. We provide service to people --

5 MR. GALVIN: Can I ask you, I think the  
6 Board -- you can stomp on me, the guys that haven't  
7 served on the Board.

8 Do you have a general understanding of  
9 what this is? Do you really need the principles  
10 to --

11 COMMISSIONER DE GRIM: I am fine. I  
12 have a general understanding, yes.

13 MR. GALVIN: I don't think you have to  
14 keep going. I think that that is enough, and I  
15 wonder what the -- talk about what your proposal is,  
16 like what are you looking to get accomplished.

17 THE WITNESS: Do you want to hear that  
18 from me or do you want to --

19 MR. GALVIN: Yes. We are going to hear  
20 from your professionals, but you can tell us in a  
21 sentence.

22 THE WITNESS: In a sentence?

23 MR. GALVIN: Or two sentences.

24 THE WITNESS: We want to build an annex  
25 to the existing building.

1                   MR. GALVIN: And what is it going to be  
2 used for?

3                   THE WITNESS: It's going to be used for  
4 serving children. There will be classrooms -- all  
5 that is spelled out in there --

6                   MR. GALVIN: Yes. Just --

7                   THE WITNESS: -- there will be office  
8 space, and there will be service rooms, service  
9 offices, to continue to provide services to the  
10 community, and that again is a result of having lost  
11 the spaces on Grand Street.

12                   MR. GALVIN: So you are really just  
13 replacing the space that you lost?

14                   THE WITNESS: Replacing space.

15                   Also, I would also like -- I think it  
16 is very important to state that we already have the  
17 funding for this project, and it comes directly from  
18 the Federal Government to the community. And I  
19 guess to the dedication of the people, we have some  
20 of those federal funders sitting in this room to  
21 support this project. They have been with us since  
22 Sandy, and they recognize the work that we do. They  
23 appreciate the work that we do, and we appreciate  
24 the work that we do --

25                   (Laughter)

1                   MR. MATULE:  And I am sure the Board  
2                   appreciates the work that you do.

3                   THE WITNESS:  -- it is very satisfying  
4                   work.  I tell you, if you have some free time, come  
5                   over, and I will give you some volunteer projects to  
6                   do.

7                   (Laughter)

8                   MR. MATULE:  I know we are trying to  
9                   move along, so I am going to ask Mr. Vandermark to  
10                  come on up.

11                  MR. GALVIN:  Raise your right hand,  
12                  sir.

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

16                  MR. VANDERMARK:  I do.

17                  A N T H O N Y   C .   V A N D E R M A R K, having been  
18                  duly sworn, testified as follows:

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

21                  THE WITNESS:  Sure.

22                  That's Anthony C. Vandermark.  
23                  Vandermark is V, as in Victor, a-n-d-e-r-m-a-r-k.

24                  MR. GALVIN:  Is this going to be a  
25                  pattern now, I am only going to see you for the easy

1 cases?

2 (Laughter)

3 THE WITNESS: Well, if you wait around  
4 longer, perhaps it won't be.

5 MR. GALVIN: Okay, all right.

6 MR. MATULE: Do we accept Mr.  
7 Vandermark's qualifications?

8 CHAIRMAN AIBEL: Yes, we do.

9 MR. GALVIN: You like that, huh?

10 CHAIRMAN AIBEL: No. I liked his  
11 response.

12 MR. MATULE: That you only accept easy  
13 cases, we won't let that get around.

14 (Laughter)

15 Again, as usual, if we are going to  
16 talk about anything that is not part of the packet,  
17 we have to mark it.

18 So would you please describe the  
19 existing site and the building that's on the  
20 existing site?

21 THE WITNESS: Right. I will start at  
22 Z-1, and I'll also use this photograph board, and  
23 let's mark this A-1.

24 MR. MATULE: Well, actually we will  
25 mark it A-2 because we have A-1.

1 (Exhibit A-2 marked.)

2 MR. GALVIN: Okay. Who took the  
3 pictures and when were they taken?

4 THE WITNESS: I took the photographs  
5 yesterday. The larger image is a Google Earth image  
6 that was produced by my office this morning.

7 MR. GALVIN: Awesome.

8 THE WITNESS: Okay. I will first  
9 direct the Board to Sheet Z-1. The drawing should  
10 be dated revision one, March 3rd, 2015.

11 We have a 26,951 square foot site on  
12 the northeast corner of Third Street and Garden  
13 Street, quite large for the City of Hoboken.

14 Currently what sits on the property is  
15 a four-story, 68 foot tall David E. Rue School. The  
16 school has been there for 99 years. It's an  
17 existing brick masonry building, and it's built  
18 quite well, and it will be supportive of the  
19 application that we are proposing here to you  
20 tonight.

21 If I go to the Exhibit A-2, I will just  
22 talk briefly about the surrounding area.

23 Right here, photograph number two, you  
24 are looking at the courtyard space. I will go over  
25 Sheet Z-2 and talk about the site itself, but we'll

1 just talk about we have the courtyard here. We have  
2 31 feet six inches of frontage to the northern side  
3 of the property. This is where the addition is  
4 going.

5 To our immediate north, photograph  
6 number one, we have a series of two and a half and  
7 three-stories single-families in line.

8 And then to the north, four properties  
9 down, we are looking at three, four, and five-story  
10 multi-family structures.

11 Directly across the street now to the  
12 west, we have a four-story mixed-use structure.

13 Looking back north again, we have a  
14 three-story mixed use, another three-story  
15 multi-family, and a five-story multi-family directly  
16 across.

17 This is working further north on the  
18 western side of the street, a three and a half  
19 story, a four-story, and another three-story  
20 residential building.

21 Photograph number seven is the sidewalk  
22 line shooting north to south in front of the  
23 existing four-story Rue School.

24 This photograph is important, so that  
25 you know that the existing curb here is lined for no

1 parking during the daily operations of the school.

2 Photograph number eight is a corner  
3 shot looking north and east. This is the corner of  
4 the Rue building. Birch Street being down to your  
5 right, north being down to your left.

6 On the other side of Third Street, on  
7 the other side of our structure, is the three and a  
8 half story John the Baptist Church which is facing  
9 Bloomfield.

10 Looking southwest, we have a five-story  
11 mixed-use structure, and directly across the street  
12 to the south, southeast, we are looking at a  
13 five-story residential mixed-use structure.

14 The Goggle aerial photograph here at  
15 the bottom, our structure is quite large. Here to  
16 the north you are looking at Demarest, two tall  
17 structures in the neighborhood happening to be  
18 preexisting school uses.

19 Again, our building, our current  
20 building, is 68 feet with the principal roof height.  
21 When we talk about the addition, we are going to  
22 have a four-story annex addition.

23 We are also proposing in part two of  
24 this application some rooftop playground use with  
25 some green roof area and solar panels.

1                   MR. MATULE: Would you now describe the  
2 proposed addition and take the Board through how it  
3 is going to sit on the site?

4                   THE WITNESS: Yes, sir.

5                   Okay. Sheet Z-2 shows an existing  
6 83.593 percent David E. Rue School. It covers  
7 22,527 square feet of the site, and this little  
8 empty void here is where the addition is going. The  
9 addition again is 31 feet six inches wide by 64 feet  
10 in depth. We are proposing a 2,077 square foot  
11 addition, and it has approximately 7.7 percent of  
12 the preexisting lot area. The building is U-shaped  
13 at floors three and four. Again, 83 percent lot  
14 coverage at floors one and two.

15                   This little two-story section, that  
16 bowl in the U-shape, is the existing gymnasium.

17                   We have four stories of double-loaded  
18 corridors here on a preexisting structure, and we  
19 have a standalone four-story structure that's  
20 attached here to the south wall of the annex.

21                   The attachment -- one of the questions  
22 in the professional reports was -- and, Bob, you  
23 might want to mark this A-3. The Board does not  
24 have this.

25                   MR. MATULE: Okay. We're going to mark

1 this A-3. Why don't you tell us what it is?

2 (Exhibit A-3 marked.)

3 THE WITNESS: Sure.

4 This is the existing floor plan of the  
5 David E. Rue School at the second floor.

6 Right here is the connection link in  
7 between the new annex structure and the existing Rue  
8 School.

9 This is the proposed structure here.  
10 What we are doing is we're eliminating a preexisting  
11 stairwell in the Rue School. We're providing a  
12 level deck connection between the existing school  
13 and this hallway that leads you directly into the  
14 annex.

15 I will talk about the annex floor plans  
16 in a couple of minutes, but here is the connection  
17 piece. It is actually quite simple. The building  
18 itself, the preexisting building, is laid out quite  
19 well to attach itself to this addition.

20 Okay. Sheet Z-3, let's talk about the  
21 floor plans and the annex.

22 The existing first floor has access  
23 from grade -- excuse me -- the first floor has  
24 access from grade. The actual entry point is at the  
25 sidewalk level for ADA accessibility. You will come

1 in at grade.

2 This portion here in the hallway will  
3 remain at grade. You have an ADA compliant elevator  
4 that we're proposing as part of this annex, and we  
5 are proposing a stairwell to replace a stairwell  
6 that we just removed the connection link.

7 The classrooms themselves and the  
8 office space here were all at elevation 14, which is  
9 above BFE.

10 This floor deck will be noncombustible.  
11 There will be a void in between this floor and below  
12 the grade line. Therefore, we are going to propose  
13 flood vents in between here at the front elevation  
14 and here at the rear elevation. That was one of the  
15 comments that our engineer had requested.

16 We will propose a dry flood proofing at  
17 this entry point.

18 The existing building does not have an  
19 ADA stretcher compliant elevator, so this will serve  
20 the purpose as the ADA structure compliant elevator  
21 system for the whole entire structure.

22 At the first floor, we are proposing  
23 one 950 square foot classroom space, and that size  
24 is generated by the Abbott District Guidelines for  
25 classrooms. We are also proposing senior offices

1 and a reception area in the front here for access  
2 control.

3 At the second floor of the new annex  
4 addition, again, we have the vertical circulation,  
5 an ADA compliant elevator here, one handicapped  
6 accessible water closet, a 950 square foot classroom  
7 so that is the second classroom, an I.T. office  
8 located here to the east. A VCV office will be here  
9 to the west, so office spaces and a classroom on  
10 floor two.

11 Floor three mimics the second floor.  
12 We have offices in the front and the back and a 950  
13 square foot classroom.

14 Upstairs on the top floor suite, we  
15 have the offices that are replacing the offices that  
16 were lost at 124 Grand Street.

17 We have a finance office and the  
18 multiple officers of the HOPES organization will be  
19 housed in the annex structure here.

20 Above the annex, we are proposing at  
21 the lower part of the annex addition, we are  
22 proposing a rubberized play surface for the children

23 We are proposing a six-foot high  
24 aluminum perimeter fence around this rubberized play  
25 surface. This play service will be accessible both

1 by an ADA compliant elevator and through the  
2 vertical circulation through the bulkhead.

3 We have a perimeter planting that is  
4 set off of the six foot high aluminum fence. That  
5 is approximately four feet, four feet two off the  
6 parapet, and it lines the perimeter of this upper  
7 roof addition.

8 Graphic number two here on this drawing  
9 shows you the front parapet line. It shows you a  
10 planter bed at approximately 16 inches in height.  
11 The planter bed -- you will see potentially maybe  
12 the top of the fence and maybe the top of the  
13 proposed landscaping in this front planter bed.

14 They have a rubberized surface in  
15 between the two fence lines, again, another six foot  
16 high fence to the rear, to the east, and you have  
17 more landscaping to the rear of this addition.

18 Sheet Z-5, we have a very large open  
19 U-shaped rooftop area here. It has very little  
20 venting. It has very little mechanical equipment on  
21 it, and it is a perfect opportunity for a playground  
22 for the children.

23 The current courtyard to the north is  
24 not used for play. It's not used for congregation.  
25 It's really just to direct traffic in and out of one

1 of the stairwell doors for one of the tenants.

2 The eastern courtyard also is too small  
3 to use for play, so really what they envision is for  
4 outdoor space for the children for playtime.

5 We are proposing a solar array here to  
6 the south, 2,000 square feet, set back in off the  
7 parapet line, that is approximately three foot six,  
8 and another four feet off of a six-foot high  
9 perimeter containing fence for the children.

10 We have two preexisting bulkheads that  
11 will access the eastern portion of the rooftop. We  
12 also are going to take this ADA compliant new  
13 elevator in the annex bulkhead up to this level and  
14 also the stairwell up to this level, so we will have  
15 three access points, plus the ADA compliant elevator  
16 for the children to access this playground.

17 The rooftop section here, we have  
18 done -- already went through thermal imaging, core  
19 drilling. We've taken multiple samples of all of  
20 the structure here on the site and is deemed it can  
21 support the weight of this new five joist structure,  
22 and also the extensive green roof trays that we are  
23 proposing as part of the perimeter here.

24 We have a two-part security system on  
25 the upper roof. We have a perimeter planter that

1 lines the playground area. We have an extensive  
2 green roof four feet in between the planter and the  
3 six-foot high perimeter fence for containment.

4 This six-foot high fence is eight to  
5 nine feet off of the front parapet line. At 68 feet  
6 in height, you will not be seeing that from the  
7 street.

8 The proposed addition, the annex  
9 addition, is contemporary in nature. The existing  
10 hundred-year-old masonry building is not on the  
11 historic registry, however, we are treating it as a  
12 historic type of structure.

13 If you think about, and if you look up  
14 the Secretary of the Interior Standards for building  
15 additions to historic structures, they don't want  
16 you to mimic the preexisting masonry structure.  
17 They want you to compliment the preexisting  
18 structure, and they want you to indicate a  
19 construction type of something that is constructed  
20 now of its time and that, I feel, is to highlight a  
21 beautiful four-story, you know, hundred-year-old  
22 school building, that is contemporary, our glass  
23 addition, the contemporary aluminum screen adjacent  
24 to it.

25 Also, HOPES CAP, Inc., this is a new

1 direction for them. This is what they wanted for  
2 their addition. They wanted a modern addition.  
3 Fortunately, they're fans of our architect, but they  
4 also wanted to show, indicate to the community that  
5 this is a step forward. They are moving forward in  
6 the 21st century, and they are moving forward with  
7 this addition.

8 MS. BANYRA: You have a colored  
9 rendering of that, don't you?

10 THE WITNESS: I do. I will just put it  
11 here.

12 MR. MATULE: A-4.

13 (Exhibit A-4 marked.)

14 THE WITNESS: Our addition to the  
15 principal roof height is 56 feet two inches above  
16 BFE. Again, here is the main entry door. This is  
17 not the main entry to the school. We are not  
18 proposing any feature lighting on the facade. We  
19 currently have a street light there, and we have  
20 building mounted lighting adjacent to the main entry  
21 of the Rue School.

22 We believe this addition will be  
23 self-illuminating. We don't need any lighting  
24 projections from this facade.

25 The aluminum screen, the blue ties in

1 the HOPES logo, Books Branding. This organic screen  
2 form ties into a planter that is in the public  
3 right-of-way --

4 MR. GALVIN: Your lighting comments,  
5 that is related to what Mr. Marsden raised in his  
6 memo, right?

7 THE WITNESS: Yes, sir.

8 MR. GALVIN: Okay.

9 THE WITNESS: Through the side facade  
10 we have a decorative concrete panel in a staggered  
11 pattern, so you will be seeing part of that northern  
12 facade from Garden Street.

13 MR. GALVIN: Do you need a lot more  
14 information?

15 COMMISSIONER DE GRIM: I don't need a  
16 lot more. No, I am good.

17 MR. GALVIN: I am just --

18 THE WITNESS: Okay.

19 THE WITNESS: To the rear facade, we  
20 have a series of casement windows not shown here,  
21 but what will be added is the flood vents in between  
22 the crawl space -- in between the floor structure  
23 and the rat slab itself. We have a series of  
24 casement windows --

25 MR. GALVIN: Wait, wait, wait. The rat

1           what?

2                       THE WITNESS:   It's called a rat slab.  
3           It's a construction term.

4                       MR. GALVIN:   Okay.   Quick to the Bat  
5           Mobile.

6                       (Laughter)

7                       THE WITNESS:   Yes.   I was getting ahead  
8           of myself.

9                       MR. GALVIN:   I was trying to get you to  
10          stop, but you wanted to keep going.

11                      THE WITNESS:   Whenever you have a crawl  
12          space, not to get into it, there will be a lower  
13          slab that's not used for anything other than, you  
14          know, protection from the grade, and sometimes it is  
15          two inches thick and it's called a rat slab.

16                      We have precast concrete panels to the  
17          rear with a series of large window openings and  
18          casements that will allow fresh air into the  
19          classrooms and into the back offices to the east.

20                      The north facing facade, as mentioned  
21          in the rendering, we have a series of precast  
22          concrete panels done in a decorative design, and we  
23          have the aluminum screening material wrapping the  
24          corner.   This will be seen, and this is the height  
25          of the two-story structure immediately to our north.

1                   We have a section here of the solar  
2 panel array. Again, it will be three foot six off  
3 the front parapet, and it will not be visible from  
4 the street. Again, it's 68 feet in height.  
5 Probably the only people that are going to be able  
6 to see this solar array are from the Demarest School  
7 potentially.

8                   A couple of things I didn't mention,  
9 the addition, you know, with the playground roof  
10 area, this will be LEED certified. Although not  
11 required, they will provide a detention system for  
12 the hundred-year flood event.

13                   This facility received substantial  
14 damage, so they really want to go to great lengths  
15 to do what they have to do, you know, to make this  
16 more or less flood proof. So the ADA compliant, of  
17 course, is a machine unit, piston-less elevator, a  
18 side mounted motor, so it will not be damaged in the  
19 event of another flood.

20                   That is my presentation this evening.

21                   MR. MATULE: Just one more question, if  
22 I might, Mr. Vandermark

23                   You received Mr. Marsden's letter of  
24 December 9th, which was revised March 10th, 2015?

25                   THE WITNESS: Yes, I did.

1                   MR. MATULE: And you have no issues  
2                   addressing any of the points he raised in that  
3                   letter?

4                   THE WITNESS: No, I do not.

5                   MR. MATULE: Thank you.

6                   CHAIRMAN AIBEL: Board members?

7                   MR. GALVIN: He did better. He covered  
8                   more than I thought.

9                   MR. MARSDEN: Very well actually.

10                  COMMISSIONER COHEN: The courtyard that  
11                  exists now serves the role of a place where students  
12                  that come in the morning are dropped off and picked  
13                  up.

14                  I think I noticed in the application  
15                  that there were alternative plans for how that was  
16                  going to happen without having the courtyard there.

17                  Are you familiar with how that is  
18                  supposed to happen?

19                  THE WITNESS: I am not familiar with  
20                  the day-to-day operations.

21                  What I can say is that they probably  
22                  are still going to be using this entry access on the  
23                  annex in place of the stairwell that it is  
24                  replacing.

25                  So instead of the children lining up

1 right in the courtyard to enter that stairwell, they  
2 will be lining up in front of the annex to enter  
3 through the annex through that stairwell opening and  
4 then back into the Rue School.

5 COMMISSIONER COHEN: So how much space  
6 is there in front of the annex to allow that to  
7 happen?

8 THE WITNESS: We have approximately 14  
9 feet of sidewalk there for that to happen, so you  
10 know, there would be enough room potentially for  
11 children to cue and even a wheelchair or several  
12 people to walk directly past them here.

13 COMMISSIONER COHEN: That's all I have.

14 CHAIRMAN AIBEL: Anybody else?

15 COMMISSIONER GRANA: Just a quick  
16 question on I think it's Z-7.

17 So it is a very good description of the  
18 annex. From the sidewalk to the rear of the annex  
19 is how many feet? I couldn't tell.

20 THE WITNESS: From the sidewalk?

21 COMMISSIONER GRANA: No, I'm sorry.  
22 From the face of the annex where it meets the  
23 sidewalk to the rear of the structure.

24 THE WITNESS: This is 64 feet.

25 COMMISSIONER GRANA: Thank you.

1 THE WITNESS: Sure.

2 COMMISSIONER GRANA: That's my only  
3 question.

4 Thank you.

5 CHAIRMAN AIBEL: Let me just ask a  
6 couple of questions.

7 Is there going to be an impact on the  
8 neighbors across Garden Street from the entire glass  
9 building?

10 Will there be lights and movement of  
11 students, particularly at night, and I am actually  
12 building on testimony we heard about Stevens Gateway  
13 application, where neighbors expressed that concern

14 THE AUDIENCE: We didn't hear the  
15 question.

16 THE WITNESS: Will you be using the  
17 annex in the evening?

18 MS. OVANEZIAN: Well, we --

19 THE REPORTER: I'm sorry. Who is  
20 talking?

21 MR. MATULE: You have to come up and  
22 state your name for the record, so we can identify  
23 that voice in the audience.

24 MR. GALVIN: Raise your right hand  
25 Do you swear to tell the truth, the

1 whole truth, and nothing but the truth so help you  
2 God?

3 MS. OVANEZIAN: I do.

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

6 MS. OVANEZIAN: Simona Ovanezian.

7 THE REPORTER: Could you spell your  
8 name?

9 MS. OVANEZIAN: First name Simona,  
10 S-i-m-o-n-a, last name Ovanezian. O-v-a-n-e-z-i-a-n.

11 MR. GALVIN: Okay.

12 MS. OVANEZIAN: The children that we  
13 serve in that particular annex, and honestly HOPES  
14 serves in that building, are Pre-K children, so they  
15 are out of the building, even the rat program, by  
16 5:30, so there will be no children in that segment  
17 of the annex after 5:30.

18 The programs that are served in those  
19 offices are also closed at five, so there should be  
20 no activity at that point other than perhaps, you  
21 know, the late working office workers, those of us  
22 that might stay there late occasionally.

23 THE WITNESS: As a condition of  
24 approval, you know, they could put privacy shades,  
25 you know, to block any illumination to the street

1 and to the neighbors to the west.

2 CHAIRMAN AIBEL: Yes. I think some  
3 consideration should be given to that.

4 Anything else?

5 COMMISSIONER GRANA: No.

6 CHAIRMAN AIBEL: All right.

7 My other I guess concern is the north  
8 facing side of the building, which looks like it is  
9 going to be about 57 feet tall, and you know, the  
10 depth of the building beyond the two-story frame  
11 north of it is going to present a rather large  
12 looming wall, so is there any way that -- and I know  
13 you attempted to do that -- but is there any way to  
14 further mitigate the sort of mass that is going to  
15 be apparent on that wall?

16 THE WITNESS: There could be  
17 potentially better rhythm in design or there could  
18 potentially even be a green screen element on that  
19 wall to give them a backdrop.

20 You know, the wall itself is not going  
21 to be casting -- it is going to cast a shadow, you  
22 know, potentially because you do have this larger  
23 structure that's 30 feet away that's already casting  
24 a shadow onto this side of the building. So this  
25 can be designed with a green screen for a backdrop

1 for this rear yard and for this two-story structure,  
2 and we can put that on the record.

3 CHAIRMAN AIBEL: Thanks.

4 I think, you know, again, you are  
5 building right up to the property line of the  
6 neighbor to the north, and whatever you could do to  
7 mitigate the impact, I think would be important.

8 Then my last question is: Your diagram  
9 shows a one-story brick building that will be, I  
10 guess, the direction is west of your annex?  
11 It's denominated the boiler room?

12 THE WITNESS: It's a boiler room, yes.  
13 It's a preexisting boiler room to remain.

14 CHAIRMAN AIBEL: Is there any plan to  
15 develop that area of the property further?

16 THE WITNESS: Not any time soon,  
17 because currently there is a new generator going on  
18 top of this boiler room, and that boiler room was  
19 recently retrofitted with all new electric boilers,  
20 so it's not going anywhere.

21 CHAIRMAN AIBEL: Thanks.

22 COMMISSIONER MC ANUFF: Any possibility  
23 of recessing the entrance for cuing purposes in the  
24 morning?

25 THE WITNESS: Certainly we have enough

1 room in the hallway to recess that about five to six  
2 feet.

3 CHAIRMAN AIBEL: Anybody else, Board  
4 members?

5 Professionals?

6 MS. BANYRA: I just had a question  
7 about the shades that you talked about.

8 You know, I am thinking of something  
9 that you are pulling down. I think, you know, that  
10 architecturally that maybe there is something else  
11 you could do or a green screen again, that is  
12 something that would break up that glass and  
13 reflective activity.

14 THE WITNESS: Like motorized, what's  
15 called Metro shades --

16 MS. BANYRA: Something, yeah.

17 THE WITNESS: -- that, you know, also  
18 will allow light to penetrate through them.  
19 However, they will be very private.

20 MS. BANYRA: Great.

21 The second thing is how are you going  
22 to keep the rubberized surface cool?

23 I have been on them, and they are  
24 really hot, you know, and they seem to retain heat.  
25 So for kids to play on them with the direct

1 sunlight, and it's pretty high up, I'm just  
2 wondering how you will make it somewhat cool and/or  
3 if there anything that's going to be shading, and if  
4 there is, we should see that because that could be  
5 something that could be a different thing on top of  
6 the roof.

7 THE WITNESS: Yeah. We are really  
8 looking to, you know, limit the amount of, you know,  
9 objects and structures that we put on the roof. We  
10 are proposing an irrigation system, you know, for  
11 the draining and the extensive green roof trays that  
12 are on these multiple roofs, and I don't know that  
13 there's somehow that you could use that irrigation  
14 system to potentially run water underneath the  
15 rubberized surface that might cool it. It's a very  
16 good question.

17 You could also use colors that will  
18 reflect sun, you know, better than darker colors.

19 MS. BANYRA: Yeah. It's too hot, so  
20 please give that some consideration.

21 Thank you.

22 That's it.

23 CHAIRMAN AIBEL: Let me ask one other  
24 question. I wanted to raise an issue that I hope  
25 everybody will indulge me as I raise it.

1           I guess I am reacting a little bit to  
2           the notion of branding the side of the building with  
3           the perforated metal screen in such a very  
4           forthright way, and I guess I am somewhat concerned  
5           that in effect we will be creating a bit of a  
6           precedent that, you know, branding a building is  
7           something that fits into the context of the  
8           neighborhood. So I don't know whether it is a  
9           question of architecturally whether it might be  
10          designed with a little more restraint, or whether  
11          from a planning perspective, Mr. Kolling can  
12          persuade me that that is consistent with the  
13          neighborhood and a good thing for Hoboken.

14                    THE WITNESS: Yeah.

15           I think by wrapping the screen, you are  
16           going to see approximately a story and a half on  
17           this side of the structure. You are going to see  
18           this corner from Garden Street.

19           You know, instead of creating this kind  
20           of two-dimensional architectural plain, what you are  
21           doing is you are wrapping this element back around  
22           the building, because you're not looking at -- very  
23           rarely you are actually looking at this building  
24           from straight across the street.

25                    I mean, you're probably going to be,

1 most of the time, looking at this addition coming  
2 north to south, so that is why this screen actually  
3 wraps, and it is a continuation of the front facade.  
4 You know, I think more architecture in Hoboken  
5 should really start to address the side facades,  
6 because, you know, you are looking at way too many  
7 buildings with just siding. You're looking at way  
8 too many buildings with just stucco.

9           You know, I think if owners actually  
10 and different design professionals really started to  
11 look at some of the architecture that's visible with  
12 the naked eye, you know, I think you're going to  
13 start to see conditions like this. I think it is  
14 very responsible of the owner to actually want this.

15           CHAIRMAN AIBEL: And I guess the point  
16 I am raising is as, you know, people are driving  
17 down Garden Street, which is obviously one of the  
18 major thoroughfares in the city, that is going to be  
19 a very prominent aspect of our new landscape, so I  
20 just wanted everybody to be sensitive to, you know,  
21 the impact that it will make.

22           Mr. Cohen?

23           COMMISSIONER COHEN: There is a window  
24 that is on the property that is adjacent to this  
25 building, and you made reference to the fact that

1 that window would be closed up.

2 Can you just talk a little bit about  
3 that?

4 THE WITNESS: That is correct.

5 COMMISSIONER COHEN: I don't know if  
6 that property owner is in the building here, but  
7 anyway, maybe you can just talk about that.

8 THE WITNESS: There is four preexisting  
9 lot line windows that don't meet the current fire  
10 code, okay, preexisting lot line windows that are  
11 going to be covered up. The owners at their expense  
12 will provide any interior finishes for blocking them  
13 up and also putting sheet rock on the inside, but we  
14 will be covering those lot line windows.

15 MR. MATULE: Just so the record is  
16 clear, when you say "the owner," are you referring  
17 to the applicant --

18 THE WITNESS: Yes, correct.

19 MR. MATULE: -- as opposed to the owner  
20 of the building, you are talking about?

21 THE WITNESS: That's correct.

22 COMMISSIONER COHEN: Yeah. I wasn't  
23 clear on that.

24 THE WITNESS: Thank you.

25 COMMISSIONER COHEN: So your testimony

1 is that the applicant is going to cover the expense  
2 of the adjacent property homeowner, whose windows  
3 are going to have to be sealed up, because this  
4 building is going to be running up against this  
5 property line?

6 THE WITNESS: Correct.

7 COMMISSIONER COHEN: Okay.

8 CHAIRMAN AIBEL: Okay. Let me open it  
9 up to the public. Anybody have questions for the  
10 architect?

11 Seeing none...

12 COMMISSIONER GRANA: Motion to close  
13 public portion.

14 COMMISSIONER MC ANUFF: Second.

15 CHAIRMAN AIBEL: All in favor?

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

18 MR. GALVIN: Mr. Kolling, raise your  
19 right hand.

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

23 MR. KOLLING: Yes, I do.

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

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

3 THE WITNESS: Edward Kolling,  
4 K-o-l-l-i-n-g.

5 MR. GALVIN: Mr. Chairman, do we accept  
6 Mr. Kolling's credentials?

7 CHAIRMAN AIBEL: Yes, we do.

8 MR. MATULE: Mr. Kolling, you are  
9 familiar with the zoning ordinance and the master  
10 plan of the City of Hoboken?

11 THE WITNESS: Yes, I am.

12 MR. MATULE: And you're obviously  
13 familiar with the proposed project, the addition?

14 THE WITNESS: Yes.

15 MR. MATULE: Have you prepared a  
16 report, dated February 23rd, 2015, in support of the  
17 requested variance relief?

18 THE WITNESS: Yes.

19 MR. MATULE: Could you expeditiously go  
20 through your report for the Board and give us the  
21 benefit of your professional opinion regarding the  
22 requested variance relief?

23 THE WITNESS: Certainly.

24 The reason why we are here is because  
25 the use, the educational use, although listed as a

1 conditional use in the ordinance, has no conditions  
2 listed in the conditional use section. If it was  
3 treated as a nonpermitted use, this is then an  
4 expansion of a nonpermitted use, so we are here for  
5 essentially a use variance.

6 That being said, this use is typically  
7 looked at, this type of educational use is typically  
8 looked at as an inherently beneficial use. In other  
9 words, by the very nature of the use, it serves the  
10 public good, and I think it does this in the way of  
11 the educational programs that are run through this  
12 facility, the charter schools that are here, and the  
13 fact that it serves a population that is  
14 underserviced, primarily persons from low to  
15 moderate income through all the grant programs that  
16 they run.

17 So it really is a use that, in my  
18 opinion, is fairly high up in the pecking order in  
19 terms of serving the public good and serving the  
20 community.

21 The other aspect of this is that it  
22 does promote the purposes of the master plan as  
23 well. The community facilities section of the  
24 master plan does talk about buildings being shared  
25 by public and private schools. The Rue School does

1 have as its tenants the Charter School, as well as  
2 the Stevens Coperative. It also has the Mile Square  
3 program for infants and Pre-K. Then you heard some  
4 of the other programs already explained. I don't  
5 need to go through that.

6 Even the idea of using the roof for  
7 recreation space is a recommendation in the master  
8 plan, where it talks about considering utilizing  
9 school roofs for recreation and open space. So  
10 although this results in additional roof coverage,  
11 it really promotes the purposes of the master plan  
12 and for an inherently beneficial use.

13 We have a building height variance,  
14 D-6. The existing building is already as high or  
15 higher than this, so the need is, it's inherent that  
16 the addition has to be higher as well, because that  
17 way we can promote handicap accessibility to all  
18 levels and including the roof, so that is sort of a  
19 necessity, if we are going to continue the program  
20 of the school and also provide some additional  
21 handicapped accessibility, which I think also  
22 promotes the general welfare and is extremely  
23 beneficial.

24 We have a lot coverage issue again, but  
25 the lot coverage issue also helps to promote this

1 inherently beneficial use, allow for the expansion,  
2 which allows for the additional accessibility and an  
3 expansion of the programs, and the front yard  
4 setback, basically we're carrying on what is already  
5 there.

6 When you have an inherently beneficial  
7 use, you already expected or you are almost meeting  
8 the positive criteria, and even when you are looking  
9 at the detriments, you look at it sort of from a  
10 less stringent perspective.

11 There was a case called the Sicca case,  
12 where in the first thing the Board should really do  
13 is to look at the public interest that the project  
14 will promote, and I think what you heard already,  
15 the public interests here are very high, so I think  
16 it's again, it is high in the pecking order.

17 Then you look at what detrimental  
18 effects there would be. I would say that the  
19 detrimental effects are rather limited because this  
20 addition is relatively small compared to the size of  
21 the school that exists today, and as was pointed  
22 out, the school has been here for just about a  
23 hundred years.

24 Then you also look at is there anything  
25 else that could be done to mitigate those impacts.

1 I think some things that were brought up were how to  
2 decide the wall could be treated, for instance.  
3 That could be looked at, and you could find some  
4 mitigation that further reviews those detriments.  
5 The Board is certainly within their purview to  
6 recommend those.

7 Then you kind of look at the end. You  
8 are looking at weighing the positive and negative  
9 and balancing that, and I feel on the whole, when  
10 you look at the level of the deviations being  
11 requested and the limited size of this expansion  
12 compared to the public good being served, the  
13 positive criteria is certainly outweighing anything  
14 on the negative side.

15 That kind of carries over to the bulk  
16 variances. You can look at all of those positives  
17 that the project promotes. You look at the  
18 advancement of the master plan in terms of green  
19 construction and other things that I've already  
20 mentioned, and the fact that the zone plan itself,  
21 although never getting around to give any conditions  
22 in the ordinance, it did at least mention that  
23 educational uses would be appropriate in the R1  
24 district. I think you can see that there would  
25 really be no substantial detriment, so therefore, C2

1 criteria would hold for the bulk variances, so I  
2 think we met our burden for both the use, the  
3 expansion of the use, and the height, and the other  
4 C variances.

5 Thank you.

6 CHAIRMAN AIBEL: Thanks, Mr. Kolling.  
7 Board members?

8 COMMISSIONER COHEN: With respect to  
9 the roof playground, you are going to have kids up  
10 there 60-something feet above the street?

11 THE WITNESS: Yes.

12 COMMISSIONER COHEN: Can you just talk  
13 about the safety features to make sure that the kids  
14 are going to be -- I think there was a reference to  
15 a six-foot wall at one point in Mr. Vandermark's  
16 testimony. Maybe can you elaborate on that.

17 THE WITNESS: Well, I think that's  
18 exactly what's necessary. Yes, the kids are up  
19 fairly high in the air, but there is a six-foot high  
20 fence that's at different points in different parts  
21 of the building, either five or I think even ten  
22 feet in some locations.

23 So you have the fence. You have some  
24 landscaping, and then you have the parapet at the  
25 other side, so that should provide sufficient

1 safety, although I am not familiar with the  
2 day-to-day aspects of this, if some member of HOPES  
3 would like to come up, I am sure the children are  
4 going to be well supervised as well.

5 COMMISSIONER COHEN: I would just like  
6 to hear some testimony from somebody who knows about  
7 how kids are not going to be able to have access to  
8 the edge of the roof, are they going to be -- if  
9 they have access to the roof and have access to --  
10 if they access to green space, that is a great  
11 thing, but we don't want to be putting kids' lives  
12 at risk obviously.

13 MR. MATULE: And we are drawing the  
14 short straw right now to see --

15 (Everyone talking at once.)

16 (Laughter)

17 MS. WELCH: This is the director of the  
18 preschool program, so I'm going to defer to her.

19 MR. GALVIN: Raise your right hand.

20 MR. MATULE: State your name.

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 MS. ESTEVEZ-VARGAS: Yes.

25 MR. GALVIN: State your full name for

1 the record and spell your last name.

2 MS. ESTEVEZ-VARGAS: Josalin  
3 Estevez-Vargas, E-s-t-e-v-e-z hyphen V-a-r-g-a-s.

4 MR. MATULE: And you heard the  
5 questions the Board members were asking about  
6 supervision of the children and safety up on the  
7 roof deck?

8 MS. ESTEVEZ-VARGAS: Yes.

9 MR. MATULE: And you would be  
10 overseeing all of that?

11 MS. ESTEVEZ-VARGAS: Yes.

12 Well, I am the Director of the Early  
13 Childhood Program for HOPES, and we serve children  
14 birth to five.

15 All of children are supervised at all  
16 times, especially when they are playing outdoors  
17 where there's a public park or in a playground  
18 within our building.

19 So at all times children are supervised  
20 at a ratio that either meets or exceeds licensing  
21 requirements, and we are licensed by the State of  
22 New Jersey Licensing Department, so we have to meet  
23 those requirements, and they are always to provide  
24 whatever activities they will be engaged in, whether  
25 it's on the ground or on the rooftop playground,

1       they are age appropriate, you know, whatever  
2       structure, which I don't think there would be like a  
3       lot of structures to climb on to get even higher,  
4       but will be at their age level and would definitely  
5       not have access to playing, you know, close to the  
6       fence.

7                       We have a rooftop playground that we  
8       use at the Brandt School, which is on 9th and  
9       Garden. We have a preschool nurse there, and they  
10      use that, and it has approximately the same height  
11      fencing all around it, and actually has some  
12      playground equipment on it, and actually has for  
13      many years since we've been in that building,  
14      always been supervised.

15                     COMMISSIONER COHEN: Is the rooftop  
16      playground only for preschool kids or it is going to  
17      be for all ages?

18                     MS. ESTEVEZ-VARGAS: We anticipate that  
19      children within the building, and we have children  
20      ages I guess three to eighth grade who will be able  
21      to use it at different times.

22                     We have only a limited amount of time  
23      where the children have activities outdoors, and so  
24      do school-aged children, so I think as we use the  
25      gym in the past in the Rue building, we will have a

1 schedule for all of the children to be able to use  
2 the rooftop.

3 COMMISSIONER COHEN: Well, I guess the  
4 concern I wanted to express since we are talking  
5 about older kids who can -- I mean, little kids gets  
6 into lots of trouble. Big kids can get into even  
7 bigger trouble. To the extent that there is fencing  
8 that can be erected to create a safe barrier for the  
9 kids to not get to the edge of the roof, I mean,  
10 maybe Mr. Vandermark can show us the roof map, but I  
11 would like to see that the kids of all ages are  
12 going to be up there and not going to be able to get  
13 into trouble.

14 MR. VANDERMARK: On the upper roof, we  
15 created kind of a two-part safety system.

16 We have a planter on the inside  
17 adjacent to the rubberized surface that's  
18 approximately two feet with landscaping on it. So a  
19 kid would have to climb through that, like four feet  
20 of extensive roof tray, and then we have a six-foot  
21 high vertical fence with no grip hold. We can make  
22 the fence a little bit closer together, you know,  
23 from three and a half inches to potentially two  
24 inches, so a kid could never get his foot through  
25 it. We could potentially go a little bit higher,

1       although I don't think it would be necessary, if  
2       there's no place to actually grab a handle or a  
3       foothold.

4                   Eight feet, we could certainly go up to  
5       eight feet. You would not have any impact on  
6       visibility from the street because you're still at a  
7       ten foot setback from the parapet line, you wouldn't  
8       see it.

9                   COMMISSIONER COHEN: Right.

10                  MR. VANDERMARK: So if safety is a  
11       concern, you can certainly go more vertical, move it  
12       closer together, and we could potentially go higher,  
13       so that a kid couldn't get his hand on it.

14                  COMMISSIONER COHEN: I was thinking  
15       that kids chase balls. Kids do things that seem  
16       like a great idea at the time, but turn out to be a  
17       very bad idea. I mean, as long as there's no impact  
18       on the street view, I would think that that would be  
19       a good idea.

20                  MS. ESTEVEZ-VARGAS: May I be excused?

21                  COMMISSIONER COHEN: Thank you.

22                  MR. GALVIN: I don't know. You better  
23       check with the principal.

24                  (Laughter)

25                  CHAIRMAN AIBEL: Are we still

1 questioning Mr. Kolling?

2 Go ahead.

3 COMMISSIONER GRANA: One simple  
4 question: In your opinion, do you believe that the  
5 Sicca standards apply to this application?

6 THE WITNESS: Yes. This is definitely  
7 in my opinion an inherent beneficial use.

8 COMMISSIONER GRANA: Thank you.

9 CHAIRMAN AIBEL: Anybody else, Board  
10 members?

11 Public?

12 Let me open it up to the public.

13 Anybody have questions for the planner?

14 Seeing none.

15 COMMISSIONER COHEN: Notion to close  
16 public portion for this witness.

17 COMMISSIONER MC ANUFF: Second.

18 CHAIRMAN AIBEL: All in favor?

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

21 CHAIRMAN AIBEL: Before you go forward,  
22 can I ask Mr. Vandermark --

23 MR. MATULE: Sure.

24 CHAIRMAN AIBEL: -- a couple of  
25 questions?

1 MR. MATULE: Sure.

2 CHAIRMAN AIBEL: You know, I very much  
3 want to get on board with this application, and my  
4 remaining concern I think is the prominence of the  
5 metal cladding on the edge of the building. Is  
6 there some way -- and, again, I am assuming it is  
7 painted blue and white, or are they fabricated  
8 panels that are blue and white?

9 MR. VANDERMARK: There will be  
10 fabricated panels, and it will be a natural gray  
11 color and the blue. If this, turning the corner,  
12 and you know, running east is a major issue for you,  
13 you know, we can almost certainly terminate that  
14 screened corner and continue the side wall  
15 treatment, you know, to the edge of the building.

16 CHAIRMAN AIBEL: No. Let me throw this  
17 out because I don't want to dictate --

18 MR. VANDERMARK: I don't want to  
19 jeopardize the application.

20 CHAIRMAN AIBEL: -- your architecture.

21 MR. VANDERMARK: All right.

22 CHAIRMAN AIBEL: Is there a copper way  
23 that you could clad it in a copper in a more  
24 traditional look, so that it would not create a  
25 patina over time and weather nicely so it would be,

1           you know, quite a less prominent feature?

2                       COMMISSIONER COHEN:  I like the green  
3           screening --

4                       MR. GALVIN:  Say it out loud.

5                       COMMISSIONER COHEN:  Or just having a  
6           green screen to the corner, which, you know, to  
7           soften the look all the way to the corner.

8                       COMMISSIONER MC ANUFF:  Is the issue  
9           with the color or the material itself?

10                      CHAIRMAN AIBEL:  No.  I don't think  
11           it's really -- well, it's really the prominence that  
12           I think is going to be drawn to that corner to that  
13           element.

14                      I guess what I am looking for is some  
15           way to accommodate the modern element that the  
16           Minervini firm wants to put up there with something  
17           that's a little bit softer.

18                      COMMISSIONER MC ANUFF:  I guess if you  
19           left it the natural silver and metal color, it  
20           probably wouldn't be as prominent as the blue.

21                      CHAIRMAN AIBEL:  I don't know.

22                      Board members, am I alone in this one?

23                      COMMISSIONER GRANA:  Are we into  
24           deliberations?

25                      (Everyone talking at once.)

1 MR. GALVIN: No. We're going to go.

2 CHAIRMAN AIBEL: We are going to --

3 MR. GALVIN: We are going.

4 We are trying to figure out what  
5 changes we might be able to get, but I think we're  
6 undecided. Don't do anything. That's my advice.  
7 Let's go into deliberations. We'll ask you during  
8 deliberations.

9 CHAIRMAN AIBEL: So, Mr. Matule?

10 MR. MATULE: I have no further  
11 questions for Mr. Vandermark.

12 CHAIRMAN AIBEL: Oh, I should open it  
13 up to the public for comment.

14 MR. MATULE: For public comment, yes.

15 CHAIRMAN AIBEL: My apologies. I think  
16 you are going to get some public comment.

17 CHAIRMAN AIBEL: Okay. Now is the time  
18 for anybody who wishes to comment.

19 What we will try to avoid are  
20 repetitive comments, so --

21 MR. GALVIN: Well, let me just say  
22 this:

23 If everyone is here for the school, I  
24 don't think there is any reason. We will open it up  
25 to the public, but there is no reason for everybody

1 to get up and --

2 MR. MATULE: Is there anybody here for  
3 this application who is not affiliated with the  
4 school, either as an employee or a Board of  
5 Trustees?

6 MS. REYES: Yes, I am. I am also a  
7 parent.

8 MR. MATULE: Well, I think I will leave  
9 that --

10 MR. GALVIN: All I am doing is I am  
11 begging you not to add to this, because we have  
12 other things to do. But if you want to get up and  
13 you want to be heard, I think we will take a voice  
14 or two, but let's try to be quick about it, okay?

15 MS. REYES: Barbara Reyes. I'm a  
16 resident of Hoboken.

17 MR. GALVIN: What is your street  
18 address?

19 MS. REYES: I live on 311 Harrison,  
20 Hoboken.

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 MS. REYES: Yes, I do

1 MR. GALVIN: Go ahead.

2 MS. REYES: As a resident of Hoboken, I  
3 have been a parent and an employee for the agency  
4 for over 12 years. I really hope that you would  
5 consider approving this application as HOPES  
6 currently is the oldest community action agency in  
7 Hoboken serving this community for over 50 years.

8 This agency not only provides services  
9 to our children, but to our youth and seniors here  
10 in Hoboken free of charge.

11 Allowing this expansion would actually  
12 allow HOPES not only to continue to supply these  
13 services, but also to expand their services, and  
14 those that they assist daily, so I really hope that  
15 you would consider approving it.

16 MR. GALVIN: Thank you for those  
17 prepared remarks. Very well done.

18 (Laughter)

19 There you go. I agree with that.

20 (Applause)

21 CHAIRMAN AIBEL: Does anybody else  
22 think they could do better?

23 THE AUDIENCE: No.

24 MR. GALVIN: Okay. So we are going to  
25 close the public portion.

1 MR. MATULE: Close the public portion.

2 I don't think I need to add any more.

3 I think the planner or the architect has said  
4 everything that needs to be said.

5 Obviously, HOPES was devastated by the  
6 hurricane. They need a new facility, and this is a  
7 terrific opportunity.

8 I do have to throw in that they are  
9 within a certain window to get this done with their  
10 federal grant, and that is why we have been trying  
11 to push it to get here for the Board and --

12 MR. GALVIN: Just for the record, you  
13 know, not our fault. I mean, you know --

14 MR. MATULE: -- I wasn't implying  
15 anything negative. I am just happy we are here as  
16 fast as we have gotten here --

17 MR. GALVIN: Right.

18 MR. MATULE: -- but I am just saying  
19 that they do have a window that they have to not  
20 only --

21 MR. GALVIN: And let me -- let me --

22 MR. MATULE: -- get their approvals,  
23 but actually build this thing.

24 MR. GALVIN: -- with that said, I will  
25 do my very best to craft a resolution as quickly as

1 possible.

2 MR. MATULE: Thank you, Mr. Galvin. I  
3 appreciate that.

4 CHAIRMAN AIBEL: Thank you.

5 Board members, anybody want to start?

6 COMMISSIONER COHEN: Yes.

7 I think it is a good application.

8 With respect to the side wall, I mean,  
9 I do think that it is a large lot line. It is  
10 already 81 percent coverage and it's going to 89  
11 percent coverage. It's going to be right up on the  
12 hundred percent lot line, and I think that they  
13 should do the green screen on the whole side to make  
14 it softer, to make it less imposing. It is going to  
15 be imposing, but at least it will be less imposing  
16 if it's a green screen. I think that should be  
17 done.

18 As far as the Chairman is concerned  
19 about the blue corner, it doesn't really bother me  
20 that much, but if we are going to do the green  
21 screen, maybe it would make him feel better if we  
22 just wrapped the green screen to the corner as  
23 opposed to stopping it in front of the insig -- you  
24 know, the decorative feature.

25 But, you know, I can live with having

1 the green screen up to the blue part. It's not a  
2 make or break thing for me, but, you know, I think  
3 it's a beautiful design. I think that it will  
4 enhance the services that HOPES provides for the  
5 community and the other tenants in the building. I  
6 think it's something that is worthy of our support  
7 in that it satisfies the Sicca standard as well.

8 CHAIRMAN AIBEL: Anybody else?

9 COMMISSIONER MC ANUFF: I will second  
10 Phil's comments.

11 My only caveat to the whole thing is  
12 that I would like to see some sort of a recessed  
13 entry way to help with the cuing in the morning when  
14 the users come in.

15 COMMISSIONER GRANA: I guess it's my  
16 turn.

17 I think it is very straightforward,  
18 this application. I think Mr. Kolling has  
19 absolutely made the case that it's an inherently  
20 beneficial use, and I think that that inherently  
21 beneficial use drives, in my view, an approval of  
22 the D2 and D6 variances.

23 I think the coverage -- I think there  
24 is an impact to the coverage, but if you look at you  
25 existing structure, the impact is already largely

1       then on the community, and we've been asked to  
2       outweigh, balance benefits over negatives, and I  
3       think that the benefits strongly outweigh the  
4       negatives.

5               As far as the architecture, I will say  
6       sometimes I commented in the past that I think, you  
7       know, something is perhaps a bit bold and I  
8       certainly understand that.

9               Whether I like this particular  
10       architecture or not, I think we do at times reserve  
11       bold architecture for public uses, and when you have  
12       a public use, not a private use that wants to  
13       accentuate that, and it's trying to make a public  
14       statement with that, which I think is essentially  
15       what's happening here, I tend to support it, so  
16       that's my view on the architecture. I don't always  
17       support it, but in this case I do.

18              CHAIRMAN AIBEL: Frank, do you want to  
19       comment?

20              COMMISSIONER DE GRIM: I do.

21              I agree with the comment that it's a  
22       very bold use, but I defer to the architect for it.

23              I think it's clearly an inherently  
24       beneficial use.

25              I also agree that the massive gray wall

1 should have a green screen, and --

2 MR. GALVIN: What do you think about  
3 the wrap-around?

4 COMMISSIONER DE GRIM: I'm content with  
5 the wrap-around. I think that goes back to the  
6 prior comment that it's a bold statement by the  
7 architect, and I'm in favor of it.

8 MR. GALVIN: All right. Cool.

9 (Laughter)

10 CHAIRMAN AIBEL: Well, so it's not easy  
11 for me, but I am going to say it anyhow.

12 I am not entirely sure that this is a  
13 public statement as much as it is a very good  
14 statement by a great organization that we're blessed  
15 to have in town, so let me get that out.

16 (Applause)

17 That having been said --

18 UNIDENTIFIED VOICE FROM THE AUDIENCE:  
19 Do we get it?

20 (Laughter)

21 CHAIRMAN AIBEL: -- this continues to  
22 strike me as something that we need to consider  
23 carefully because of its impact on -- the visual  
24 impact that it's going to have on everybody driving  
25 through town every single day, and I personally

1 would like to see it a little bit softer, and, you  
2 know, integrate the new organic look and metal into  
3 something that was a little less bold for using Mr.  
4 DeGrim's word, I would feel, you know, better about  
5 supporting the application, so I don't know if  
6 you --

7 MR. MATULE: I'm asking the architect  
8 if he has any suggestions that might --

9 CHAIRMAN AIBEL: Do you have any  
10 suggestions?

11 MR. MATULE: -- off suade your  
12 concerns.

13 MR. VANDERMARK: Certainly. We can  
14 propose either an organic colored aluminum screen,  
15 either potentially in the natural color, you know,  
16 either an earth tone or, you know, potentially green  
17 or potentially this could be a copper -- perforated  
18 that does patine over time. Once it does patine --  
19 let me go further now that I'm thinking this out on  
20 my feet -- this could be a pre-patined perforated  
21 screen, which pre-patined copper is a bluish-green  
22 color. It sort of ties in with the branding. It is  
23 kind of organic. It will match different green  
24 elements that are part of the addition, including  
25 the green screen, and I think that is a very good

1 design addition.

2 COMMISSIONER GRANA: A compromise.

3 CHAIRMAN AIBEL: I thank you, HOPES,  
4 for accommodating my concerns on this one, and --

5 COMMISSIONER COHEN: Let's state our  
6 conditions then.

7 CHAIRMAN AIBEL: -- and then I guess  
8 you can work with our planner and engineer.

9 MR. VANDERMARK: Yes, absolutely.

10 CHAIRMAN AIBEL: Thanks, Mr.  
11 Vandermark.

12 MR. GALVIN: All right.

13 The applicant is to provide a detention  
14 facility that meets the 100-year standard.

15 Two: The building is to obtain LEED  
16 certification.

17 Three: The applicant will comply with  
18 the reports of the Board's professionals and will  
19 revise the plans to comply with FEMA requirements.

20 Four: Privacy shades will be added to  
21 the windowed building facing Garden Street.

22 COMMISSIONER COHEN: At the applicant's  
23 expense.

24 MR. MATULE: I think maybe we're  
25 confusing the two. We're not talking about closing

1 up the windows. We are talking about providing  
2 shades in the classes and offices in here.

3 COMMISSIONER COHEN: Okay. Those are  
4 two different things. Sorry.

5 MR. MATULE: But yes, when you say it.

6 (Laughter)

7 MR. GALVIN: The plan is to be revised  
8 to show a green -- the side wall -- the plan is to  
9 be revised --

10 MS. BANYRA: Green screen.

11 MR. GALVIN: -- to show a green screen  
12 on the side wall. The plan is to be revised to show  
13 roof fencing --

14 COMMISSIONER COHEN: I think on the  
15 side wall, you should also add the pre-patined  
16 copper screen to the corner treatment.

17 COMMISSIONER DE GRIM: Or change the  
18 corner treatment to a --

19 COMMISSIONER COHEN: Pre-patined  
20 copper --

21 COMMISSIONER DE GRIM: -- pre-patined  
22 copper.

23 COMMISSIONER COHEN: -- as testified  
24 to.

25 CHAIRMAN AIBEL: We are only two-thirds

1 of the way through the evening.

2 (Laughter)

3 MR. GALVIN: With pre-patina what?

4 COMMISSIONER COHEN: Pre-patined copper  
5 screen treatment.

6 MR. VANDERMARK: Copper.

7 MR. GALVIN: All right.

8 The plan is to be revised to show roof  
9 fencing as discussed modified.

10 COMMISSIONER DE GRIM: Is that as to  
11 height or just --

12 COMMISSIONER COHEN: Height and  
13 separation between the --

14 COMMISSIONER DE GRIM: -- both --

15 MR. GALVIN: I put "as discussed at the  
16 time of the hearing," and we will let our planner  
17 and engineer --

18 MS. BANYRA: Yeah. I have an idea.

19 MR. GALVIN: -- verify it.

20 COMMISSIONER DE GRIM: Okay.

21 MR. GALVIN: And the plan must be  
22 revised to show a recessed entry way.

23 Is that a problem?

24 MR. VANDERMARK: Yes.

25 MR. GALVIN: It is a problem?

1 MR. MATULE: No.

2 MR. VANDERMARK: No, no.

3 (Laughter)

4 MR. GALVIN: I'm sorry. I'm funny.

5 MR. VANDERMARK: It's getting late,

6 too.

7 MR. GALVIN: No, it's not getting late

8 yet.

9 COMMISSIONER COHEN: And then also to  
10 address the neighbor's windows.

11 MR. MATULE: We'll close up the  
12 neighbor's windows at our expense --

13 COMMISSIONER COHEN: That are on the  
14 property line --

15 MR. MATULE: -- that are on the south  
16 wall of the neighbor's building.

17 (Board members confer.)

18 MR. GALVIN: One thing also, can I ask  
19 one question?

20 The brown, I thought that was a roof,  
21 and it looked very attractive to me on the two  
22 adjacent houses, but those aren't -- that's not a  
23 roof, is it?

24 MR. VANDERMARK: Yes, that is a roof.

25 COMMISSIONER COHEN: Slanted roof.

1                   MR. GALVIN: You can't see it from  
2 Google on the street view. It's set back?

3                   I don't want to waste any time on it,  
4 but I --

5                   MR. VANDERMARK: Yes. It is here. It  
6 might be over-embelished on the rendering, but  
7 here -- slightly over-embelished.

8                   (Laughter)

9                   MR. GALVIN: Okay. It looked like flat  
10 roofs to me, but --

11                  MR. VANDERMARK: It is there.

12                  MR. GALVIN: Okay. I believe you.

13                  CHAIRMAN AIBEL: Okay. Are we done?

14                  MR. GALVIN: I am done.

15                  MR. MARSDEN: Dennis, can you read the  
16 first one again?

17                  MR. GALVIN: The applicant is to  
18 provide a detention facility that meets the 100-year  
19 standard.

20                  MR. MARSDEN: Provide a stormwater  
21 management report --

22                  MR. GALVIN: Okay. And?

23                  MR. MARSDEN: I mean, he's not  
24 providing a detention basin as such. He's providing  
25 a whole bunch of green factors and storage.

1 MS. BANYRA: Give him the wording for  
2 the resolution.

3 MR. MARSDEN: Okay.

4 MR. GALVIN: The applicant is to  
5 provide a stormwater management report --

6 MR. MARSDEN: That meets the criteria  
7 for the hundred-year storm, and that's it, and that  
8 gives him leeway. That's all.

9 MR. GALVIN: I got it. We're good.  
10 All you need now is to ask for motions  
11 for a vote.

12 CHAIRMAN AIBEL: Okay. Can I have a  
13 motion?

14 COMMISSIONER GRANA: Motion to approve  
15 301 Garden Street.

16 COMMISSIONER DE GRIM: Second.

17 CHAIRMAN AIBEL: Second by Mr. DeGrim.

18 MS. CARCONE: Mr. DeGrim.

19 Okay. Mr. Cohen?

20 COMMISSIONER COHEN: Yes.

21 MS. CARCONE: Mr. Grana?

22 COMMISSIONER GRANA: Yes.

23 MS. CARCONE: Mr. McAnuff?

24 COMMISSIONER MC ANUFF: Yes.

25 MS. CARCONE: Mr. DeGrim?

1 COMMISSIONER DE GRIM: Yes.

2 MS. CARCONE: Commissioner Aibel?

3 CHAIRMAN AIBEL: Yes.

4 (Applause and cheering)

5 MR. MATULE: Thank you very much.

6 (The matter concluded at 11:10 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: 3/20/15  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT  
CITY OF HOBOKEN

----- X  
RE: REGULAR MEETING OF THE :  
ZONING BOARD OF ADJUSTMENT :March 17, 2015  
OF THE CITY OF HOBOKEN :Tuesday 11:15  
p.m. ----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

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

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

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

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

## 1           A P P E A R A N C E S:

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3                   730 Brewers Bridge Road  
4                   Jackson, New Jersey 08527  
5                   (732) 364-3011  
6                   Attorney for the Board.

7                   ROBERT C. MATULE, ESQUIRE  
8                   89 Hudson Street  
9                   Hoboken, New Jersey 07030  
10                  (201) 659-0403  
11                  Attorney for the Applicant.

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1                   CHAIRMAN AIBEL: Mr. Matule, we are on  
2 61-63 Fourteenth Street.

3                   MR. MATULE: Mr. Chairman, thank you.  
4 It is almost 11:15.

5                   MR. GALVIN: I just want the record to  
6 reflect that I was trying every way possible to make  
7 this to go forward to squeeze a half hour on this  
8 thing, and I want that on the record because my goal  
9 is to get us into a positive -- well, I want us to  
10 eliminate more cases than we are taking in, and  
11 until we achieve that, I am going to keep whipping  
12 this Board.

13                   (Everyone talking at once.)

14                   MR. GALVIN: No, Mr. Matule, you have  
15 to have as much time as you need to do the cases.

16                   MR. MATULE: I appreciate the Board's  
17 courtesy, but we have a couple of apparently  
18 objectors or neighbors, who didn't get the notice as  
19 timely as they would have liked to, and they want  
20 the opportunity to talk to the architect, and I  
21 would like the opportunity to find out what their  
22 concerns are and see if we can address them, so that  
23 when we do come back, we can have a more expeditious  
24 hearing.

25                   I am told April 7th can be a possible

1 date. I conferred with the professionals, and they  
2 are available on that date, so if we could make an  
3 announcement that the matter will be carried to  
4 April 7th with no further public notice, I would  
5 appreciate that courtesy.

6 CHAIRMAN AIBEL: Let me have a motion.

7 COMMISSIONER GRANA: Motion to move the  
8 current application to April 7th without further  
9 notice.

10 COMMISSIONER COHEN: I would ask, Mr.  
11 Matule, to the extent that you contacted the other  
12 neighbors about this, they want more time to let  
13 them know informally, as opposed to a formal notice,  
14 that this will be carried to April 7th.

15 MR. MATULE: Yes. They are actually in  
16 the room here, too, but I will talk to them and make  
17 sure they understand that.

18 CHAIRMAN AIBEL: You are waiving any  
19 time?

20 MR. MATULE: Absolutely waiving the  
21 time in which the Board has to act to April 7th.

22 COMMISSIONER COHEN: Second.

23 MS. CARCONE: Who was the first?

24 COMMISSIONER GRANA: I motioned.

25 MS. CARCONE: I'm sorry. I didn't hear

1           you.

2                   CHAIRMAN AIBEL: Roll call.

3                   MS. CARCONE: Mr. Cohen?

4                   COMMISSIONER COHEN: Yes.

5                   MS. CARCONE: Commissioner Grana?

6                   COMMISSIONER GRANA: Yes.

7                   MS. CARCONE: Commissioner Murphy?

8                   COMMISSIONER MURPHY: Yes.

9                   MS. CARCONE: Commissioner McAnuff?

10                  COMMISSIONER MC ANUFF: Yes.

11                  MS. CARCONE: Commissioner DeGrim?

12                  COMMISSIONER DE GRIM: Yes.

13                  MS. CARCONE: Commissioner Aibel?

14                  CHAIRMAN AIBEL: Yes.

15                  MR. MATULE: Thank you for staying. I

16                  appreciate it.

17                           (Counsel excused.)

18                           (Everyone talking at once.)

19                   COMMISSIONER GRANA: Waivers.

20                   CHAIRMAN AIBEL: Jeff Marsden.

21                   MS. BANYRA: Jeff, waivers. Go.

22                   MR. GALVIN: Don't waver, Jeff.

23                           (Laughter)

24                   MR. MARSDEN: We have two waivers

25                  tonight.

1                   MR. GALVIN: We have two that we need  
2 to determine tonight.

3                   MR. MARSDEN: Okay.

4                   The first one is 1427-1429 Grand  
5 Street. That's a preliminary site plan with C and D  
6 variances. They are requesting a waiver under 25  
7 for stormwater, under major site plan. Because it  
8 is preliminary, we recommend approving that waiver,  
9 which will be provided -- that information will be  
10 provided before final.

11                   26 is the stormwater management plan.  
12 It's the same type of waiver. It will be submitted  
13 to NHSA and to us prior to final application.

14                   And a soil erosion plan, the same  
15 reason. They can provide that during final.

16                   C variances recommended approval of  
17 waiver for stormwater management, and D variance  
18 recommended a waiver for a stormwater management  
19 drainage area map.

20                   They are all very similar, okay?

21                   Then the other one is 259 First Street.  
22 That is a final site plan. Stormwater area map  
23 NHA -- I'm sorry -- drainage area map. North Hudson  
24 has approved the stormwater management plan, so they  
25 submitted proof of that, and that is the same reason

1 for the stormwater management plan request for the  
2 waiver, because it has already been submitted to  
3 North Hudson who approved it.

4 The soil erosion and sediment plan, we  
5 recommend approving that waiver. He is exempt from  
6 determining Hudson County -- Hudson, Essex, Passaic  
7 soil conservation. The letter has been provided  
8 from the conservation district indicating that.

9 CHAIRMAN AIBEL: Good.

10 Can I have a motion to accept the  
11 recommendations of the engineer?

12 COMMISSIONER GRANA: Motion to accept  
13 Jeff Marsden's slash H2M's recommendations of  
14 waiver.

15 COMMISSIONER MC ANUFF: Second.

16 CHAIRMAN AIBEL: All in favor?

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

19 CHAIRMAN AIBEL: Motion to close the  
20 meeting.

21 COMMISSIONER MURPHY: Motion to close  
22 the meeting.

23 (Laughter)

24 COMMISSIONER COHEN: Second that.

25 CHAIRMAN AIBEL: Thanks, Diane, for

1 hanging around for that.

2 MS. CARCONE: Same time next week,  
3 okay?

4 CHAIRMAN AIBEL: See you all next week.

5 (The meeting concluded at 11:35 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

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