

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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SPECIAL MEETING OF THE HOBOKEN : April 7, 2015
ZONING BOARD OF ADJUSTMENT : Tuesday 7 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- 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
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Board Business

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61-63 Fourteenth Street

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600 Harrison Street

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1 CHAIRMAN AIBEL: Good evening,
2 everyone.

3 We are in the echo chamber for the
4 first part of our session.

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

13 Would you all salute the virtual flag
14 with me?

15 (Laughter)

16 (Pledge of Allegiance recited.)

17 CHAIRMAN AIBEL: Thanks.

18 We are at a Special Meeting. I think
19 it's a Special -- no, what meeting are we at?

20 MS. CARCONE: It's a Special Meeting.

21 CHAIRMAN AIBEL: We're at a Special
22 Meeting of the Hoboken Zoning Board of Adjustment.

23 Pat, do you want to do a roll call?

24 MS. CARCONE: Commissioner Aibel?

25 CHAIRMAN AIBEL: Here.

1 MS. CARCONE: Commissioner Greene is
2 absent.
3 Commissioner Cohen?
4 COMMISSIONER COHEN: Here.
5 MS. CARCONE: Commissioner DeFusco is
6 absent.
7 Commissioner Grana?
8 COMMISSIONER GRANA: Here.
9 MS. CARCONE: Commissioner Marsh?
10 COMMISSIONER MARSH: Here.
11 MS. CARCONE: Commissioner Murphy is
12 absent.
13 Commissioner Branciforte?
14 COMMISSIONER BRANCIFORTE: Here.
15 MS. CARCONE: Commissioner Fisher is
16 absent.
17 Commissioner McAnuff?
18 COMMISSIONER MC ANUFF: Here.
19 MS. CARCONE: Commissioner DeGrim?
20 COMMISSIONER DE GRIM: Here.
21 CHAIRMAN AIBEL: Great.
22 So, Pat, we have no resolutions
23 tonight.
24 MS. CARCONE: No resolutions.
25 CHAIRMAN AIBEL: Okay. And we have one

1 waiver, which we will do at the end of the session.

2 We have one application that I believe
3 is going to be carried.

4 Counsel, could you do the honors?

5 MR. GALVIN: Yes. The first matter we
6 had -- well, not the first matter, but one of the
7 matters we had tonight, we were going to discuss 259
8 First Street.

9 Let me just say the reason why we had
10 put 259 First Street on tonight was because I
11 thought it was going to be really, really easy
12 because the final approval should just be a matter
13 of we have collected all of the data that we need,
14 and then we pretty much -- it is one of the few
15 things that we do that is practically automatic.

16 As we started to process this case, we
17 learned that there are some things, some
18 construction occurred, where no construction should
19 have occurred because you don't have a final
20 approval, and we need to discuss it. We need our
21 professionals to get a chance to take a closer look
22 at it, and we are going to need thorough explanation
23 as to how this proceeded without getting final
24 approval.

25 There may be other issues, too, about

1 how the building in its construction, how it got
2 from Point A to Point B, and what was anticipated
3 from the resolution.

4 Again, let's keep an open mind because
5 we have explanations that we need to hear as that
6 to. Hopefully, it will still become a relatively
7 easy case to resolve, and we can move it along.

8 So with that said, we are going to move
9 it to the 21st. The reason why we are moving it to
10 the 21st is we are meeting every night --

11 COMMISSIONER COHEN: Every Tuesday
12 night.

13 (Laughter)

14 MR. GALVIN: -- every Tuesday night,
15 because we are really trying very hard to move the
16 Zoning Board's backlog. But next week Stevens is
17 on, and it brings out a full room of people, and I
18 don't think that we want to put this case where we
19 have questions into a tense environment, and that is
20 why we are moving it to the 21st.

21 It will get on the 21st. We'll get our
22 issues out on the record, and hopefully we will be
23 satisfied, and then we can move along.

24 Can I have a motion to carry this to
25 the 21st?

1 This is not notice. The final site
2 plan was not noticed, right, Mr. Matule?

3 MR. MATULE: That's correct.

4 MR. GALVIN: And do you waive the time
5 in which we have to act?

6 MR. MATULE: We do to the 21st.

7 COMMISSIONER GRANA: Motion to move 259
8 First Street to the 21st with no further notice.

9 COMMISSIONER DE GRIM: Second.

10 MS. CARCONE: Take a vote?

11 MR. GALVIN: Yes. Take a vote and do
12 not call Mr. Aibel. He is not voting.

13 MS. CARCONE: Commissioner Cohen?

14 COMMISSIONER COHEN: Yes.

15 MS. CARCONE: Commissioner Grana?

16 COMMISSIONER GRANA: Yes.

17 MS. CARCONE: Commissioner Marsh?

18 COMMISSIONER MARSH: Yes.

19 MS. CARCONE: Commissioner Branciforte?

20 COMMISSIONER BRANCIFORTE: Yes.

21 MS. CARCONE: Commissioner McAnuff?

22 COMMISSIONER MC ANUFF: Yes.

23 MS. CARCONE: Commissioner DeGrim?

24 COMMISSIONER DE GRIM: Yes.

25 CHAIRMAN AIBEL: Great.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: 61-63 Fourteenth Street : April 7, 2015
Block 245, Lots 6-7 :
Applicant: Green Lantern, LLC :
Minor Site Plan Review & C & D : Tuesday 7:10 p.m.
Variances. :
----- X

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I N D E X

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3 WITNESS

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5 ROHIT KRISHAN BAWA

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7 ANTHONY VANDERMARK

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9 EDWARD KOLLING

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E X H I B I T S

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13 EXHIBIT NO.

DESCRIPTION

PAGE

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15 A-1

Sheets Z-1 through Z-8

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Photo Board

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Z-8

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A-4

Colored renering

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1 CHAIRMAN AIBEL: Okay. So the agenda
2 for the evening is we are going to start with the
3 Fourteenth Street application. There may be an
4 opportunity for us to go downstairs and have a
5 slightly better room acoustically. We will see how
6 that goes, but, Mr. Matule, I think you are up.

7 MR. MATULE: Good evening, Mr.
8 Chairman, and Board Members.

9 Robert Matule appearing on behalf of
10 the applicant.

11 This is just by way of an overview, we
12 were here on March 17th. The matter was carried to
13 this evening. Actually we got to it quite late in
14 the evening, and plus there were some neighbors here
15 who apparently had objections. The applicant wanted
16 an opportunity to talk to them.

17 We are now here. I have the plans
18 here. The architect had made two, what I will say,
19 and I don't want to say minor revisions, I think one
20 is a substantial revision conceptually, and that is
21 the applicant -- this is an undersized lot. I
22 believe it is approximately 72 feet deep. Mr.
23 Vandermark will give you the particulars on that.
24 But the application originally presented a 15 foot,
25 quote, unquote, rear yard on the upper floors for

1 the three residential floors that we are seeking to
2 add to the building.

3 That has now been increased to 20 feet,
4 so in effect what you have in front of you, the rear
5 wall has been pulled back on those upper floors an
6 additional five feet to have a 20 foot rear yard,
7 where I believe we are required to have a 21.5 foot
8 rear yard.

9 UNIDENTIFIED VOICE FROM THE AUDIENCE:

10 I'm sorry to interrupt, but we can't hear you.

11 CHAIRMAN AIBEL: Okay.

12 MR. MATULE: Okay.

13 CHAIRMAN AIBEL: And what I would
14 suggest is if you move your chairs up as close as
15 you can, feel free.

16 MR. MATULE: What I am advising the
17 Board is that on the application as originally
18 submitted, the three residential apartments on the
19 upper floors were set back 15 feet from the rear
20 property line. They are now set back 20 feet from
21 the rear property line. This is an undersized lot,
22 a preexisting undersized lot.

23 The architect will testify about what
24 the code requirements are, but basically a fully
25 conforming rear yard, I believe, will be 21 and a

1 half feet deep, and we are at 20 feet, so it is
2 about an 18-inch shortfall.

3 That is what I was saying was I thought
4 was a significant change.

5 The other change is Mr. Vandermark
6 looked at and tried to see if he could shrink the
7 building at all, and again, he will testify, but I
8 believe it was dropped down about eight inches in
9 height, so those are the two changes.

10 If you will, the reductions in what is
11 before you, I do have revised sets I can pass out to
12 the Board, if you would like, just reflecting those
13 two changes. Those are the only changes that were
14 made, and they will come out in Mr. Vandermark's
15 testimony.

16 MR. GALVIN: I am sorry. Were they
17 marked?

18 MR. MATULE: I have not marked them,
19 no.

20 MR. GALVIN: It is new stuff, right?

21 MR. MATULE: It is new stuff.

22 Do you want to mark it as a set, Z-1
23 through Z-8?

24 MR. GALVIN: Where is Ms. Carcone?

25 MS. BANYRA: In her office printing

1 something.

2 MR. GALVIN: Okay.

3 THE REPORTER: I have stickers over
4 there in my case.

5 MR. GALVIN: Well, it is not that
6 important that we have a sticker. I just wanted to
7 know what exhibit this is.

8 MR. MATULE: Okay. So why don't we
9 refer to it as A-1, and it has a revision date of
10 4-2-15.

11 If there are any extras, I will be
12 happy to pass them out and let the audience pass
13 them around. I don't know if anybody is interested.

14 CHAIRMAN AIBEL: Mr. Matule, while we
15 are waiting, what is the lot coverage now for the
16 upper floors?

17 MR. VANDERMARK: 72 percent.

18 MR. MATULE: 72 percent.

19 MS. BANYRA: Bob, do you want a
20 sticker?

21 MR. MATULE: Sure. Thank you.

22 So I will just mark this set for
23 Ms. Carcone as A-1.

24 (Exhibit A-1 marked.)

25 Actually when Mr. Vandermark comes up

1 to testify, I will have him go through it.

2 But before I have Mr. Vandermark get up
3 to testify, we have the applicant here. I would
4 like to just have the opportunity to have the
5 applicant briefly address the Board in the context
6 of his experience in the restaurant business and
7 what it is, what his vision for this restaurant is,
8 and why what is being presented to you in the format
9 it is being presented to you.

10 I don't want to make it overly long,
11 but I think it would be important for the Board to
12 hear that before the architect gets into the
13 specifics of the project.

14 CHAIRMAN AIBEL: Let's swear him in.

15 MR. MATULE: Mr. Bawa.

16 MR. GALVIN: Raise your right hand.

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

20 MR. BAWA: I do.

21 R O H I T K R I S H A N B A W A, having been
22 duly sworn, testified as follows:

23 MR. GALVIN: State your full name for
24 the record.

25 THE WITNESS: Rohit Krishan Bawa.

1 THE REPORTER: Could you spell it?

2 THE WITNESS: Yes. R-o-h-i-t, middle
3 name K-r-i-s-h-a-n, last name Bawa, B-a-w-a.

4 MR. GALVIN: Did you guys hear him?

5 THE AUDIENCE: If he could speak
6 louder.

7 MR. GALVIN: That is why I swore him in
8 so loud.

9 MR. MATULE: Yes. I was just going to
10 say, Mr. Bawa --

11 MR. GALVIN: You can put your hand down
12 now, but just talk louder.

13 MR. MATULE: -- so let's try to keep
14 our voices up.

15 So, Mr. Bawa, you are a principal of
16 the applicant in this matter?

17 THE WITNESS: Yes, I am.

18 MR. MATULE: And you currently have --

19 MR. GALVIN: Oh, you could do better
20 than that.

21 MR. MATULE: -- do you currently have
22 an interest in any restaurants now?

23 THE WITNESS: Yes, I do.

24 I am part of the ownership in Soho in
25 New York City, a delicatessen. It is a casual

1 comfort food restaurant on Prince and Lafayette
2 that's been going strong since 2008 when it first
3 opened. It caters mostly to students and some
4 shoppers in Soho and the local fashion crowd.

5 Second and more important is I am the
6 lead owner in Empire Diner in New York City. Empire
7 Diner is an icon from the 1940s, '50s, '60s, '70s
8 featured in Woody's Allen's Manhattan movie, "Home
9 Alone 2," and that is a celebrity chef-driven
10 restaurant with Amanda Vitak from Chop, who is one
11 of the partners --

12 MR. GALVIN: Oh.

13 CHAIRMAN AIBEL: You are not voting.

14 (Laughter)

15 THE WITNESS: -- and that's again --

16 MR. GALVIN: I do watch Chop.

17 THE WITNESS: -- oh, you do -- so that
18 is an affordable diner with a little bit nicer food
19 options coming from Amanda herself, so those are my
20 two primary interests.

21 MR. MATULE: And what is your plan for
22 what was normally the Liberty Tavern?

23 THE WITNESS: Sure.

24 My plan is to make a family-friendly
25 restaurant that caters to the changing demographic

1 of our area.

2 We have a lot of couples, a lot of
3 young families, a lot of mix of two worlds, Main
4 Street and Mull Street, and I feel our demographic
5 in uptown Hoboken really deserves a chance to get
6 something where you can bring your kids to and your
7 parents to, as well as somewhere where you can relax
8 and get good food.

9 I think sometimes we have to feel that
10 it is mutually exclusive, and I don't think it has
11 to be. I think we can do a really good job by
12 making those two things come together.

13 MR. MATULE: And you reconfigured the
14 layout of the existing bar specifically to have a
15 mezzanine area in it.

16 What drove the desire to do that
17 reconfiguration?

18 THE WITNESS: Sure.

19 The primary reason for the mezzanine is
20 to do kids' parties, family parties, birthday
21 parties, and to have it a little bit isolated from
22 the bar.

23 We don't want a sports bar. We don't
24 want a nightclub. I don't want a rock club. I want
25 a really good food driven restaurant that caters to

1 families. If you want to do your child's birthday
2 upstairs, I want that option. I really need that,
3 and that's something I worked on with our team, with
4 Anthony and with Bob, and that is the primary
5 reason.

6 MR. MATULE: And you are not as part of
7 the redesign of the interior, you are not enlarging
8 the customer service area relative to the current
9 customer service area?

10 THE WITNESS: Not at all.

11 MR. MATULE: You are not looking for an
12 increased capacity in terms of occupancy?

13 THE WITNESS: Not at all.

14 MR. MATULE: Anything else that you
15 would like to say to the Board?

16 THE WITNESS: No. Just I would like to
17 address the Board for one minute.

18 My wife and I moved to Hoboken from New
19 York City after 15 years.

20 MR. GALVIN: You know, she was one of
21 the people that was saying, "I can't hear you."

22 (Laughter)

23 THE WITNESS: She does that on purpose.

24 So we moved three years ago to Hoboken.
25 I saw three apartments with a broker. My friend

1 said, there is no way Roe is moving to Hoboken, and
2 we moved. We love it.

3 This is my passion. This is what I
4 want to do, and it has been a dream of mine to be
5 able to build from the ground up something valuable,
6 something important, and I want to do this for the
7 community and for myself, but most importantly, for
8 the neighborhood, and I think that we deserve it.

9 And given the demographic change that
10 is happening all around us right now, I am very
11 respectful of our neighbors, our neighborhood. I
12 want to be accommodating.

13 I did meet with 40 couples that live in
14 the area, got their feedback. It was just two
15 things: Good food, family-friendly. That's it.

16 They didn't say bring in any
17 restaurant, bring a nightclub, bring a Greek
18 taverna. They didn't say that. That is all they
19 asked for, and I want to deliver that to our
20 neighborhood. That's it.

21 Thank you.

22 CHAIRMAN AIBEL: Let me just explain to
23 everybody out there, you will have a chance to ask
24 questions of the witnesses, but first the Board is
25 going to ask questions.

1 Board members, any questions for Mr.
2 Bawa?

3 COMMISSIONER BRANCIFORTE: Well, I
4 understand the mezzanine. That is understandable,
5 because you want to increase your space. But it
6 doesn't explain why you need to cover the three
7 apartments above.

8 I mean, how do three additional
9 apartments affect the restaurant service?

10 THE WITNESS: Right.

11 There is going to be -- well, to make
12 this project get to the density level that we are
13 permitted, I wanted to get three units above.

14 The apartments now would be sitting
15 above a smaller restaurant than what is currently
16 there, so we are going to be chopping some of the
17 space off the restaurant. But within the current
18 space that we will work with, that mezzanine adds to
19 that little bit of exclusivity, where you can
20 separate the party space for the family and the
21 normal customer downstairs.

22 COMMISSIONER BRANCIFORTE: Right.

23 But how do the apartments, the height
24 and the feet --

25 THE WITNESS: Oh. Each apartment needs

1 roughly ten feet, you know, plus we want to make
2 some noise barriers as well to make sure that the
3 occupants are insulated from any of the interior
4 noise from the restaurant.

5 COMMISSIONER BRANCIFORTE: But my
6 question is much more specific.

7 It's why do you need these three
8 apartments to make the restaurant work?

9 THE WITNESS: Oh, because the
10 restaurant itself probably will take a long time to
11 get rolling. It will take a lot of time to get the
12 kitchen staff going, a chef engaged, an investor
13 group to build it out. It takes a lot of time, and
14 during that time I am going to use it productively.
15 I would like to use the density that is allowed to
16 us to be able to build units above.

17 Those units above are going to go for
18 people that want options to what Toll Brothers is
19 offering up there, so I do think that there is a
20 value to get a boutique building available, and that
21 is why I am going for that.

22 COMMISSIONER BRANCIFORTE: But you
23 could still run the restaurant and not have the
24 three apartments upstairs.

25 THE WITNESS: It is going to be a lot

1 harder to do that. It will be.

2 CHAIRMAN AIBEL: Other Board members,
3 questions?

4 COMMISSIONER COHEN: I notice the name
5 of the company is called Green Lantern.

6 Is that what your vision is for what
7 the name of the restaurant would be, or is that the
8 name of the corporation?

9 THE WITNESS: No. I am a comic book
10 aficionado, so a lot of my LLCs are going to have
11 Wall Green or Silver Arrow, et cetera, and so I just
12 like comic books.

13 COMMISSIONER COHEN: Okay.

14 Have you thought of a name for the
15 restaurant at this point?

16 THE WITNESS: No, not yet, not yet.

17 I think what we really would like to do
18 is to get your blessing, and then work harder with
19 Anthony, work with our neighbors, get this rolling,
20 and then engage the chef, the business team, et
21 cetera, to actually get the concept on paper.

22 COMMISSIONER COHEN: Thanks.

23 CHAIRMAN AIBEL: Are you going to be
24 occupying one of the units?

25 THE WITNESS: My family, so my parents

1 would like to move. They are empty nesters in
2 northern New Jersey. They are pretty lonely. My
3 wife and I live up here. We are expecting our first
4 child next month, so for us, this is a family --
5 it's truly a family opportunity, so they would like
6 to be in one of them.

7 CHAIRMAN AIBEL: Anybody else, Board
8 members?

9 Let me open it up to the public. Do
10 you have questions for Mr. Bawa?

11 Am I saying that right?

12 THE WITNESS: Yes.

13 CHAIRMAN AIBEL: Why don't you stand
14 up?

15 MR. GALVIN: State your name.

16 MS. SUSSMAN: I am Nicole Sussman.

17 I live in the apartment that butts up
18 to Liberty Bar, so my backyard is directly behind
19 you guys. We are touching.

20 I have a one-year-old baby, so we
21 bought the condo, so we could use our private patio,
22 and with the construction site, which sounds like it
23 is going to be very significant for a long time, as
24 you said, what kind of safety, I mean, how could we
25 possibly use our own backyard with you guys using

1 the other side of the fence as a construction site?

2 THE WITNESS: I can address part of
3 that question.

4 So the long time I was referring to to
5 the Board earlier was to actually develop the
6 restaurant. To do it properly, it takes a lot of
7 time.

8 We are not trying to slow down the
9 project. We want to build above. We want to do it
10 respectfully. We are going to do it within the
11 parameters that we are allowed to do it. We are not
12 trying to do any extra hours. We're not trying to
13 cut any corners, and we would like to work on as
14 much of the project at once as possible.

15 In terms of actual usage, I could --
16 you know, we could have a discussion about that
17 further with my architect and see what parameters we
18 have to follow, but we are willing to do that.

19 MS. SUSSMAN: Okay. I am just not sure
20 what could possibly be done since it's not like we
21 are just near each other.

22 I mean, I could show you a picture of
23 what our backyard looks like compared to Liberty
24 Bar. I mean, we are literally touching --

25 THE WITNESS: Right.

1 MS. SUSSMAN: -- so if you are planning
2 to knock down an existing building and start from
3 the ground up, I know you probably will get into
4 that, but if that's what you're doing, then I am
5 imagining not only major noise concerns, you know,
6 besides the other neighbors, but especially because
7 we do have a baby, but safety issues. And six
8 months out of the year, we want to use our backyard,
9 and I don't see how that would be possible.

10 THE WITNESS: No problem. This is a
11 good question. It is apropos to this evening's
12 agenda. It's probably better answered by my
13 architect, who is the expert here. I am really not
14 the expert.

15 CHAIRMAN AIBEL: That was a good
16 answer.

17 (Laughter)

18 MS. SUSSMAN: Okay. So time frame of
19 construction, we will wait for the architect?

20 THE WITNESS: We are not at that stage
21 yet, but it is worth talking directly with the
22 architect, and we can engage at that point.

23 CHAIRMAN AIBEL: Anybody else have
24 questions?

25 MS. PHALON: Yes.

1 CHAIRMAN AIBEL: Please come forward.

2 MS. PHALON: My name is Shiela Phalon,

3 THE REPORTER: I can't hear you, and
4 how do you spell your name?

5 MR. GALVIN: You really should come up
6 one seat.

7 MS. PHALON: P-h-a-l-o-n.

8 MR. GALVIN: And your street address?

9 MS. PHALON: 1315 Washington Street.

10 MR. GALVIN: Please proceed.

11 MS. PHALON: I lived in Hoboken now for
12 15 years. And when I first moved here, I had a view
13 of the Hudson River.

14 Since then, my view has become almost
15 nonexistent because of constant building, and with
16 your addition, I will have no view at all, which
17 will knock at least \$20,000 off the value of my
18 property.

19 In addition to that, you know, with the
20 extra building that has been going on, I noticed,
21 you know, water pressure has decreased. The
22 amenities in the neighborhood have really gone, I'm
23 sorry, to hell.

24 MR. GALVIN: Oh, I am sorry. That is
25 what the flag was. You can't do that.

1 CHAIRMAN AIBEL: Yes. Thank you.

2 MR. GALVIN: At this point what we're
3 doing is we're asking questions --

4 MR. MATULE: With all due respect, do
5 you have a question for him?

6 MR. GALVIN: -- you know why I got
7 distracted, and I apologize to you is because I had
8 a drip, and my throat got dry, and I got distracted.

9 CHAIRMAN AIBEL: And my apologies.

10 MS. CARCONE: Is that on the record?

11 MR. GALVIN: Yes. I want it to be on
12 the record. I want everybody to understand what we
13 are doing --

14 MS. PHALON: I do have a question.

15 MR. GALVIN: -- at this point what we
16 are doing is -- wait, hold on. At this point what
17 we're doing is we're asking questions.

18 But what you have to understand is that
19 we are not going to cheat you. We want to hear what
20 you are telling us right now, but not this second.

21 MS. PHALON: Okay.

22 MR. GALVIN: But in like ten or 15
23 minutes after they finish their case, then we will
24 have comments from the public. When we have
25 comments from the public, then you can tell us,

1 although you don't have to repeat what you have
2 already told us.

3 MS. PHALON: Okay. I do have a
4 question.

5 MR. GALVIN: If you have a question, go
6 ahead.

7 MS. PHALON: You don't have an investor
8 for the restaurant?

9 THE WITNESS: I'm sorry?

10 MS. PHALON: You don't have an investor
11 to build the restaurant?

12 THE WITNESS: No. I will be that
13 investor, if we go that route, absolutely.

14 MS. PHALON: If you go that route.

15 Are you waiting for investment to go
16 develop the restaurant --

17 THE WITNESS: I don't need an
18 investor --

19 MS. PHALON: -- or you have your own
20 money?

21 THE WITNESS: -- I'm sorry. All right.

22 I don't need an investor to build a
23 restaurant, but a lot of people have expressed
24 interest that they would like to start a Flagship in
25 Hoboken, a lot of real chefs, real food people,

1 because I think we are missing that little piece in
2 the neighborhood, and we really need that, so that
3 is not the difficult part. It just takes a lot of
4 time to put all of the pieces together, whether I
5 want to do it myself or whether I want to do half of
6 it, whether I want to bring in a big group or a
7 small group --

8 MR. GALVIN: Let me just say -- you may
9 stop also.

10 When we do zoning, even though they are
11 giving us the awesome thing about they got the stuff
12 in New York and all of that stuff, we don't really
13 consider that. We don't consider that, because
14 tomorrow, we can give him an approval for the
15 restaurant, and it could go down the street to some
16 other restaurant owner and come in there and not be
17 the Empire Diner and not be the Vitak lady.

18 So I know we are hearing it, but it is
19 a restaurant. It is going to be a 1500 square foot
20 restaurant. It's going to be on two floors. If
21 they get what they are looking for, it is going to
22 have three stories of residential.

23 We don't even take into consideration
24 the part where he talks about mom and dad living in
25 there, because tomorrow they might change their mind

1 and they may not live there, so --

2 MS. PHALON: That's not my point.

3 My point is: Does he actually have
4 money to do the development.

5 MR. GALVIN: But I'm saying, again,
6 it's another point that doesn't matter to us. Once
7 they get the approval, they might sell --

8 MS. PHALON: It matters to me. I'm
9 sorry, it might not matter to you, but it's my
10 question, and I do have the floor, so if you don't
11 mind --

12 MR. GALVIN: Oh, really?

13 MS. PHALON: -- so if you don't mind, I
14 would like to ask the question.

15 Thank you.

16 CHAIRMAN AIBEL: Anybody else have
17 questions for Mr. Bawa?

18 DR. FRIO: Yes. I am Dr. Frio, 1321
19 Washington Street.

20 MR. GALVIN: State your full name.

21 DR. FRIO: Dominic Frio.

22 MR. GALVIN: I'm sorry. I didn't hear
23 it that way.

24 And spell your last name.

25 DR. FRIO: It's Dr. Dominic Frio,

1 without a K.

2 MR. GALVIN: I'm sorry, Doctor. I
3 didn't know you.

4 DR. FRIO: That's okay.

5 MR. GALVIN: Spell your last name.

6 DR. FRIO: F-r-i-o. Dominic without a
7 K.

8 MR. GALVIN: Okay.

9 DR. FRIO: D-o-m-i-n-i-c.

10 Okay. I was -- my grandfather came to
11 Hoboken --

12 CHAIRMAN AIBEL: Okay. We are asking
13 questions now. You will have your comments later.

14 DR. FRIO: Okay. Yes. Well, He gave a
15 little history --

16 MR. GALVIN: Yes, but he's the
17 applicant. You can ask him questions about what he
18 testified to.

19 DR. FRIO: How many variances are you
20 looking for?

21 On this plan it looks like six. Has
22 that changed with the new -- because I don't have
23 access to the new plans --

24 MR. GALVIN: I think we should leave
25 that to his professionals. He's just giving us a

1 little color about what he's going to do.

2 DR. FRIO: Okay. So I guess most of
3 the questions will be for the expert.

4 MR. GALVIN: Probably.

5 DR. FRIO: Okay.

6 CHAIRMAN AIBEL: Thanks.

7 Anyone else have questions for this
8 witness?

9 Seeing none, can I have a motion?

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

12 COMMISSIONER GRANA: Second.

13 CHAIRMAN AIBEL: All in favor?

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

16 CHAIRMAN AIBEL: Okay, Mr. Matule.

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

18 At this time I would like to call
19 Anthony Vandermark.

20 MR. GALVIN: Raise your right hand.

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

24 MR. VANDERMARK: I do.

25

1 testimony, you were here earlier when you heard me
2 explaining to the Board the two changes that were
3 made to the plans, and I marked this set of plans
4 Exhibit A-1 with a revision date of 4-2-15.

5 THE WITNESS: Correct.

6 MR. MATULE: Are these in fact the --
7 why don't you tell us what the two revisions to the
8 plans reflect, just for the record?

9 THE WITNESS: Yes.

10 For the record, the two changes to the
11 plans in front of you were we reduced the building
12 height by eight inches. Okay. This is based on the
13 concerns, you know, of the neighbors that were at
14 the previous meeting. They did meet with our
15 client.

16 Based on those concerns, what we did
17 was we lowered the building to the minimum height
18 possible, but still get the mezzanine in. We
19 lowered it eight inches, and then we also brought
20 the back of the building in an additional five feet.

21 So originally we had a 15 foot rear
22 yard setback, and now we have a 20 foot rear yard
23 setback, you know, reducing coverage to 72 percent
24 at floors two, three, and four.

25 MR. MATULE: All right. So then I will

1 just give this back to the Board Secretary. It has
2 been identified.

3 Could you describe the existing site
4 and the surrounding area?

5 THE WITNESS: Yes.

6 The existing site fronts 31.83 feet on
7 Fourteenth Street. The depth dimension is 71.91
8 feet, and it is an odd shape. It is 2,289 square
9 foot. However, it is shallow because it is at the
10 short end of the donut. It is approximately mid
11 block on the southern side of Fourteenth Street in
12 between Washington and Hudson Streets.

13 We are proposing a three-story addition
14 onto an existing one-story masonry structure.

15 The proposal is proposing four stories
16 in total at 45 feet seven inches above the advisory
17 BFE. We will be at approximately three feet seven
18 inches above the permitted volume of 40 feet above
19 ABFE.

20 We are proposing a zero front yard
21 setback at floors one to four, a zero side yard
22 setback, and again, a 20 foot rear yard setback.

23 At the upper floors, again, we are
24 proposing 72 percent. Each footprint would be
25 1,653. The apartments will be 1,406 square feet in

1 size.

2 We are proposing 33 percent roof
3 coverage. That is two roof decks, one at the second
4 floor and one at the fourth floor.

5 We are proposing a 56.6 percent roof
6 coverage with the extensive green roof system.

7 The existing customer service area is
8 1,364, and again, we are proposing the same 1,364.

9 At the first floor, it will be 994
10 square foot, and at the second floor it will be 370.

11 Bob, I would like to --

12 MR. MATULE: I was going to say --

13 THE WITNESS: -- go over the photo
14 board here and just talk a little bit about the
15 existing site.

16 MR. GALVIN: Get that marked.

17 MR. MATULE: Okay. I'm going to get
18 those marked.

19 THE WITNESS: Want to mark this A-2?

20 MR. MATULE: So you have a photo board
21 here.

22 Are these the same photos attached to
23 the plans?

24 THE WITNESS: Yes. They should be
25 labeled P-1 in your original set of plans.

1 MR. MATULE: But these are colored,
2 correct?

3 THE WITNESS: These are colored.

4 CHAIRMAN AIBEL: If anybody wants to
5 come and see them, feel free to step up.

6 MR. MATULE: We are going to mark it
7 A-2.

8 (Exhibit A-2 marked.)

9 And while we're marking things, do you
10 also have a rendering that you're going to be
11 marking reference to?

12 THE WITNESS: I do have a rendering I
13 will be making reference to, and I also have another
14 exhibit. I have a height exhibit.

15 MR. MATULE: Okay.

16 THE WITNESS: Let's mark this A-3.

17 MR. MATULE: Z-8.

18 (Exhibit A-3 marked.)

19 THE WITNESS: Then we have a rendering.

20 MR. MATULE: We have a colored
21 rendering, which we are going to mark A-4.

22 (Exhibit A-4 marked.)

23 So when you are referring to these,
24 just refer to the -- let me get out of the way here.

25 UNIDENTIFIED VOICE: Excuse me. Where

1 do the roof decks --

2 CHAIRMAN AIBEL: One second, ma'am.

3 You will have a chance, or direct -- ma'am, do you
4 want to ask the counsel a question?

5 UNIDENTIFIED VOICE: No, I wanted to
6 ask the architect a question.

7 CHAIRMAN AIBEL: Oh, then you'll have a
8 chance.

9 UNIDENTIFIED VOICE: Okay. Thank you.

10 COMMISSIONER BRANCIFORTE: Maybe his
11 testimony will answer your question, though.

12 UNIDENTIFIED VOICE: Um --

13 MR. GALVIN: No, no, no. We are not
14 there yet.

15 Is that what you are saying?

16 CHAIRMAN AIBEL: That is right.

17 MR. GALVIN: You are just looking at
18 the pictures right now.

19 CHAIRMAN AIBEL: Okay.

20 THE WITNESS: Okay.

21 Photo board, Exhibit A-2, right here
22 photograph number two, dead center top, we have the
23 existing masonry what was previously the Liberty Bar
24 & Grill. That measures to the top of the cornice 17
25 feet eight inches in height.

1 Photo Exhibit Number 1, top left-hand
2 corner, is facing east. In the background, you have
3 the Hudson Tavern structure, which is approximately
4 four stories in height. We have an 11-story Applied
5 building across Hudson Street, and we have a
6 13-story Applied building again across Hudson Street
7 to the northeast.

8 Photograph number three will be looking
9 west. Liberty Bar here is in the foreground.

10 We have a taller five-story masonry
11 structure at the corner of Washington and Fourteenth
12 Street.

13 Exhibit number six, directly below, we
14 have a vacant property that currently they are
15 driving piles on for a new structure. I don't know
16 the specifics of that structure, but from what I
17 understand, it is a taller building.

18 We have the Uptown Pizza, a two-story
19 structure, wood frame, sandwiched in between the
20 vacant parcel.

21 We have the City Bistro, which is a two
22 and a half story structure directly across from the
23 Liberty Bar & Grill.

24 Photo Exhibit Number 5, we have the
25 Applied headquarters building, which is a

1 three-story masonry structure that covers
2 approximately 80 percent of the site.

3 Photograph number four is a better look
4 at the Applied structure.

5 Photograph number eight, directly below
6 here, is the Hudson Tavern structure, and we took
7 some quick measurements of the Hudson Tavern
8 structure, and you are looking to the principal roof
9 42 feet in height. To the top of the cornice, you
10 are at 46 feet in height, and that is of the Hudson
11 Tavern structure.

12 To the corner of Washington and
13 Fourteenth, again, that is the southwest corner.
14 That five-story building for the principal roof
15 structure is 56 feet four inches, and to the top of
16 the cornice, it's at 61 feet in height.

17 An aerial view here taken from Google,
18 this is a Google Earth shot.

19 Our subject property being right here,
20 the five-story masonry building is on the corner of
21 Washington. And Fourteenth is here, and the Hudson
22 Tavern building, which covers approximately 90
23 percent on all levels is here on the corner of
24 Hudson and Fourteenth.

25 I will now take you through the floor

1 plans.

2 Sheet Z-2, an existing site plan,
3 graphic number one, you have an existing one-story
4 again, 17 feet eight inches to the top of the
5 parapet. It covers 100 percent of the site, and the
6 site area is 2,289 square feet in area.

7 The property currently sits within the
8 federal flood plain. Therefore, if you were going
9 to propose residential, it would have to be elevated
10 off the ground, and we will be seeking an NJDEP
11 waiver for providing the commercial space in the
12 flood plain.

13 Graphic number two, we are proposing a
14 three-story residential addition over the top of the
15 existing one-story 100 percent old Liberty Bar &
16 Grill structure. We are amending our application to
17 show a 20 foot rear yard setback, and again, we are
18 at zero front yard and zero side yard on both sides.

19 There is a one-story masonry foyer that
20 attaches to us to the west. That is approximately
21 12 feet in width, and that is the separation
22 distance between the five-story taller structure on
23 the corner and our proposal here in the center of
24 the block.

25 To the west we have a one-story -- we

1 have three commercial spaces, and again, we have the
2 Hudson Tavern, a four-story structure on the corner
3 of Hudson and Washington Streets.

4 Sheet Z-3: Sheet Z-3 shows our
5 proposal for the new first floor.

6 We need two means of egress for the
7 three residential units above. We have one located
8 all the way here to the east. This would be the
9 principal lobby. That is followed by a meter bank,
10 and I am going to amend the application by stating
11 that we don't need this much space for the meters,
12 therefore, we can provide bicycle storage in this
13 second closet adjacent to the stairwell.

14 In the center, we have the first floor
15 restaurant space, and again, that is 994 square
16 feet,

17 To the rear we have the kitchen space,
18 which is approximately in the same location as the
19 current bar and grill.

20 All the way to the west of the
21 property, we have a secondary means of egress for
22 the three residential units. The principal bar and
23 restaurant entry will be here to the western portion
24 of the facade. We have a foldable Manalo
25 collapsible door system for the remainder of the

1 lower part of the first floor facade.

2 We have a secondary stair that takes
3 you to the mezzanine level, and we have two ADA
4 compliant bathrooms. That is Sheet Z-3.

5 Sheet Z-4, this is the upper roof plan.
6 You are looking at the top floor. We are proposing
7 a 2,060 square foot roof deck for the top floor
8 unit.

9 To the rear we are proposing a 20 foot
10 by 31.83 foot rear deck over the existing 100
11 percent roof coverage.

12 On the remainder of the roof, we are
13 providing an extensive roof tray system with a white
14 reflective TPO or PVC roof, and we are proposing
15 mechanical equipment and the stair bulkhead. The
16 perimeter facing east will be lined with plantings
17 and landscaping for privacy. Privacy to the west,
18 of course, will be provided by the bulkhead. That
19 is located in the center of the roof.

20 Sheet Z-5, excuse me, we have the
21 existing plans. We have an existing cellar in the
22 bar/restaurant area. However, since the amount of
23 reconstruction that we are doing on this project,
24 this cellar is going to be filled in and eliminated.
25 The flood administrator has made a determination

1 that that will no longer be able to stay, so
2 therefore, that will be infilled, and our first
3 floor will begin at grade level, at the sidewalk
4 level, at elevation approximately 10.6.

5 The first floor again has a secondary
6 means of egress. The kitchen was located in the
7 back, and in the center, the bar space was a
8 horseshoe.

9 The existing front facade was masonry
10 with some steel accents and some in-swing doors.

11 Sheet Z-6 goes to our floor plans.

12 Again, the first floor plan, as I
13 originally described, the bar center area, 994
14 square feet of customer service area, kitchen
15 located to the rear in the last 17 feet five inches.

16 This secondary stair here located
17 behind the access stair or the egress stair for the
18 residential units is your mezzanine stair. That
19 takes you to a 370 square foot, as our owner is
20 calling it or our applicant is calling it, a private
21 party space. It is not going to have walls. It is
22 going to be open to below.

23 This large X shows you the void of the
24 remainder of the restaurant area. That would be a
25 double height space, and off to the left here will

1 be both office and storage area to service the
2 bar/restaurant on the mezzanine.

3 Floors two, three, and four are typical
4 residential units. Again, the square footage is 72
5 percent, and it is a 1,653 footprint area. However,
6 the unit size, you eliminate the stair wells, is
7 1,406, and we think they are going to be
8 three-bedroom units.

9 To the rear of the second floor, again
10 we have a perimeter planter box with a 477 square
11 foot terrace off of the second floor, and that is
12 above the 100 percent roof area.

13 The roof plan, as I described earlier
14 on an earlier sheet, 264 square foot deck in the
15 center of the proposed 51 feet 11 inches building
16 depth.

17 Sheet Z-7, and what I am going to do is
18 I would like to also bring the rendering up to talk
19 about the building design.

20 Our amended application, our proposed
21 building is 45 feet seven inches above the advisory
22 BFE. You would be permitted to build a volume of 43
23 feet seven inches at three stories as of right. So
24 we are talking about a difference of approximately
25 two feet in height between a building volume that

1 would be permitted, and the building volume that we
2 are proposing, we are asking for the additional
3 story within this building volume.

4 If I refer you to Exhibit A-4, what we
5 have is majority of glazing for the commercial
6 bar/restaurant area here at the lower portion.

7 We have a gray cast stone vertical
8 element to the east, and that wraps the base of the
9 building with the glazing here.

10 We have a Hudson River red or a
11 reddish-orange brick chosen for the upper
12 residential floors. They have a large kind of loft
13 like floor-to-ceiling divided light windows.

14 We are going to also amend our
15 application, and this is also driven by the meeting
16 with the neighbors, that both on the eastern side
17 facade -- excuse me -- on the western side of our
18 building and the eastern side of our building, we
19 are proposing a green screen, and we are also going
20 to propose a green screen at the bulkheads and
21 stairs.

22 I would like to just refer to the last
23 exhibit. Between what is permitted and what we are
24 proposing, this is the difference in volume that we
25 are requesting. We feel, and we have planning

1 testimony and also the applicant testified to, we
2 think that this is a worthy request to request this
3 increase in volume, you know, for the application
4 because it makes the application just that much of a
5 better application for what his vision is.

6 We have the very tall five-story here.
7 The top of the parapet again is at 61 feet. We have
8 56.33 feet to the principal roof line, so we are
9 above here now, the bulkhead being, you know,
10 slightly below where the roof level is.

11 The Hudson Tavern is approximately two
12 to three feet shorter than our proposal, Hudson
13 Tavern being here, and again, the area with our
14 dotted line here.

15 Going back to Sheet Z-7, both site
16 elevations again will have a wrap of aluminum
17 composite material, but it will also have green
18 screen material on both facades, and the rear facade
19 will have a mixed party plank facade treatment.

20 MR. MATULE: No windows in the rear of
21 the ground floor?

22 THE WITNESS: There's no windows in the
23 rear of the ground floor, and that existing wall is
24 to remain.

25 MR. MATULE: Did you receive Mr.

1 Marsden's letter of December 9th, which was revised
2 on March 10th?

3 THE WITNESS: Yes, we did.

4 MR. MATULE: Any issues addressing any
5 of Mr. Marsden's concerns?

6 THE WITNESS: No.

7 MR. MATULE: And should this be
8 approved by the Hoboken Zoning Board, would the
9 applicant be required to go to Hudson County for
10 county site plan approval?

11 THE WITNESS: Yes.

12 MR. MATULE: If the applicant were to
13 do any kind of outdoor cafe for the restaurant, that
14 would be the subject of a separate application for
15 an outdoor cafe permit?

16 THE WITNESS: Yes, it would.

17 MR. MATULE: Just to reiterate Mr.
18 Bawa's testimony, it gives no increase in the
19 present customer service area, and no increase in
20 the current occupancy?

21 THE WITNESS: That's correct.

22 MR. MATULE: I have no further
23 questions at this time.

24 CHAIRMAN AIBEL: Board members?
25 Antonio?

1 COMMISSIONER GRANA: Mr. Vandermark --

2 THE WITNESS: Yes.

3 COMMISSIONER GRANA: -- so you

4 testified that the -- it's an unusual lot. It is 71

5 feet in depth, and the plans here -- if I understand

6 it right, it is Lots 7 and 8. Is that correct?

7 Looking at Z-2 or -- oh, it's 6 and

8 7 -- sorry -- 6 and 7 --

9 THE WITNESS: 6 and 7, correct.

10 COMMISSIONER GRANA: So what is the --

11 combining those two, we have 70 feet -- 71 feet in

12 depth, but what is the width?

13 THE WITNESS: 31.83 feet in width.

14 COMMISSIONER GRANA: Okay.

15 So if I go to Sheet Z-3, there is 994

16 square feet of serviceable customer service area,

17 but doesn't the mezzanine add -- doesn't that become

18 the customer service area?

19 THE WITNESS: 994, and we are proposing

20 370 above to give you an exact 1,364 square feet of

21 customer service area.

22 COMMISSIONER GRANA: Okay. Is that the

23 current customer service area that is there now?

24 THE WITNESS: Correct.

25 COMMISSIONER GRANA: Okay. Let's see.

1 MR. GALVIN: I thought I saw 1500. The
2 restaurant is 1500 to my understanding --

3 THE WITNESS: No, I don't think so.

4 COMMISSIONER MC ANUFF: No. It says
5 1364.

6 MR. GALVIN: Right. Okay.

7 No problem.

8 COMMISSIONER GRANA: On Z-6, so there
9 will be a -- there will be -- currently there is a
10 hundred percent lot coverage on the two lots, is
11 that correct?

12 THE WITNESS: That is correct.

13 COMMISSIONER GRANA: And we are
14 proposing that the building be brought back 20 feet
15 from the lot line, the rear lot line, is that
16 correct?

17 THE WITNESS: On the upper floors. The
18 preexisting hundred percent lot coverage to remain.

19 COMMISSIONER GRANA: So there is a
20 hundred percent coverage on the --

21 THE WITNESS: First floor.

22 COMMISSIONER GRANA: -- on the first
23 floor.

24 Then what is the lot coverage on two
25 through five? 70 --

1 THE WITNESS: 72 percent.

2 COMMISSIONER GRANA: Okay.

3 And if I -- also on Sheet Z-7, so we
4 are asking for 45 feet, I understand 45 feet, what
5 do you believe about this project specifically is
6 driving this project over the 40 feet that is
7 allowable?

8 What is the 45 feet?

9 What about this project that needs the
10 extra five feet?

11 THE WITNESS: The addition of the
12 mezzanine level. That is what is driving the
13 additional height because of the two means of
14 egress, you know, and the loss of customer service
15 area on the first floor, it was added back in with
16 the mezzanine space.

17 COMMISSIONER GRANA: So the addition of
18 the mezzanine space to meet the vision of the
19 applicant, shall we say, is what is driving the
20 extra five feet in height over 40 feet?

21 THE WITNESS: Correct.

22 MR. GALVIN: What is the height of the
23 mezzanine space?

24 THE WITNESS: Excuse me?

25 MR. GALVIN: What is the height of the

1 mezzanine space?

2 THE WITNESS: The height of the
3 mezzanine space is seven foot six in height.

4 I mean, the area below the mezzanine
5 space is at seven foot six, which is the bare
6 minimum. The floor structure is 12 inches, and the
7 height of the mezzanine space is seven foot six, so,
8 you know, we're looking at a -- you're looking at 16
9 feet in height to the underside of the structure of
10 the roof.

11 COMMISSIONER GRANA: Okay. So if I
12 were standing at the bottom looking from the bottom
13 floor looking to the top of the mezzanine area, that
14 would be 16 feet?

15 THE WITNESS: Correct.

16 COMMISSIONER GRANA: Okay. I had
17 another question, but I will come back to it.
18 I think John is next.

19 COMMISSIONER BRANCIFORTE: You don't
20 mind?

21 CHAIRMAN AIBEL: Go ahead.

22 COMMISSIONER BRANCIFORTE: You know,
23 the testimony of the owner was that without the
24 apartment above his restaurant, the restaurant is
25 going to be more difficult to operate.

1 Has he designed restaurants before in
2 the past?

3 THE WITNESS: Yes.

4 COMMISSIONER BRANCIFORTE: So I mean,
5 do you consider yourself somewhat of an expert
6 experienced in restaurants?

7 THE WITNESS: Yes.

8 COMMISSIONER BRANCIFORTE: So from an
9 architectural standpoint, could this design of the
10 restaurant work without those three extra stories on
11 top?

12 THE WITNESS: Yes.

13 COMMISSIONER BRANCIFORTE: Okay.

14 On the second floor, the terrace on Z-6
15 here, I'm worried about the privacy issues from the
16 terrace looking west to the backyards on Washington.

17 What is the design on the terrace to
18 keep the privacy issue?

19 THE WITNESS: We have a heavy shrubbery
20 design. Detail number three, again, we have a three
21 foot high planter box that is acting as both a
22 parapet, and then we have an additional four feet of
23 heavy green landscaping set into the planter box,
24 and we will have drip irrigation, so you are looking
25 at approximately seven feet of privacy.

1 COMMISSIONER BRANCIFORTE: And the
2 green screens on the bulkhead that you are
3 proposing, they are going to need water to be all
4 perfectly watered and whatnot and green?

5 THE WITNESS: Yes.

6 COMMISSIONER BRANCIFORTE: I think that
7 is the only question I have right now, Mr. Chair.

8 Thanks.

9 COMMISSIONER MARSH: I have a question.
10 I think the only place you can answer
11 this is on Z-2.

12 Just to get my bearings, where it says
13 three-story residential over one-story commercial,
14 that line where the -- that one is 72 percent?

15 THE WITNESS: 72 percent, 51 feet 11
16 inches.

17 COMMISSIONER MARSH: Where is 60
18 percent?

19 THE WITNESS: 60 percent would be
20 approximately right here.

21 COMMISSIONER MARSH: What is the
22 difference in feet?

23 THE WITNESS: The difference in feet is
24 approximately nine feet in depth. However, the
25 zoning code permits 30 feet or 30 percent, which is

1 the difference of approximately 18 inches from 72 to
2 70 percent because the zoning code permits 30
3 percent in the rear yard, 30 feet or 30 percent.

4 COMMISSIONER MARSH: Right. But what
5 lot coverage does it permit?

6 THE WITNESS: It permits 60 percent lot
7 coverage.

8 COMMISSIONER MARSH: Right. So if you
9 had a ten foot setback --

10 THE WITNESS: We have a ten foot
11 setback, yes.

12 COMMISSIONER MARSH: -- then you would
13 have a 30 foot backyard. But since you're giving up
14 the ten foot setback, you would then have, with the
15 lot coverage, a 40 foot backyard?

16 THE WITNESS: Technically, yes, if it
17 was a hundred foot deep, if the lot was a hundred
18 feet in depth.

19 COMMISSIONER MARSH: How deep is it?

20 THE WITNESS: 71 feet in depth.

21 COMMISSIONER MARSH: Okay.

22 My argument applies to a hundred foot
23 lot, so it is actually a little less than ten feet
24 that we are talking about.

25 THE WITNESS: Yes. You're talking nine

1 point something and change, actually nine feet.

2 COMMISSIONER MARSH: So how far up is
3 the base of the deck on the second floor?

4 How many feet up in the air is where
5 you are were standing, when you're standing on that
6 deck on the second floor?

7 THE WITNESS: Well, you are
8 approximately about four inches above the roof
9 surface.

10 COMMISSIONER MARSH: Which is --
11 you're --

12 THE WITNESS: You know, it's
13 approximately 17 -- it's about 18 feet in the air.

14 COMMISSIONER MARSH: So that affects
15 the -- about two stories on the buildings
16 surrounding it, right?

17 THE WITNESS: Correct.

18 COMMISSIONER MARSH: Then there is
19 seven feet more on top of that, which is green.

20 THE WITNESS: Which is green.

21 COMMISSIONER MARSH: Okay. Thank you.

22 CHAIRMAN AIBEL: I have a few
23 questions.

24 I guess, you know, we've heard no
25 discussion about what the impact of the height and

1 extra lot coverage will be on the neighbors on the
2 Washington Street side.

3 Is the extra lot coverage that you are
4 seeking an extra height going to make a difference
5 to the light and air that is going to come into
6 those windows?

7 THE WITNESS: It is a difference of
8 approximately three feet.

9 However, if you look at the graphic --
10 I had some photo exhibits here.

11 All right. I am referencing graphic
12 Z-8. We have approximately a five-story, a
13 five-story and a six-story, and they are all
14 approximately 80 percent lot coverage.

15 We have an 11-story building here, a
16 Toller four-story building here, a six, a five and a
17 five, so the impact really is coming from the -- you
18 are talking about kind of the northeast. The
19 building will have a slight impact early in the
20 morning. However, the permitted volume, you're only
21 talking about a difference of three feet, and I
22 think that the impact -- I think that the benefits
23 of the application, and our planner will testify to
24 this, outweigh that slight impact that it will have
25 on the apartments on Washington Street.

1 CHAIRMAN AIBEL: Okay. So let me ask
2 just ask this.

3 It's a three-foot addition in height,
4 and if you drew the building back to 60 percent lot
5 coverage on the upper three floors, how many feet
6 would you be drawing the building north?

7 THE WITNESS: I am not following your
8 question. Please repeat it.

9 CHAIRMAN AIBEL: Okay. If the upper
10 three floors were built at 60 percent lot
11 coverage --

12 THE WITNESS: Correct.

13 CHAIRMAN AIBEL: -- I am assuming that
14 that rear wall will come north, as you said to Ms.
15 Marsh --

16 THE WITNESS: It would come north,
17 sure.

18 CHAIRMAN AIBEL: -- so how far?

19 THE WITNESS: Approximately nine feet.

20 CHAIRMAN AIBEL: Nine feet.

21 So in effect, the mass is nine feet by
22 three feet high in the rear. That is the extra
23 impact on the light and air of the neighbors to the
24 Washington Street side?

25 THE WITNESS: Right.

1 CHAIRMAN AIBEL: Let me ask you, that
2 hundred percent lot coverage, which is I guess
3 requested as a preexisting condition, you are
4 knocking down the front of the building, aren't you?

5 THE WITNESS: Well, we are rebuilding
6 the front of the building, but we are keeping the
7 two sides and the rear wall intact.

8 CHAIRMAN AIBEL: And those are going to
9 be bearing walls?

10 THE WITNESS: Correct. There will be
11 bearing walls. There will be some additional steel
12 structural support within those walls.

13 CHAIRMAN AIBEL: I have a couple of
14 other concerns about the placement of condensers,
15 but I don't think we need to go there now.

16 So anybody else, Board members?

17 COMMISSIONER DE GRIM: I have a couple
18 of questions.

19 How tall are the walls of the Liberty
20 Tavern? How high are they?

21 THE WITNESS: Of the existing
22 structure?

23 COMMISSIONER DE GRIM: Yes.

24 THE WITNESS: The top of the parapet is
25 at 17 feet eight inches.

1 The sidewalls are about the same
2 height, 17 feet eight inches.

3 COMMISSIONER DE GRIM: So that explains
4 the 16 foot high deck that you are talking about?

5 THE WITNESS: Correct, yes.

6 COMMISSIONER DE GRIM: Is there a
7 requirement for the first floor of the residence to
8 be at a particular elevation because of flooding?

9 THE WITNESS: They have to be at -- the
10 zoning code technically wants them at 12.0 AFBS.
11 The new flood regulations, the zoning code has not
12 caught up to that. It would have to be at Elevation
13 14.0.

14 Okay. So from our sidewalk, a new
15 residential -- or a new residence would have to be
16 three feet six set above the sidewalk level for it
17 to be above the flood plain administrator's required
18 14.0, so you are talking about -- you would still
19 have to lift the building 3.6 feet, you know, to get
20 out of the flood plain, even if it was a residential
21 structure.

22 COMMISSIONER DE GRIM: But only 3.6
23 feet?

24 THE WITNESS: Correct.

25 MR. GALVIN: By the way, that is FEMA's

1 requirement. That's not the flood plain
2 administrator. She is administering it.

3 THE WITNESS: Well, she is -- we are at
4 12. FEMA is at 13, and she requires it to be an
5 additional -- she wants the bottom of the structure
6 to be at 13, and she wants all new structures,
7 residential, to be at 14.0, so FEMA --

8 MR. GALVIN: But I think we are doing
9 the same thing in Point Pleasant Beach. We're just
10 saying it differently. But you have to have two
11 feet of floor board between, because you have to get
12 the mechanicals up, and I think the flood plain
13 administrator is interpreting the FEMA regs
14 correctly.

15 THE WITNESS: Okay. So it's FEMA's
16 regulation at 14.0.

17 MR. GALVIN: I'm just saying -- right,
18 and if you do that, that is a special reason that
19 advances your case, because now we are taking the
20 buildings up in the event of a flood. The first
21 floor will be beyond where the damage is going to
22 occur, so that's what justifies at least a few feet
23 of the increase in height that you're looking for,
24 maybe not all of it.

25 CHAIRMAN AIBEL: Let me go back and ask

1 you a couple more questions on the structure that
2 you are going to reuse.

3 What are the walls made of?

4 Are they made of typical rubble, brick
5 and mortar?

6 THE WITNESS: The existing concrete
7 block, the walls are made out of concrete block.

8 CHAIRMAN AIBEL: The side walls and the
9 rear walls?

10 THE WITNESS: Yes, yes.

11 CHAIRMAN AIBEL: Carol?

12 COMMISSIONER MARSH: I have just a
13 clarifying question about what you asked.

14 CHAIRMAN AIBEL: Sure, go ahead.

15 COMMISSIONER MARSH: The top -- the
16 first floor is a hundred percent lot coverage, and
17 it is a one-story building right now.

18 THE WITNESS: Correct, yes.

19 COMMISSIONER MARSH: So -- and the
20 depth of the structure above it is -- how high is
21 that one?

22 THE WITNESS: Right now to the top of
23 the parapet, it is at 17 feet eight inches, so the
24 building, you know, the -- the 17 feet eight inches
25 in height currently from the curb line.

1 COMMISSIONER MARSH: Without making
2 anybody do math in their head here, I am trying to
3 clarify what Mr. Aibel said, which is the effect of
4 the 70 foot -- 70 percent lot coverage is not nine
5 feet by three feet. It is nine feet by whatever the
6 height of the second, third and fourth floors are.

7 THE WITNESS: By 30 feet.

8 COMMISSIONER MARSH: So it is nine feet
9 by 30 feet is the effect of changing, you know, that
10 is going to effect the neighbors, right?

11 THE WITNESS: Yes.

12 CHAIRMAN AIBEL: We are in agreement.

13 COMMISSIONER MARSH: Sorry. I just
14 wanted to make sure I was understanding it.

15 MR. MATULE: I will have redirect.

16 MR. GALVIN: After the public.

17 MR. MATULE: Maybe before.

18 CHAIRMAN AIBEL: Is there any reason
19 you couldn't construct a beautiful building within
20 the height and bulk requirements?

21 THE WITNESS: No.

22 CHAIRMAN AIBEL: Okay. Thanks.

23 Anybody else, questions?

24 Professionals?

25 MS. BANYRA: Yes. I just had a

1 question about the bulkhead height is how high, Mr.
2 Vandermark?

3 THE WITNESS: Let's go back to Sheet
4 Z-7.

5 We are keeping it to a minimum, and we
6 are proposing to the top of the structure an
7 additional nine feet from the principal roof area,
8 so that is nine feet in height to the top of the
9 bulkhead.

10 MS. BANYRA: Is there a way to turn
11 that just to reduce the -- I guess you have the
12 western exposure, east and west exposure, if you
13 turn it, you have less --

14 THE WITNESS: Profile?

15 MS. BANYRA: Yes.

16 THE WITNESS: Yes, you could.

17 MS. BANYRA: The second thing is:
18 Well, what can you do in terms of the HVAC and
19 potential noise since it is on the roof?

20 Is there any other dampening things you
21 can do on that, that is a question --

22 THE WITNESS: Yes. I mean, they will
23 be on noise isolators, so the vibration will be to a
24 minimum. I mean, we can provide screening, some
25 additional screening around the condenser units.

1 It's typically not required. I mean, you would not
2 hear them to such an extent at 20 feet, 25 feet or
3 12 feet depending on what location your apartment
4 would be.

5 Again, they are kind of -- they're
6 situated in between the landscaping of the roof deck
7 and the bulkhead itself, so I think it would have
8 minimal impact on adjacent properties.

9 MS. BANYRA: So is it residential air
10 conditioning, or what is the commercial aspect of
11 it?

12 THE WITNESS: It will be the same.
13 There will be a few condenser sets for the HVAC of
14 the commercial space, and then there will be three
15 condensers for the residential units above.

16 MS. BANYRA: And then I wanted to know
17 what is actually, it says: Lands of the Hudson
18 Street Condo Association, Lot 11. What is actually
19 on that lot in the very rear yard, if you look from
20 the second floor down into the backyard, what is
21 happening on that lot?

22 THE WITNESS: This yard here?

23 MS. BANYRA: Yes.

24 THE WITNESS: That is a landscaped rear
25 yard.

1 MS. BANYRA: As are the buildings to
2 the west, where it says six-story masonry, are those
3 landscaped, where it says 3.2 and 3.1, those are
4 rear yards?

5 THE WITNESS: Those are rear yards. I
6 cannot testify to the condition of the rear yards,
7 but yes.

8 UNIDENTIFIED VOICE: I have a picture.

9 MS. BANYRA: It is open space.

10 Thank you.

11 MR. MARSDEN: I have just one question.

12 CHAIRMAN AIBEL: Go ahead.

13 MR. MARSDEN: You indicated you are
14 going to request a waiver from DEP to have the first
15 floor below grade, below flood?

16 THE WITNESS: Yes.

17 MR. MARSDEN: Yet, you are showing
18 flood barriers.

19 THE WITNESS: You will have a flood
20 barrier here, and this will be dry flood proofed,
21 and these will be wet flood proofed because we
22 cannot provide barriers in front of means of egress
23 for residential.

24 MR. MARSDEN: Yes, I understand. So
25 you will be getting an IP from DEP, not a waiver?

1 THE WITNESS: Yes.

2 MR. MARSDEN: Okay. Thank you.

3 CHAIRMAN AIBEL: Finished?

4 COMMISSIONER GRANA: Just one question.

5 Mr. Vandermark, I don't know if you

6 know the answer. I am curious.

7 On Z-3, and this is following from Ms.

8 Banyra's question, the Lands of the Hudson Street

9 Condo Association, we see a number of those. Those

10 are, I guess, backyards we'll call them. Those are

11 landscaped backyards?

12 THE WITNESS: Yes. Well, certainly

13 backyards.

14 COMMISSIONER GRANA: Do you happen to

15 know what the lot coverage of those properties is?

16 THE WITNESS: Again, as I testified

17 earlier, the lot coverage on this five-story, this

18 six-story, and the additional project above is 80

19 percent or slightly beyond lot coverage, and the

20 corner building is at 89 percent.

21 COMMISSIONER GRANA: So which one is 89

22 percent?

23 THE WITNESS: Washington, the corner of

24 Washington and Fourteenth Street is at 89 percent

25 lot coverage.

1 COMMISSIONER GRANA: Do you know what
2 the 1314 Hudson Street Association lot coverage is
3 at?

4 THE WITNESS: On the Hudson Tavern
5 building or here?

6 This building is short. This is
7 approximately 40 to 50 feet in depth.

8 COMMISSIONER GRANA: Okay. I'm looking
9 at Lands of the 1314 Hudson Street Condo
10 Association.

11 THE WITNESS: Yes. That is
12 approximately 40 to 50 feet in depth.

13 Okay. Thank you.

14 COMMISSIONER MARSH: The buildings that
15 are on Washington Street, do you know when they were
16 built?

17 THE WITNESS: They have to be
18 approximately a hundred years in age.

19 COMMISSIONER MARSH: Do you know, were
20 they always apartments?

21 THE WITNESS: I would say yes, there
22 would always be a residential use there.

23 COMMISSIONER MARSH: But they've been
24 there for --

25 THE REPORTER: What did you say?

1 MS. BANYRA: We can't hear you down
2 here.

3 COMMISSIONER COHEN: But they've always
4 been there --

5 THE REPORTER: I'm sorry. What did you
6 say?

7 COMMISSIONER MARSH: I asked how long
8 they had been there.

9 THE REPORTER: And what did you say?

10 THE WITNESS: Approximately a hundred
11 years in age.

12 CHAIRMAN AIBEL: Okay.

13 COMMISSIONER BRANCIFORTE: Just one
14 quick question.

15 On the Hudson Tavern, were you the
16 architect? Was your firm the architects?

17 THE WITNESS: No.

18 COMMISSIONER BRANCIFORTE: Okay.
19 Thanks.

20 I am good.

21 Thank you, Jim.

22 MR. MATULE: If I may, I just want to
23 try to clarify a point. I think it is important
24 before we go to the public.

25 Mr. Vandermark, earlier you were asked

1 a question, and I just wanted to get this clear.

2 Under the zoning ordinance, your lot
3 coverage, your rear yard depth is required to be
4 either 30 feet or 30 percent of the lot in depth,
5 correct?

6 THE WITNESS: Correct.

7 MR. MATULE: And you are now at a 20
8 foot rear yard?

9 THE WITNESS: Correct.

10 MR. MATULE: And to have a 30 percent
11 deep rear yard, how deep would it have to be?

12 THE WITNESS: It would have to be 21
13 feet six inches.

14 MR. MATULE: So approximately a foot
15 and a half more than what you are at now?

16 THE WITNESS: Yes.

17 MR. MATULE: And with the current lot
18 coverage you are at 72 percent, and if you brought
19 it back 18 inches, you would be at what?

20 THE WITNESS: We would be at 70
21 percent.

22 MR. MATULE: Okay. Thank you.

23 CHAIRMAN AIBEL: Okay. Let me open it
24 up to the public. Now is the time for questions.

25 Please come forward. Again, everybody

1 will have a chance to comment at the end of the
2 questioning.

3 MS. YOGUEZ: My name is Jessica Youez.

4 THE REPORTER: How do you spell that?

5 MS. YOGUEZ: Y-o-g-u-e-z.

6 My husband and I own the restaurant
7 located at 1319 Washington Street, and the back of
8 that restaurant has courtyard seating, which abuts
9 right up to the Liberty Bar.

10 Our concern is when are you going to be
11 starting construction, and how long is it going to
12 last?

13 THE WITNESS: With the Board's
14 permission, construction would start approximately
15 July. We estimate this to be a 12-month project.

16 All construction will happen within the
17 site parameters. We will not be requesting
18 permission to be on your property at any time.

19 MS. YOGUEZ: Okay. How will you
20 prevent debris and noise, and all of the other stuff
21 that goes on with construction?

22 We have probably about 17 tables, which
23 is approximately 34 seats that sit out back, and we
24 rely on that outdoor seating to help with our
25 revenue to help us do the, you know, the winter

1 months. If we have to close that outdoor seating,
2 that could really hurt us, being a small business.

3 THE WITNESS: Understood.

4 Again, every precaution will be made to
5 provide protection that no debris falls on your
6 property, and they could provide a series of hanging
7 drop scaffold protection to maintain your yard being
8 clean.

9 MS. YOGUEZ: And will we have that in
10 writing? Like are we going -- I mean, how does
11 this -- how does this work?

12 THE WITNESS: You will be notified by
13 the applicant when he is going to begin
14 construction.

15 You guys can do some sort of formal
16 agreement as to the protection that he will provide
17 to you, and also the building department is going to
18 require that anyway.

19 MS. YOGUEZ: Okay. And what are the
20 hours of construction?

21 Is it normal nine to five, or is it
22 going to be weekends or --

23 THE WITNESS: You are not permitted to
24 be building on Saturdays and Sundays. So, yes, it
25 would be typically eight to five.

1 MR. MATULE: Can I just ask one
2 question?

3 In terms of your business operations,
4 what are your general hours --

5 MR. GALVIN: She is not under oath, but
6 I can put her under oath.

7 Raise your 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 MS. YOGUEZ: Yes, I do.

12 MR. GALVIN: Okay.

13 MS. YOGUEZ: Hours vary. Monday
14 through Wednesday, we open at three, and we usually
15 close around 11, midnight.

16 And then Thursday through Saturday is
17 from 11 a.m. until midnight, but we are also
18 considering opening brunch on Saturdays and Sundays,
19 which then we will then be open earlier.

20 MR. MATULE: Okay. Thank you.

21 MR. GALVIN: What kind of food do you
22 serve?

23 (Laughter)

24 MS. YOGUEZ: Asian.

25 MR. GALVIN: No. The answer is good.

1 (Laughter)

2 CHAIRMAN AIBEL: Anybody else have
3 questions for the architect?

4 Please, Miss, state your name again.

5 MS. SUSSMAN: Nicole Sussman.

6 I just want some clarification. You
7 said the three walls would remain. It's just the
8 front that's coming down?

9 THE WITNESS: Correct.

10 MS. SUSSMAN: So as far as, you know,
11 since my backyard and one of the walls butts up, is
12 there any touching to that wall, or is that wall
13 just remaining as is?

14 THE WITNESS: That wall is going to
15 remain as is.

16 We are proposing to sheath it with a
17 siding. However, if you want a different material,
18 we would certainly agree to provide whatever facing
19 on that wall you would want, so we are not removing
20 that wall, so we are not impacting your property.

21 MS. SUSSMAN: Okay.

22 And then I had the other concerns as
23 far as safety goes just since I do have a
24 one-year-old that's going to be in that backyard.
25 Obviously, summer, which sounds like it's going to

1 be the height of your construction, so I would just
2 want something in writing that says you guys have a
3 plan in place to protect the neighbors, so that, you
4 know, besides noise being a major concern, safety is
5 obviously my other major concern --

6 THE WITNESS: Of course.

7 MS. SUSSMAN: -- so I guess you would
8 get back to us on how we would be assured that we
9 would be safe, and we would know what's going on?

10 THE WITNESS: Absolutely. The
11 applicant will contact you and notify you when
12 construction is going to commence, and a safety plan
13 will be put into place, and you know, you will have
14 that safety plan.

15 MS. SUSSMAN: Okay.

16 MR. GALVIN: Just to be clear, this is
17 beyond what the Board does. That is like something
18 that they are saying that we don't have any control
19 over that, and we can't enforce that. All right?

20 MS. SUSSMAN: Right, okay.

21 THE WITNESS: But the building
22 department will.

23 MS. SUSSMAN: Okay.

24 CHAIRMAN AIBEL: Any other questions
25 for the architect?

1 COMMISSIONER DE GRIM: You have one
2 behind you.

3 MR. GALVIN: Name and address.

4 MR. PHILLIPPI: Yeah, absolutely.
5 Luke Phillippi, P-h-i-l-l-i-p-p-i.

6 I live in 1321 on the fifth floor of
7 the building next to the site.

8 I was just curious. How many feet are
9 going to be behind our Hudson facing windows on the
10 side of your building?

11 THE WITNESS: Can you just clarify, you
12 are the building here on the corner?

13 MR. PHILLIPPI: Correct.

14 THE WITNESS: Okay.

15 Which is the dimension of this
16 one-story foyer, that's the distance between your
17 windows and our new structure.

18 MR. PHILLIPPI: Absolutely.

19 THE WITNESS: And that's 12 feet.

20 MR. PHILLIPPI: 12 feet. Okay.

21 And then this might be a silly
22 question, but the rooftop terrace, is that only
23 accessible to the residents of those units? It's
24 not accessible by the restaurant?

25 THE WITNESS: Just the residents. No,

1 it is not.

2 MR. GALVIN: That's a good question.

3 MR. PHILLIPPI: Thank you.

4 CHAIRMAN AIBEL: Anyone else?

5 MS. SUSSMAN: I have one question. I'm

6 sorry. I'm sorry.

7 MR. GALVIN: Yes. You didn't see him

8 back there. Twice you cut him off.

9 (Laughter)

10 MS. SUSSMAN: I'm sorry. I don't have

11 eyes in the back of my head.

12 MR. GALVIN: It's okay.

13 THE REPORTER: Can you state your name

14 again?

15 MS. SUSSMAN: Nicole. I'm sorry.

16 Do we have any concerns about

17 foundation issues, since I am on the first floor, I

18 guess how much construction drilling, is there going

19 to be shaking --

20 THE WITNESS: Your property is located

21 all the way over here, correct?

22 This is your backyard?

23 MS. SUSSMAN: No. I am on Washington.

24 THE WITNESS: Oh, you're over here or

25 here?

1 CHAIRMAN AIBEL: No.

2 THE WITNESS: Again, if --

3 MS. SUSSMAN: This is Liberty Bar, and
4 that is my backyard. So if this is the side of
5 Liberty Bar -- is that right?

6 THE WITNESS: Yes.

7 MS. SUSSMAN: So then that is my
8 backyard.

9 THE WITNESS: Okay. But then you have
10 approximately 20 feet between your structure and the
11 Liberty Bar structure, it will have no impact on the
12 foundation to your building.

13 MS. SUSSMAN: Okay.

14 MR. GALVIN: Now.

15 CHAIRMAN AIBEL: Your name and address?

16 MR. KRON: My name is Bill Kron,
17 K-r-o-n. I own 55, 57 and 59 Point Beach Street,
18 the doctor's office, the post office and the candy
19 store.

20 My question is: The ingress and the
21 egress to the property, the hallways, are they going
22 to be separated by the commercial use and the
23 residential use, or are they all going to be used
24 for the same purpose?

25 THE WITNESS: This secondary means of

1 egress will be used by both the commercial space and
2 they will both exit out the eastern portion of the
3 building, and it is permitted by code.

4 MR. KRON: It is permitted by code?

5 THE WITNESS: Yes, it is.

6 MR. KRON: Is that on both sides or is
7 that only on one side?

8 THE WITNESS: It's only on one side.

9 MR. KRON: It's only on one side?

10 THE WITNESS: The other means of egress
11 is to the western portion here through the front
12 door, by the commercial space, so the only mixture
13 is happening within this hallway and this doorway
14 here.

15 MR. KRON: All right. So it's going to
16 be on the east side of the building?

17 THE WITNESS: Correct.

18 MR. KRON: Thank you.

19 CHAIRMAN AIBEL: Anybody else have a
20 question?

21 DR. FRIO: Dominic Frio. I own 1321
22 Washington Street.

23 And my question -- one question would
24 be: You said you are filling in the base with
25 concrete, dirt, what is that filling?

1 THE WITNESS: It would be controlled
2 fill, and then it will be concrete on top of it.

3 DR. FRIO: Controlled fill is what?

4 THE WITNESS: It would be dirt. It is
5 a fancy term.

6 DR. FRIO: Fancy term?

7 THE WITNESS: Yes.

8 MR. GALVIN: Non contaminated, I think
9 they mean by that.

10 (Laughter)

11 DR. FRIO: Right.

12 So there would be no drilling for a
13 foundation?

14 THE WITNESS: No.

15 DR. FRIO: So that wouldn't affect my
16 foundation?

17 THE WITNESS: No.

18 DR. FRIO: So the size of the lot, it
19 is a nonconforming lot, right, so what is considered
20 a conforming lot? What's a conforming lot?

21 THE WITNESS: It is nonconforming only
22 because of the depth dimension.

23 DR. FRIO: It should be a hundred,
24 but --

25 THE WITNESS: It should be a hundred or

1 at 71.94. However, we are actually greater than the
2 permitted R1, 2000 square feet size. We are at
3 2,289 square feet, which is actually slightly
4 oversized for the R1.

5 DR. FRIO: All right. Okay.

6 So you presently have a hundred percent
7 coverage on the ground floor?

8 THE WITNESS: Correct.

9 DR. FRIO: Then on the second floor you
10 are having the mezzanine on top of the kitchen,
11 right, the party room?

12 THE WITNESS: That's correct.

13 DR. FRIO: What is in front of the
14 party room?

15 THE WITNESS: A railing and open air.

16 DR. FRIO: Where is the apartment above
17 that?

18 THE WITNESS: The apartment above is on
19 the next level.

20 DR. FRIO: But if this is open, I don't
21 understand where the apartment is.

22 If this is the open area, here's the
23 party room -- this is open?

24 THE WITNESS: The apartment is here.

25 DR. FRIO: Oh, so it is not open then.

1 It's an overhang -- there's an overhang over there.

2 THE WITNESS: Well, yes. You have a
3 two-story height volume with the restaurant, and
4 then at the second floor you have the apartment
5 above it.

6 DR. FRIO: So would the mezzanine be
7 considered one floor?

8 THE WITNESS: No, it is not.

9 DR. FRIO: Because it sounds like you
10 are going up four floors, not three.

11 THE WITNESS: We're asking for four
12 stories in height, which is a height variance, and
13 our planner will testify to that.

14 DR. FRIO: But that includes the ground
15 floor?

16 THE WITNESS: That includes the ground
17 floor, correct.

18 DR. FRIO: And are you supplying any
19 parking for the apartments?

20 THE WITNESS: No, we are not.

21 DR. FRIO: Because that's a big issue.

22 THE WITNESS: Parking is not going to
23 be required for those three residences.

24 DR. FRIO: Okay. All right.

25 My tenants have -- my tenants have two

1 windows in the back. There are four tenants in the
2 back, and they both have two windows with fire
3 escapes.

4 Now, when I measured it, I got ten
5 feet. I could be wrong. He says it is 12 feet. I
6 don't know if you can see the fire escape.

7 Yeah, there is the fire escape. The
8 light is blocking it.

9 So I have fire escapes coming down, and
10 where the end of the bucket is supposed to be I
11 think six feet away from the neighboring wall. I
12 believe this might be just seven feet away, so it
13 would be difficult for firemen, God forbid, they
14 have to go up that way.

15 So my question is -- that is just a
16 point of information, I guess.

17 Now, the other thing is when they go up
18 this way, they will be blocking six windows, and we
19 have the east. The sun rises in the east. We are
20 not going to get any sunlight in there at all.

21 CHAIRMAN AIBEL: Doctor, ask a
22 question.

23 MR. GALVIN: You have to ask him
24 questions. But here is the other thing, if you
25 could. We have two more cases to do --

1 DR. FRIO: Okay.

2 MR. GALVIN: -- you know, if we let him
3 finish, we'll get the planner on, and then you can
4 just come up and tell us that. We get it, though.
5 I think some of the Board members have concerns.

6 DR. FRIO: Okay.

7 And is it true that NJSA 40:55(2)(c),
8 you need to provide adequate air and light in an
9 open space?

10 MR. GALVIN: That is a special reason,
11 and that will be testified to by the planner who
12 will be on next.

13 DR. FRIO: Okay. All right.

14 So the whole basement will be --
15 because I think you have a six-foot basement.

16 UNIDENTIFIED VOICE: It will be
17 infilled.

18 DR. FRIO: Okay. Thank you.

19 CHAIRMAN AIBEL: Thank you.

20 Anyone else?

21 Please come forward.

22 MR. GALVIN: And you have to state your
23 name again, and I apologize.

24 State your name again.

25 MS. PHALON: Sheila Phalon,

1 P-h-a-l-o-n.

2 And it might not be in your knowledge,
3 but what about the amenities in the region?

4 What is it going to do to sewerage, any
5 impact on water supply, pressure, anything that
6 would impact --

7 THE WITNESS: We will be required to
8 get north Hudson Sewerage approval for these
9 additional units, which, you know, should have a
10 capacity for these three additional residential
11 units.

12 Again, they will have minimal impact on
13 the domestic source. The building will be fully
14 suppressed, so I don't think it's going to have --
15 it will have minimal, if any, impact on any of your
16 utilities.

17 MS. PHALONG: Okay, thank you.

18 CHAIRMAN AIBEL: Anyone else, questions
19 for the architect?

20 Seeing none.

21 COMMISSIONER GRANA: Motion to close
22 public portion.

23 COMMISSIONER BRANCIFORTE: Second.

24 CHAIRMAN AIBEL: All in favor?

25 (All Board members voted in the

1 affirmative.)

2 CHAIRMAN AIBEL: Okay. Mr. Matule?

3 MR. MATULE: Mr. Kolling.

4 MR. GALVIN: Raise your right hand.

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

8 MR. KOLLING: Yes, I do.

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

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

13 THE WITNESS: Edward Kolling,
14 K-o-l-l-i-n-g.

15 MR. GALVIN: Mr. Chairman, do we accept
16 Mr. Kolling's credentials?

17 CHAIRMAN AIBEL: We do.

18 MR. MATULE: Mr. Kolling, you are
19 familiar with the zoning ordinance and the master
20 plan of the City of Hoboken?

21 THE WITNESS: Yes, I am.

22 MR. MATULE: And you are familiar with
23 the site and the proposed project?

24 THE WITNESS: Yes.

25 MR. MATULE: And you prepared a

1 planner's report, dated September 15th, 2014?

2 THE WITNESS: Correct.

3 MR. MATULE: And you are familiar with
4 the couple of changes that the architect testified
5 to this evening about the rear wall being now pulled
6 back to 20 feet on the upper floors rather than 15
7 feet?

8 THE WITNESS: Yes. I had a chance to
9 review those.

10 MR. MATULE: Could you go through your
11 report for the Board and members of the public here
12 and give us your professional opinion regarding the
13 requested variance relief?

14 THE WITNESS: Yes.

15 As the architect mentioned, the lot is
16 undersized in terms of lot depth. It's about 72
17 feet deep versus a hundred. It does have over a 30
18 foot frontage on Fourteenth Street, however, so it
19 exceeds the minimum lot area for the R1.

20 The proposed development, as the
21 architect mentioned, three residential units over a
22 ground floor commercial. That is a pretty typical
23 Hoboken style development, so I don't think it is
24 out of character with the area.

25 Also, as was described, we are in the

1 flood hazard area. That creates a bit of a hardship
2 on how the property can be developed, and
3 specifically that goes to the fact that the basement
4 is being filled in. That creates a loss of storage
5 area that had been available to the existing
6 restaurant bar that is there, has been functioning,
7 but that has been occupying that site. Again, that
8 could be looked at as also being a hardship on the
9 development of the site.

10 The surrounding area, just to briefly
11 go over that again, to the east there are five-story
12 buildings along Washington Street, including
13 immediately adjacent to the property line to the
14 east. There is a four-story building at the corner
15 of Hudson and Fourteenth. Then there are four and
16 five-story buildings going down Hudson.

17 Again, I don't think that three stories
18 of residential over the ground floor commercial,
19 four stories, is out of character.

20 The anomaly really is this Fourteenth
21 Street frontage. The anomaly there is that there
22 are these existing one-story commercial buildings.
23 They don't have any residential above. This is an
24 R1 district, and one of the purposes of the R1
25 district is to conserve the architectural scale of

1 the residential blocks and street patterns and to
2 reinforce the residential character of the district.

3 Again, the four and five-story
4 buildings are prevalent in this area. Adding
5 residential land uses, I think also helps to
6 reinforce the residential character, so I think we
7 meet the intent of the zone plan in that regard.

8 And looking at the height, we are
9 asking for four stories, where three is permitted.
10 Again, though, in this particular area that is very
11 predominant and typical. Some buildings are four
12 stories of residential over a ground floor, so you
13 have five stories in height.

14 We exceed the height in number of feet
15 by a few feet. The architect was describing the
16 specific numbers. We would be allowed to be 40 feet
17 above the BFE as it is, so I think what you have to
18 look at is that extra couple of feet, does that
19 variance rise to the level of being a substantial
20 detriment or being so out of character with the
21 area, and I think when you look at the elevations
22 that the architect has prepared, I think you would
23 have to say no, that would not be the case.

24 We're looking at a front yard variance.
25 We are asking for zero feet. That is the

1 predominant on the block. The building as exists
2 has that. We are asking to continue that for the
3 upper floors. That's where the variance lies.

4 The rear yard is now 20 feet. If we
5 were going to comply with the 30 percent, we would
6 have to do 21.5 feet, so it would be an extra 18
7 inches.

8 Again, does the extra foot and a half
9 rise to a level that would be a substantial
10 detriment given the other hardships also that
11 affects the site?

12 Roof coverage is a variance. A lot of
13 that is the green roof and then the roof deck. The
14 roof deck provides outdoor living space for the
15 upper unit only, not the other commercial space and
16 not the other units, and I think it provides some
17 outdoor living space for the upper unit, which helps
18 to make that particular unit especially a little bit
19 more family-friendly, and you also have the roof
20 deck on the top of the mezzanine level, which I
21 think also serves the same purpose, plus the green
22 roof also complies with certain recommendations of
23 the master plan.

24 Then, we have coverage. We are at 72
25 percent. 60 percent is permitted. The undersized

1 nature of the deck is part of what is driving that,
2 trying to make the units a reasonable configuration,
3 so that they have adequate space for family-friendly
4 units.

5 I think that goes to really being a C2
6 type of variance, where the benefits outweigh the
7 detriment, because if you look at where the rear
8 wall would fall, for instance, in a 60 percent
9 situation, you can say 60 percent of the deck would
10 be how far the building could go back. 72 feet
11 would be something over 42, 43 feet back.

12 If we complied with the front yard at
13 ten feet, we would be 53 feet back, which would only
14 be a 19 foot rear yard. If we were five feet, of
15 course, that would be then 24 feet. But what would
16 be permitted under the 60 percent with different
17 front setbacks is not dissimilar to what is being
18 proposed, so does the granting of that variance
19 really rise to a substantial detriment, and does the
20 granting of that variance maybe provide some
21 additional benefits in terms of creating
22 family-friendly units because of the size of the
23 units and creating a better living environment.

24 The way the commercial space has been
25 laid out, you have to remember that that space is

1 there, and it has existed there for years, and a bar
2 could continue there, and what is being done now is
3 changing it, yes, but it's changing in reaction to
4 these hardships. The fact that we are in the plain,
5 the fact that we have to fill in the basement,
6 therefore, what the basement had been used for, that
7 has to be accommodated on the main level.

8 Also, in building the residential
9 units, space has to be taken up with access to the
10 residential units and for the egress in residential
11 units, so again, reconfiguring that space, the
12 mezzanine makes perfect sense and really just gets
13 back to, you know, where it was before.

14 We also have to remember that not only
15 is the restaurant use preexisting, but that the
16 residential units are permitted in this area. It
17 is, in fact, a residential zone, and that the number
18 of units are permitted.

19 So that constructing a building with
20 three residential and ground floor commercial is
21 perfectly reasonable in this zone and permitted.

22 I think one of the things to look at in
23 terms of that zone plan is that, again, it is
24 primarily a residential zone, adding residential
25 units brings it into greater compliance with the

1 intent of the plan, so I think that ends up being a
2 benefit.

3 When you start looking at the C2
4 criteria for some of the variances that we're
5 requesting, the bulk variances, then I think that
6 you would say that the benefits outweigh the
7 detriment in that regard.

8 I guess, lastly, looking at the height,
9 I think the property can accommodate the extra
10 height without substantial detriment. The buildings
11 on the other side of it are of a similar height.
12 Any impacts that would occur, for instance, from the
13 building that fronts on to Washington Street would
14 occur regardless.

15 If the variances were not granted, and
16 the building was 40 feet above BFE, and if the rear
17 setback was at 20 feet or 21 feet, if there was a
18 front yard to make up the difference for the
19 coverage, you're still going to get the same or very
20 similar amount of shadow. Certainly that wouldn't
21 rise, in my opinion, to the level of a substantial
22 detriment, if these variances were granted because
23 even without the variances, there is going to be an
24 impact. It is an urban area. Every building is
25 going to cast a shadow. Every building is going to

1 have an impact.

2 Something is permitted to be
3 constructed here that would be of fairly similar
4 height and bulk, so I don't think that the variances
5 result in any substantial detriment either to the
6 public good or to the intent of the zone plan.

7 MR. MATULE: Thank you, Mr. Kolling.

8 CHAIRMAN AIBEL: Board members,
9 questions for the planner?

10 COMMISSIONER BRANCIFORTE: I guess I
11 will start.

12 Have you worked -- have you done a lot
13 of work with restaurants in the past?

14 THE WITNESS: Not a lot, but it is not
15 uncommon for a ground floor to be used for a
16 commercial use like a restaurant or retail or
17 something like that.

18 COMMISSIONER BRANCIFORTE: So is there
19 a reason why these three additional apartments are
20 going to make the restaurant a better place, a less
21 difficult business to run?

22 THE WITNESS: I don't know how the
23 restaurants -- the residential and restaurant works
24 together, but the restaurant is there as a
25 preexisting use, and the residential is permitted,

1 so I don't see any reason why that wouldn't occur.

2 COMMISSIONER BRANCIFORTE: You know, I
3 will wait until everybody asks their questions.

4 CHAIRMAN AIBEL: Anybody else?

5 COMMISSIONER BRANCIFORTE: Well, I will
6 ask a question then.

7 In the past we have spoken about this,
8 about how buildings on corners are supposed to be
9 bigger. They are supposed to be the anchors. Is
10 that correct? We discussed that before, right?

11 THE WITNESS: I said that, yes.

12 COMMISSIONER BRANCIFORTE: So you are
13 saying the buildings on both corners, the Hudson
14 Tavern and Dr. Frio's building on the corner they
15 are both tall buildings, I guess four stories and
16 six stories, five stories?

17 THE WITNESS: Five.

18 COMMISSIONER BRANCIFORTE: Five.

19 So those would be the anchors?

20 THE WITNESS: Sure.

21 COMMISSIONER BRANCIFORTE: Now, you are
22 saying those buildings are supposed to be the
23 tallest, but now you are saying it's okay if we put
24 one just as tall in the middle.

25 THE WITNESS: I don't think that it is

1 quite as tall, but there's certainly nothing wrong
2 with having, you know, going across the whole block.

3 This is the short end of the donut, so
4 it is not like the long ends of the block where you
5 have a little bit more variety. I think where this
6 building is located in terms of impact on light into
7 the open space in the core, we are on the north end.
8 The sun rises southeast and comes across. Like we
9 all know where the sun goes.

10 So the shadows are primarily cast
11 towards the Fourteenth Street side rather than the
12 other side.

13 COMMISSIONER BRANCIFORTE: But, you
14 know, I am confused, and I am asking you to please
15 explain this to me.

16 Why is it that sometimes we say, let's
17 say you have a corner lot, and you say, well, we
18 should be allowed the height because the corner lots
19 are supposed to be the anchors, and it's okay for
20 them to be bigger.

21 So let's say the Zoning Board gave
22 permission to both buildings, and I don't think Dr.
23 Frio's building's been there long before the land
24 use laws probably, so Court Street -- I mean, Hudson
25 Tavern gets its permission to build up that high

1 because it is on the corner, and it's supposed to be
2 big. It's the anchor.

3 So the question is: Why do we even
4 bother discussing this idea of anchor corner
5 buildings being taller, if every building in between
6 is okay to be just as big?

7 Does that make sense, Phyllis?

8 (Laughter)

9 CHAIRMAN AIBEL: She agrees.

10 THE REPORTER: I don't answer
11 questions.

12 MR. GALVIN: Don't ask the mime.

13 THE WITNESS: I'm not really sure if I
14 know where you are going.

15 The building on the corner may have
16 been approved prior to the zone height changing. I
17 don't know when it was approved. I didn't work on
18 that.

19 MR. GALVIN: You know, just let me say,
20 I think in those other instances, I think they were
21 looking for more height than what was permitted in
22 the zone on the corners.

23 I guess the question you have to ask
24 yourself is: They have to accommodate the deviation
25 from the height ordinance, so where 40 feet -- just

1 let me frame it for you --

2 COMMISSIONER BRANCIFORTE: Yes.

3 MR. GALVIN: -- where 40 feet is
4 permitted, and they are asking for 46 feet, what is
5 the justification for the additional six feet --

6 COMMISSIONER BRANCIFORTE: No. My
7 question --

8 MR. GALVIN: -- what you're bringing --
9 no, just let me say this.

10 What you are bringing up is that in
11 other situations, where they have the corner lots
12 kind of can't provide a donut and maybe they are
13 looking for an extra story, and what they are saying
14 is that on the corners having a little bit more bulk
15 on a corner makes sense. But I don't think that
16 this is a corner lot analysis. I think you just
17 have to figure out if it can accommodate that extra
18 six feet in height, and if you are not satisfied,
19 you are not satisfied --

20 COMMISSIONER BRANCIFORTE: Well, no, my
21 question goes to that, though. My question goes to
22 that.

23 Why is he saying it is okay for this
24 building to be this high because the corner lots are
25 this high?

1 And if the corner lots are -- it is
2 okay for our building to be the same height as the
3 corner lots, even though the corner lots are usually
4 taller than every other building on the block, so I
5 mean, that is really the heart of my question.

6 MR. GALVIN: Okay.

7 COMMISSIONER BRANCIFORTE: I don't know
8 if he can answer it.

9 MR. GALVIN: He may not be able to
10 answer.

11 THE WITNESS: Well, I wasn't going to
12 that as being the positive reason why the building
13 should be taller.

14 I think where I was going in terms of
15 the extra few feet from the 43 or 44 feet, whatever
16 it is, given the flood area or flood elevation is
17 that the rationale for the extra height comes from
18 the fact that we are in the flood hazard area, that
19 they have lost use of the basement that previously
20 supported the business. So having a little bit
21 taller ground floor allows in existence allows to
22 replicate that space or replace that space that they
23 would have had.

24 When you add those numbers up, as the
25 architect had mentioned, you get a 16 foot high

1 ground floor. You have the base flood elevation.
2 That begins to drive the building up, so that
3 becomes the rationale for why we are asking for the
4 added height.

5 Going to the negative criteria, would
6 that be a negative to the community or to the
7 neighborhood in terms of size and scale, and the
8 answer, in my opinion, is no, because they are
9 asking for a four-story building of 45 feet. You
10 already have a five-story building that's even
11 taller, and four-story buildings of similar height,
12 therefore, would there be a negative -- would there
13 be a detriment. I don't think so.

14 COMMISSIONER BRANCIFORTE: But are
15 those buildings now, the four-story on the corner,
16 and the five-story on the other corner that you are
17 comparing this to, I mean, are they blocking
18 anyone's -- the construction of those buildings, did
19 it block people's light?

20 Did it block people's air?

21 THE WITNESS: Probably when they were
22 built. The buildings that are there today on
23 Fourteenth Street, or the property that was there,
24 when the buildings got built along Hudson Street,
25 when the buildings got built along Washington Street

1 when there was nothing there, those buildings went
2 up. They cast shadows. They blocked light. They
3 blocked air. All buildings do, so I don't think
4 that that's an argument one way or the other. I
5 think it is irrelevant.

6 COMMISSIONER BRANCIFORTE: I don't know
7 how far I want to push this argument for sake of
8 time and to move things along, Mr. Chair, but I have
9 to ask this question.

10 CHAIRMAN AIBEL: Well, ask the
11 question.

12 COMMISSIONER BRANCIFORTE: Looking at
13 this, this four-story building, Hudson Tavern --

14 THE WITNESS: Yes.

15 COMMISSIONER BRANCIFORTE: -- this is
16 Dr. Frio's building.

17 What buildings in between are being
18 blocked -- what light and air is being blocked with
19 the construction of this building and what
20 apartments here are being blocked?

21 THE WITNESS: I think that's
22 irrelevant. It blocks -- it does cast a shadow on
23 these properties in the mornings. It still didn't
24 cast a shadow on these properties in the evening --

25 COMMISSIONER BRANCIFORTE: But it's

1 casting shadows on the roofs --

2 THE WITNESS: -- I'm sorry. I am not
3 finished speaking -- these properties are entitled
4 to have residential units above, so it is irrelevant
5 what is there. It's what is permitted as well.

6 COMMISSIONER BRANCIFORTE: Okay.
7 That's fine.

8 You talk about the anomaly of one-story
9 buildings --

10 THE WITNESS: Yes.

11 COMMISSIONER BRANCIFORTE: -- what's
12 wrong with having an anomaly every once in a while?

13 Why do all roof lines have to match?

14 I am going to go back to a hearing that
15 we had a while ago about Washington Street, where an
16 architect stood up and said, you know, if you have
17 all of the roof lines matching up, it kind of starts
18 to look like Disneyland.

19 What is your answer to that question?

20 Why do all roof lines have to line up?

21 THE WITNESS: All roof lines don't have
22 to line up.

23 COMMISSIONER BRANCIFORTE: Okay. That
24 is fine.

25 CHAIRMAN AIBEL: I will just ask

1 quickly: Is it your testimony that the extra nine
2 feet in depth of the residential floors is not going
3 to encroach on the donut and the light and air?

4 THE WITNESS: It is not going to
5 encroach on the donut because of the other sun angle
6 how it goes across. It wouldn't encroach any more
7 than would a conforming building. If you had a
8 conforming front setback of ten feet and 60 percent
9 coverage, you would only need a rear yard of 19
10 feet.

11 CHAIRMAN AIBEL: And if you had a zero
12 front setback, which you are requesting --

13 THE WITNESS: Right.

14 CHAIRMAN AIBEL: -- your testimony is
15 that the extra nine feet that you are requesting by
16 72 percent lot coverage on the residential floors is
17 not going to have any impact on the donut, light and
18 air?

19 THE WITNESS: No. You measure the
20 impact of the variance on what would be permitted.
21 What is the difference between granting the variance
22 and what would otherwise be the impact, and it has
23 to be a substantial detriment.

24 If it could have been built with a
25 conforming 19 or 20 foot rear yard, but you built it

1 with a 20 foot rear yard, even if you go up an extra
2 four or five feet, is that difference substantial.

3 CHAIRMAN AIBEL: Okay.

4 Mr. Grana?

5 COMMISSIONER GRANA: Thank you, Chair.

6 Just to follow up on Chairman Aibel's
7 question, so we're saying if we actually had a
8 conforming structure that had 60 percent lot
9 coverage, but in fact didn't request a front yard
10 setback, it is your testimony that the impact on
11 light and air would be similar to what is being
12 proposed here?

13 THE WITNESS: Yes, because the rear
14 yard would be almost identical.

15 The height would be a little bit less
16 because --

17 COMMISSIONER GRANA: Because of the
18 five feet or whatever. Okay.

19 THE WITNESS: Yes.

20 COMMISSIONER GRANA: And then my second
21 question is: Are you familiar with this area of
22 Fourteenth Street in and around Washington Street
23 say within a block or two of that area?

24 THE WITNESS: I wouldn't say
25 intimately, I don't hang out there --

1 COMMISSIONER GRANA: But you are
2 generally familiar with this lot?

3 THE WITNESS: Yes.

4 Fourteenth Street has a commercial
5 character going all the way up going to the west.

6 COMMISSIONER GRANA: Right.

7 So is the prevalent development along
8 that area of Fourteenth Street residential over some
9 form of retail use?

10 THE WITNESS: Yes.

11 COMMISSIONER GRANA: Thank you.

12 CHAIRMAN AIBEL: And is it your
13 testimony that the benefit of the extra lot coverage
14 on the residential floors is because it is going to
15 provide family-friendly units?

16 THE WITNESS: It provides better sized
17 units, yes, to provide family-friendly.

18 Is there some give and take?

19 Obviously. I think going to your point
20 of if we didn't have the front setback, could that
21 other rear yard come in, yes, I think there is some
22 give and take, but I think that given the hardships
23 of the preexisting depth, some accommodation is
24 reasonable.

25 CHAIRMAN AIBEL: Okay. Anybody else?

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

2 Professionals, any questions?

3 Okay. Fine.

4 Let me open it up to the public,
5 questions for the planner.

6 State your name.

7 DR. FRIO: Dominic Frio.

8 CHAIRMAN AIBEL: Thank you.

9 DR. FRIO: So what is allowed, you are
10 saying is 60 percent, and what I figured out what
11 you are proposing is 79 percent, so it is about a 20
12 percent increase.

13 THE WITNESS: I believe it's 72
14 percent.

15 DR. FRIO: Because you cut it back?

16 THE WITNESS: We went -- at a 15 foot
17 setback, it may have been. I don't know --

18 DR. FRIO: On the plans I have here,
19 it's 79 percent.

20 THE WITNESS: -- okay. Yes. The
21 architect testified that he increased the rear
22 setback to bring the coverage down to 72.

23 DR. FIO: Okay.

24 Now that you are going to be filling in
25 the basement, would that have any detriment on the

1 properties on the side of you, with extra water
2 going somewhere else, into our basement, the
3 neighbors next door basement?

4 MR. MATULE: I don't think that's a
5 question for the planner, maybe the architect.

6 MR. GALVIN: I don't know that it's a
7 fair question. We have to do that. We are required
8 to do that by FEMA.

9 DR. FRIO: Well, my question would be,
10 though, if there is no water, it doesn't going into
11 their basement --

12 MR. GALVIN: Okay. Wait a minute.
13 Wait a minute --

14 DR. FRIO: -- is the extra water going
15 to be going into my basement and the neighbors'
16 basements --

17 MR. GALVIN: Our engineer will deal
18 with that question.

19 DR. FRIO: Okay.

20 MR. MASSDEN: Filling in the basement
21 is going to be required by both FEMA and --

22 MR. GALVIN: Let's talk about water
23 displacement. He is worried about stormwater
24 running off on the adjacent property. How are we
25 going to manage that?

1 DR. FRIO: On both sides.

2 UNIDENTIFIED VOICE: Because of the
3 basement being filled in.

4 MR. MARSHDEN: Yes, because you are
5 displacing flood water, and that's one of the
6 reasons why the city ordinance says, if you are
7 raising the first floor, you have to leave a void
8 under it, so you don't displace flood water.

9 In this particular case, you don't have
10 an option, because you have to allow the flood
11 water -- right now it fills the basement up, and you
12 have to have a way because the basement by gravity
13 will fill and drain, so the only option that is left
14 is filling it.

15 As far as the impact of that goes to
16 the flood elevation, it will be minuscule.

17 MR. GALVIN: No. Will it cause a
18 drainage impact on Dr. Frio's property?

19 MR. MARSDEN: I can't answer that
20 unless I understand the property.

21 MR. GALVIN: Do we have flood drainage
22 calculations --

23 MR. MARSDEN: Well, the other thing
24 is --

25 MR. GALVIN: -- you can't have post --

1 DR. FRIO: Well, we know --

2 MR. GALVIN: -- I am talking. Thank
3 you --

4 MR. MARSDEN: If I may --

5 MR. GALVIN: -- we can't have post
6 development runoff that's greater than
7 predevelopment runoff, right?

8 MR. MARSDEN: Right. And that falls
9 under the purview of North Hudson because it's
10 combined sewer systems, and they're in the flood
11 plain, so they're going to have to get permission
12 from North Hudson.

13 And if North Hudson says you have to
14 detain, then they will detain.

15 MR. GALVIN: Okay. Otherwise it will
16 be taken care of through the storm drain?

17 MR. MARSDEN: Right.

18 MR. GALVIN: All right. That's the
19 answer.

20 DR. FRIO: Well, we know that the
21 sewers back up all of the time there, just on normal
22 heavy rain --

23 MR. GALVIN: They have to --

24 DR. FRIO: -- and I have sump pumps --

25 MR. GALVIN: -- they have no choice, no

1 matter what development they do here, they are going
2 to have to comply with FEMA. If FEMA dictates that
3 it gets filled in, it gets filled in, okay?

4 DR. FRIO: So it doesn't matter what
5 happens to the neighbors' property?

6 MR. GALVIN: We are trying to
7 improve -- I think that the federal plan, it's not
8 our plan --

9 DR. FRIO: I understand.

10 MR. GALVIN: -- is to make as many
11 properties dry in the next storm, so we don't have
12 to replace them.

13 DR. FRIO: Right. Like I had to do
14 mine.

15 MR. GALVIN: Exactly.

16 DR. FRIO: That is the first time I
17 ever had water.

18 MR. MARSDEN: If I just may add --

19 CHAIRMAN AIBEL: Go ahead.

20 MR. MARSDEN: -- typically displacing
21 the flood water by filling areas that are below the
22 flood plain is a concern of the water surface
23 elevation rise as a result of that, and that's why
24 you don't allow that in non tidal or non waterfront
25 areas, but in this particular case, it would be

1 more -- the property owner would get to be more
2 concerned that the water displacement, it is just
3 the fact that now the water is not going to fill the
4 basement.

5 CHAIRMAN AIBEL: Let me ask everybody
6 to move on. It's an interesting discussion. I am
7 not sure it's what we need to finish up the hearing.

8 Are you finished, Doctor?

9 DR. FRIO: Yes.

10 CHAIRMAN AIBEL: Okay, thanks.

11 Anybody else have questions for the
12 planner?

13 COMMISSIONER COHEN: Motion to close
14 public portion for this witness.

15 COMMISSIONER MC ANUFF: Second

16 CHAIRMAN AIBEL: All in favor?

17 (All Board members answered in the
18 affirmative.)

19 MR. MATULE: I have no further
20 witnesses.

21 CHAIRMAN AIBEL: We'll open it up for
22 public comment. Now is the time to come forward and
23 express your opinion pro and con -- pro or con.

24 MR. GALVIN: And We are going to put
25 you under oath when you do that.

1 CHAIRMAN AIBEL: Does anybody wish to
2 speak?

3 MR. PHILLIPPI: Luke Phillippi, 1321
4 Washington Street.

5 MR. GALVIN: Raise your right hand.

6 MR. PHILLIPPI: Yes, I'm sorry.

7 MR. GALVIN: Do you swear to tell the
8 truth, the whole truth, and nothing but the truth so
9 help you God?

10 MR. PHILLIPPI: I do.

11 MR. GALVIN: All right. Fire away.

12 MR. PHILLIPPI: Just real quick about
13 the location of the bulkhead that was testified to
14 by the professional, I just wanted to say that being
15 on the fifth floor, if I'm getting the height
16 correct, if there isn't the play in the location of
17 the bulkhead, I just ask that it be moved to be out
18 of the way of our windows, if that's a viable
19 option, because if our views can be blocked, I'd
20 rather be blocked by these seven-foot shrubs.

21 MR. GALVIN: Any comment?

22 MR. MATULE: Well, the only comment I
23 have is what the architect testified is he had put
24 it running north-south to create, if you will, a
25 privacy wall between this deck and your side of the

1 windows, but he did testify that he would return it
2 on the east-west configuration, which would
3 substantially reduce the --

4 MR. PHILLIPPI: Yes. If these plants
5 are providing adequate privacy, I'd rather have that
6 blocking.

7 MR. GALVIN: So the bulkhead is to be
8 turned?

9 MR. MATULE: If that's --

10 MR. GALVIN: I don't know if that's
11 what the Board wants, but --

12 MR. MATULE: -- what they prefer --

13 MR. PHILLIPPI: Yeah, I just wanted
14 that. That's all.

15 MR. GALVIN: I will mark it down, and
16 we will see what happens.

17 MR. PHILLIPPI: Thank you.

18 CHAIRMAN AIBEL: Anybody else wish to
19 comment?

20 Please come forward.

21 MR. GALVIN: You are already under
22 oath. Just state your full name for the record and
23 spell your last name.

24 MS. YOGUEZ: Jessica Yoguez,
25 Y-o-g-u-e-z.

1 It has been a long cold winter, and I
2 was just hoping we could just push off construction
3 until the fall. We depend on our backyard, and I
4 know that you said it won't affect us, but it will
5 affect us. We need that income, and I'm sure being
6 a business owner you could understand that. We want
7 it to be as less as possible, but we need this
8 season. It really helps our revenue and our
9 business. We are still recovering from Hurricane
10 Sandy, and we live on a slim margin.

11 Thank you.

12 MR. GALVIN: Mr. Matule, are you asking
13 for a final here also? This is preliminary and
14 final?

15 MR. MATULE: It is minor.

16 MR. GALVIN: Minor, so we have no
17 final.

18 CHAIRMAN AIBEL: Okay. There is the
19 answer.

20 Anybody else have comments?

21 Please come forward.

22 MS. PHALON: Sheila Phalon.

23 MR. GALVIN: Now you have to raise your
24 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. PHALON: Yes.

4 MR. GALVIN: State your full name
5 again.

6 MS. PHALON: Sheila Phalon,
7 P-h-a-l-o-n.

8 MR. GALVIN: Very good.

9 Please proceed.

10 MS. PHALON: I just wondered if the
11 building is overly awkward, whether you move -- it's
12 just that her property would be out in front. There
13 will be two balconies out in front. Her balcony
14 would be out in front, and then there are balconies
15 above, so everybody is going to be looking at one
16 another, right?

17 I don't see what that adds to the
18 neighborhood. It blocks. It takes away. You know,
19 I applaud building a new restaurant, a family-owned
20 restaurant. That's wonderful, but the size and
21 scope of this building, I think it should be moved
22 to a larger location for everybody concerned. It
23 would just give a lot more breadth to the whole
24 project I think, and it does take away from my
25 privacy totally because I am going to be staring

1 into somebody's windows, and they're going to be
2 staring into mine, and there are two trees that
3 block views right now from everybody's apartments
4 around that area, and it's destroying a part of an
5 eco system that's there by taking out those trees.

6 Thank you.

7 CHAIRMAN AIBEL: Thank you.

8 Anybody else?

9 DR. FRIO: Yes.

10 CHAIRMAN AIBEL: Dr. Frio.

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 DR. FRIO: I do.

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

18 DR. FRIO: Dominic J. Frio, F-r-i-o.

19 MR. GALVIN: Tell us what you need to
20 tell us.

21 DR. FRIO: All right. I am happy for
22 the restaurant and even the mezzanine. I think that
23 is a great idea to have parties for the children and
24 whoever else would like to have parties up there.

25 My concern is the lighting, because

1 that is going to block the windows of my tenants,
2 and that might interfere with the ability to rent
3 and for their looking at a cement wall, even though
4 it is green, it's right there. It's only ten feet
5 away.

6 And with the landscape -- with the fire
7 escape issue, it is a foot difference than what it
8 should be for safety reasons, and I just think that
9 building that just changes the complexity of the
10 street.

11 This building has been here I guess
12 over a hundred years, and this has been about the
13 same, never touched. And we have all of this
14 building around us, which is nice, but it doesn't
15 really cast that many shadows, and I don't see how
16 they keep talking about family and friendly for
17 three units, but the more units are going to be
18 interfered with the family-friendly area.

19 So, you know, as well as I am happy for
20 him for the restaurant and maybe the mezzanine for
21 the parties, I don't believe that the apartments are
22 going to do any value to the area.

23 CHAIRMAN AIBEL: Thanks, Dr. Frio.

24 Anybody else?

25 Seeing none --

1 COMMISSIONER GRANA: No.

2 CHAIRMAN AIBLE: -- my apologies. Come
3 forward.

4 MR. GALVIN: Raise your right hand.

5 MR. CRON: My name is Bill Kron,
6 K-r-o-n.

7 MR. GALVIN: Do you swear to tell the
8 truth, the whole truth, and nothing but the truth so
9 help you God?

10 MR. KRON: Yes, I do.

11 MR. GALVIN: You may proceed.

12 MR. KRON: In my opinion, I think that
13 the proposed building is too big and too tall. I
14 would suggest that you just build to the allowable
15 zoning and not more.

16 The building space is 2200 square feet.
17 It is in a nonconforming lot. There is no parking
18 now. I believe that the -- that the -- you are
19 asking for a D variance, and that requires five out
20 of the seven Board votes.

21 Is that correct?

22 MR. GALVIN: That's correct.

23 MR. KRON: Okay. And it needs to be a
24 compelling reason in order to -- for the Board to
25 approve that, is that right or wrong?

1 MR. GALVIN: No, it is not that simple.

2 The kind of D variance that they need,
3 although it is five, they have to show that the
4 property can accommodate the deviation from the
5 height ordinance. So the Board has to be careful
6 that it doesn't make a mistake and try to decide it
7 like under the Medicia standard for a D1, and my
8 Board knows. They know what the standard is, and
9 they know to apply it.

10 MR. KRON: Okay. I wasn't aware of it.

11 MR. GALVIN: No, that's okay.

12 MR. KRON: And I would think that one
13 or two stories would make more sense in my opinion.

14 That's all.

15 MR. GALVIN: Very good. Thank you.

16 CHAIRMAN AIBEL: Thank you.

17 MS. PHALON: Could I just ask
18 something?

19 MR. GALVIN: We don't usually do
20 twosies, but go ahead.

21 MS. PHALON: No, it's a question of the
22 Board.

23 What is the next step?

24 CHAIRMAN AIBEL: We are going to have
25 deliberations, and you will hear everybody's thought

1 process and reasoning, and ultimately we are going
2 to vote on this.

3 MS. PHALON: Tonight?

4 CHAIRMAN AIBEL: Tonight, I hope within
5 ten minutes.

6 (Laughter)

7 MR. GALVIN: See how long it takes the
8 jury.

9 CHAIRMAN AIBEL: Okay. Seeing no
10 further questions -- comments from the public.

11 COMMISSIONER COHEN: Motion to close
12 public portion.

13 COMMISSIONER MC ANUFF: Second.

14 CHAIRMAN AIBEL: All in favor?

15 (All Board members answered in the
16 affirmative.)

17 CHAIRMAN AIBEL: Okay.

18 Let me open it up -- Mr. Matule, my
19 apologies.

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

21 I will try to be brief because I know
22 we have another matter tonight.

23 This particular block is a very unusual
24 block in the City of Hoboken. Fourteenth Street is
25 one of the primary commercial corridors. Our master

1 plan, our zoning ordinance talks about First Street,
2 Fourteenth Street, and Washington Street as being
3 primarily commercial corridors.

4 And while there is certainly nothing
5 wrong with keeping a one-story building there, my
6 hunch is eventually these buildings, other buildings
7 will be developed along Fourteenth Street. The
8 zoning ordinance does permit 40 feet above the base
9 flood elevation, so we have to bear in mind what is
10 permissible there.

11 We are adding three typical ten-foot
12 floors to the existing building. We are not
13 requesting a density variance. We're not requesting
14 an increase in the customer service area. We are
15 not requesting an increase in the occupancy of the
16 existing restaurant. Certainly, it is going to be a
17 substantial esthetic improvement on the property.

18 Mr. Kolling has testified and Mr.
19 Vandermark has testified that there is no
20 substantial negative impact on the neighborhood.
21 There is a preexisting hardship here in that the lot
22 is only 72 feet deep. We are asking for ten percent
23 additional lot coverage on a lot that is almost 30
24 percent undersized, so I mean, there is a give and
25 take there. At the end of the day, the bulk volume

1 is really not so substantial, that it is going to
2 impact the neighbors substantially in a negative
3 way.

4 Obviously, everyone would love to keep
5 their views. Everyone would love if nothing ever
6 got built next door to them, but I don't know that
7 that is a reasonable expectation in an urban
8 environment.

9 As far as concerns about the hours of
10 construction, the building department and the
11 building code controls that. I know one of the
12 neighbors who has a restaurant there, and he is
13 fortunate enough to have seating out in the
14 backyard. That is specifically why I asked what
15 hours they operate.

16 I think for the most part, there
17 shouldn't be too much of a conflict between when
18 construction is going on and when the restaurant is
19 operating. But, again, we live in an urban
20 environment. You know, there is pile driving and
21 construction going on all of the time here.

22 I know when someone else talked about
23 parking, or asked a question about parking, while
24 parking is not permitted in this zone, and it is not
25 required for three residential units, the applicant

1 certainly --it's the intention of the applicant to
2 participate in the Park and Shop Program, like most
3 of the other restaurants in the area do, and maybe
4 depending on who the ultimate restaurant operator
5 is, they may have a valet parking service. But, you
6 know, things like that should not be a concern,
7 because that is a pretty self-regulated thing.

8 And, again, as far as protection of
9 people in their yards and debris falling, I think
10 that the Board realizes those are all controlled by
11 various building codes and construction codes, and
12 the applicant would be responsible to follow them.
13 And frankly, if there was any situation where they
14 weren't, all the neighbors have to do is call the
15 building department in town, and they have a very
16 vigilant building department in town, and they could
17 address those concerns.

18 So, you know, at the end of the day,
19 the building is a little higher. I know Dr. Frio
20 talked about the space between his fire escape and
21 property line. My understanding from our
22 architect's testimony is that we are well within the
23 required parameters, otherwise we wouldn't be able
24 to present this plan.

25 So, you know, all in all, on balance,

1 it is a much more positive zoning alternative for
2 the property than what is currently there with an
3 insubstantial impact on the neighbors.

4 Thank you.

5 CHAIRMAN AIBEL: Thank you, Mr. Matule.

6 Okay. Board members, anybody want to
7 kick off?

8 Mr. Cohen?

9 COMMISSIONER COHEN: First, I want to
10 say to the applicant that I think that everybody
11 here expressed encouragement and enthusiasm for your
12 vision of a restaurant, and no matter what people
13 say here tonight, I hope that you take that because
14 as someone who lives up down in Hoboken, I think
15 it's great that, you know, that a restaurateur has a
16 vision like that and wants to build something like
17 that. And no matter what the vote is, I hope that
18 you pursue that vision, because I think the
19 neighborhood -- I think your business would do very
20 well. I think there's a huge demand for it, and it
21 sounds like you have a talent for doing this, so I
22 hope that you -- that that would take that.

23 I want to pick up on a theme that Mr.
24 Matule struck is that Fourteenth Street is not a
25 typical side street in Hoboken. It is the street

1 where you get off on the ferry. It's a street that
2 leads into the Sovereign, which I think is like a
3 14-story building. It leads into a lot of major
4 construction.

5 On the corner of Fourteenth and Hudson
6 is the Old Lady Jane's restaurant, which has three
7 stories of residential above it, which is now the
8 Hudson Tavern just a few homes away.

9 The Libery Restaurant is a, you know,
10 it was a sports bar. It is not an attractive use.
11 It's not an attractive building, and we have a very
12 attractive proposal here. It is a beautiful design
13 with a lot of space and with a lot of glass and a
14 lot of light, which I think will add a lot to the
15 character of Fourteenth Street. I think it will
16 enhance the neighborhood. I don't think it will be
17 a detriment to the neighborhood.

18 I think that no one enjoys construction
19 projects, but the fact is, that he has a right to
20 build 40 feet above flood elevation, which is above
21 zero here, so we are talking about, you know, not a
22 huge additional height. I think that the property
23 can accommodate that height that is there within the
24 variance.

25 I think Dr. Frio's building is

1 substantially higher than the building. This
2 building is not coming up that high, and it's
3 comparable to the building that is Hudson Tavern.
4 It's not a very long block. It's just a few houses
5 over. It's similar in height.

6 It is already a hundred percent lot
7 coverage. The back wall, which butts up against the
8 property is not moving. It's not changing. I think
9 what this really is about is 18 inches in the
10 backyard that goes up an additional height.

11 I do think that the other Commissioners
12 are concerned about that additional mass in the
13 back, but taking all into account, I think that this
14 is an application that is worthy of support, but I
15 do understand the concerns about the additional 18
16 inches in the back that goes up the height of the
17 building, which will have an impact, and so there is
18 a negative impact. There's no question about that.
19 But I do think that taking into account the beauty
20 of the design, the enhancement of the neighborhood,
21 the relatively de minimus additional impact to what
22 is permitted to be built, I think this is worthy of
23 support.

24 CHAIRMAN AIBEL: Anybody else, Board
25 members?

1 COMMISSIONER MARSH: I'll go.

2 I agree that the restaurant is a great
3 idea. I wish you could put a little stamp on it
4 that says family-friendly. Unfortunately, I know
5 you can't, but there's plenty of families.

6 I agree that the front looks much
7 better. I understand -- I wish, you know, I'm very
8 sympathetic, really sympathetic with the neighbors
9 with construction next door, not within the purview
10 of this Board.

11 The height, you know, I am happy with
12 the height.

13 Do I think it's a big detriment?

14 I am however concerned about the 18
15 inches, the nine feet. I think that impacts the
16 neighbors a lot, and I'm going to wait and see what
17 the rest of the Board has to say.

18 CHAIRMAN AIBEL: Anyone else?

19 COMMISSIONER BRANCIFORTE: Well, the
20 site -- go ahead.

21 COMMISSIONER GRANA: John, then me.

22 COMMISSIONER BRANCIFORTE: All right.

23 This idea of substantial detriment is
24 always relevant. You know, if the difference
25 between having your light and air -- well, your

1 light in particular blocked by the extra variance,
2 by the extra coverage or height, if that extra
3 height and lot coverage is going to block the light
4 into your apartment, then it is substantial. If it
5 is not, if it's going to block it anyway without the
6 variances, then really, you know, it's not much of a
7 difference.

8 But in a town where everyone fights for
9 every last bit of light and air they can get, any
10 small change is substantial.

11 You know, the restaurant owner got up
12 and said, you know, I need these extra three
13 stories, but it wasn't explained as to why he needs
14 these variances to make the restaurant work.
15 So the restaurant sounds like a great idea
16 certainly, but I just don't see any reason why they
17 can't build to code, so that is all I have to say.

18 CHAIRMAN AIBEL: Mr. Grana?

19 COMMISSIONER GRANA: Thank you.

20 I am not sure that I pick up on a theme
21 that Commissioner Cohen described, which is that
22 there are three principal commercial streets in this
23 town, you know, First, Washington and Fourteenth,
24 because obviously they're the commercial areas, but
25 those are the three primaries, and it is in the

1 context of that street that there is commonly
2 commercial over this kind of residential, and I
3 think that the case made by Mr. Kolling that adding
4 residential is a good thing.

5 I think that the ground floor
6 coverage -- I think while the ground floor coverage
7 is high, it is necessary to maintain this commercial
8 character, and to maintain the adequate services
9 needed to have this commercial element, so I'm
10 willing to account for that.

11 With regard to the bulk of the height,
12 you know, I understand, I live on a block that's
13 undergoing a lot of construction, and we're all
14 concerned about light and air. I think the one
15 thing is Mr. Kolling testified that if this building
16 was built by rights, there would be a similar impact
17 to what you are seeing in light and air now, and I
18 think it's -- I guess I agree that it's somewhat
19 unavoidable, and I think that what this does is make
20 the units a little bit more reasonable for people
21 that live in there while actually a made up space in
22 the back, so I am prepared to support the project.

23 Thank you.

24 Thank you, Mr. Chair.

25 CHAIRMAN AIBEL: Owen?

1 COMMISSIONER MC ANUFF: Okay. I didn't
2 see anything or hear anything in the testimony that
3 made me believe that the additional height was
4 needed or required for support of the restaurant.
5 However, I do think in looking at everything, the
6 variances are so slight compared to what would be
7 permitted here, I would be in support of the
8 project.

9 CHAIRMAN AIBEL: Mr. DeGrim?

10 COMMISSIONER DE GRIM: I agree that the
11 variances are slight. I think that you already have
12 a preexisting hundred percent lot coverage. They're
13 putting the new restaurant in the footprint, if you
14 will, of the old restaurant, and I think that the
15 building looks very good.

16 My understanding is that the request
17 for the apartments is in order to help run the
18 restaurant is that the income that would be
19 generated by the apartments would help the
20 restaurant essentially start up and get going.

21 I'm in favor of the project.

22 CHAIRMAN AIBEL: Okay. So I will put
23 in my two cents in.

24 I have absolutely no objection to the
25 concept of residential over commercial in this area.

1 It's what is allowed and what's going to happen to
2 this area, but I do have concerns that we just push
3 the envelope here more than is necessary.

4 One, I have concerns that the hundred
5 percent ground floor coverage based on the reuse of
6 a structure is nothing that I feel confident in,
7 having been through other instances in which old
8 buildings were supposed to be reused, and they
9 weren't. So in truth, I think I can live with the
10 hundred percent ground coverage on this one, because
11 it is a preexisting use for this particular
12 restaurant, but I question the premise that it's a
13 legitimate reuse of an old building.

14 In terms of the light and air and the
15 substantial detriment by the way the bulk and mass
16 of this building, both in height and depth, I can't
17 avoid the conclusion that there is a substantial
18 detriment, and a building could be built here with
19 perhaps adjustments in the bulk requirements and
20 height requirements that made it less impactful, if
21 that's a word at all, on the neighbors, and I think
22 this gentleman looks like he's going to be a
23 long-time resident here. He seems to have good
24 communication with his neighbors, and I think
25 probably some modest revisions would, you know, I

1 think make this a much more appealing application to
2 me, and I respect that other people have different
3 views on this. It is a close application and well
4 presented, but I am probably not able to get behind
5 it.

6 MR. GALVIN: So I have four conditions
7 at this point. One: The plan will be revised to
8 add a green screen to both walls in the bulkhead.
9 The green screen is to be reviewed and approved by
10 the Board's planner.

11 Two: If the applicant wants to create
12 an outdoor cafe, it will have to comply with the
13 outdoor cafe ordinance.

14 Three: The existing rear walls are to
15 be undisturbed, and when the project is completed,
16 the walls will be covered.

17 Hey, guys, Mr. Matule?

18 MR. MATULE: I'm sorry.

19 MR. GALVIN: There was a conversation
20 about we don't usually engage with the public, but
21 there was some discussion about we want the walls to
22 be undisturbed, because we don't want to bother the
23 people behind this property, but then you offered
24 that you would change the facade.

25 MR. MATULE: I think we talked about

1 green screens --

2 MR. GALVIN: No, that's the sides and
3 the bulkhead.

4 Then you made some kind of comment
5 about the back wall.

6 MR. MATULE: Right. If the neighbor
7 wanted some particular finish on that wall, they
8 would work with the neighbor or the association or
9 whoever.

10 MR. GALVIN: So we don't have to put
11 that in as a condition?

12 MR. MATULE: Well, you can put that we
13 will meet with them and try to accommodate any
14 reasonable request with respect to the finish on
15 that wall.

16 MR. GALVIN: No, listen. I'm good.
17 I'm done. I'm okay. We are just not going to
18 disturb the rear wall, so don't make me get you back
19 here.

20 COMMISSIONER DE GRIM: Excuse me,
21 Counsel. It is rear and side.

22 MR. GALVIN: Okay. Thank you.

23 CHAIRMAN AIBEL: Thank you.

24 MR. GALVIN: So the existing rear and
25 side walls are to be preserved, or to be --

1 COMMISSIONER DE GRIM: That's correct.

2 MR. GALVIN: -- okay. We will leave
3 whatever you are going to do with the back neighbor,
4 you want to be good neighbors, we leave that to you.

5 Then the last thing is the bulkhead.
6 How does the Board feel about that?

7 Those that are in favor of this, do you
8 want the bulkhead north-south or east-west?

9 I have no clue where it is on the
10 building, so I can't help you.

11 COMMISSIONER DE GRIM: I was willing to
12 go with what the neighbor had requested.

13 MR. GALVIN: So the bulkhead is to be
14 turned.

15 CHAIRMAN AIBEL: East-west.

16 MR. GALVIN: What direction --
17 east-west?

18 MR. VANDERMARK: That will be
19 east-west.

20 MR. GALVIN: All right. Is there a
21 motion for or against this application?

22 COMMISSIONER BRANCIFORTE: Well, before
23 that, one quick question, though. What Frank was
24 saying before about the three apartments financing
25 the restaurant, I mean, is that something that we

1 should consider?

2 MR. GALVIN: Absolutely not. That is
3 so far removed. You know, with all due respect,
4 every project --

5 COMMISSIONER MC ANUFF: That wasn't the
6 testimony.

7 MR. GALVIN: -- it could be sold
8 tomorrow to some other developer who is going to do
9 this, and we should never get into the person, they
10 are having twins, they're having -- you know, how
11 many kids are going to go in the school district.

12 There are some things that are just not
13 appropriate zoning concerns, and generally, that
14 shouldn't be one of them, but I will discuss that
15 with you in more depth when we're not on the record.

16 COMMISSIONER BRANCIFORTE: No. Because
17 Frank's comment was the three units are needed to
18 finance -- help finance the restaurant.

19 COMMISSIONER DE GRIM: No. Time out.
20 I didn't say that they are needed.

21 I said that my understanding, just in
22 order to answer your question, was my understanding
23 was that was the purpose, but I also am saying that
24 it is totally relevant to our decision. It was just
25 a comment --

1 COMMISSIONER BRANCIFORTE: All right --

2 COMMISSIONER DE GRIM: -- it was just a
3 comment in response --

4 COMMISSIONER BRANCIFORTE: -- I just
5 wanted to make sure that you understood that that
6 should be irrelevant to your decision. That's why I
7 wanted that. That's why I wanted -- and you
8 understand that, so we're good.

9 MR. GALVIN: Oh, so I did good.

10 COMMISSIONER DE GRIM: Yes.

11 COMMISSIONER MC ANUFF: Just regarding
12 the rear wall and the two side walls that are
13 remaining as is --

14 MR. GALVIN: Yes.

15 COMMISSIONER MC ANUFF: -- that's
16 contrary to the plan, just so we're all on the same
17 page.

18 MR. GALVIN: So the plan has to be
19 changed to reflect that.

20 CHAIRMAN AIBEL: What page?

21 COMMISSIONER MC ANUFF: On 7-Z.

22 COMMISSIONER GRANA: I'm sorry. On
23 Z-7?

24 COMMISSIONER MC ANUFF: Yes.

25 Are you getting party plank or --

1 MR. VANDERMARK: Yes. There will be a
2 green screen over the top of that.

3 MR. GALVIN: I added: This condition
4 is critical to the Board's decision, so --

5 COMMISSIONER BRANCIFORTE: Was there a
6 discussion about additional bike storage inside?
7 Did I hear that?

8 COMMISSIONER COHEN: Yes. In a metered
9 area, they were going to add bike storage.

10 COMMISSIONER BRANCIFORTE: Okay.

11 MR. GALVIN: So do you want to add that
12 as a condition?

13 COMMISSIONER BRANCIFORTE: Yes.

14 And also, I would like to ask the
15 applicant if he wouldn't mind going to the city and
16 seeking permission to put bicycle racks out front of
17 the restaurant, so people who ride their bikes up to
18 the restaurant have a place to put them.

19 Would that be a problem, Mr. Matule?

20 MR. MATULE: No. What I was going to
21 say, Mr. Branciforte, is that assuming this were
22 approved by this Board, we have to go to the county,
23 and as a general rule, the county requires some kind
24 of bicycle racks, either the corkscrew or the ones
25 that go on the parking meter poles or something.

1 MR. GALVIN: We're not going to make
2 that a condition.

3 COMMISSIONER BRANCIFORTE: That's fine.

4 MR. GALVIN: It will have: The plan is
5 to revised to show the bike storage.

6 MR. MATULE: Right. I believe the
7 plans --

8 (All Board members talking at once.)

9 MR. GALVIN: To show interior bike
10 storage.

11 Thank you. I appreciate it.

12 Anybody else?

13 We're good?

14 Someone want to make a motion?

15 COMMISSIONER GRANA: I will.

16 I'll make a motion to approve 61-63
17 Fourteenth Street, with the conditions as stated by
18 counsel.

19 MR. GALVIN: Is there a second?

20 COMMISSIONER DE GRIM: I will second.

21 CHAIRMAN AIBEL: Pat?

22 MS. CARCONE: Commisisoner Cohen?

23 COMMISSIONER COHEN: Yes.

24 MS. CARCONE: Commissioner Greene --
25 Commissioner Grana, I'm sorry.

1 COMMISSIONER GRANA: Yes.

2 MS. CARCONE: Commissioner Marsh?

3 COMMISSIONER MARSH: No.

4 MS. CARCONE: Commissioner Branciforte?

5 COMMISSIONER BRANCIFORTE: No.

6 MS. CARCONE: Commissioner McAnuff?

7 COMMISSIONER MC ANUFF: Yes.

8 MS. CARCONE: Commissioner DeGrim?

9 COMMISSIONER DE GRIM: Yes.

10 MS. CARCONE: Commissioner Aibel?

11 CHAIRMAN AIBEL: No.

12 MR. GALVIN: The matter is denied.

13 MR. MATULE: Thank you.

14 COMMISSIONER BRANCIFORTE: Do we need

15 to -- we don't need to make a resolution to deny,

16 no?

17 COMMISSIONER COHEN: No.

18 MR. GALVIN: People say I have to do

19 that, but I don't think I do.

20 CHAIRMAN AIBEL: Before we break up, we

21 are going to lose a few people in the public.

22 Is everybody comfortable staying here

23 and not going downstairs and finishing up?

24 COMMISSIONER MARSH: Yes.

25 COMMISSIONER BRANCIFORTE: Yes.

1 COMMISSIONER MC ANUFF: Yes.

2 MS. BANYRA: It's okay.

3 CHAIRMAN AIBEL: Are we okay here?

4 COMMISSIONER GRANA: Yes.

5 CHAIRMAN AIBEL: Okay. A five-minute

6 break. We'll stay here.

7 (Recess taken.)

8 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.
Dated: 4/13/15
This transcript was prepared in accordance with
NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 RE: 600 Harrison Street : April 7, 2015
 Block 72, Lot 1 :
 Applicant: 600 Harrison, LLC :
 Amended Preliminary & Final Site : Tuesday 9:45 p.m.
 Plan and C Variances. :
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
 Commissioner Philip Cohen
 Commissioner Antonio Grana
 Commissioner Carol Marsh
 Commissioner Diane Fitzmyer Murphy
 Commissioner John Branciforte
 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
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I N D E X

WITNESS	PAGE
JOHN NASTASI	151 & 191
DAVID ENNIS	185

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A-1	Board	154
A-2	(Not identified on the record)	
A-3	Colorized drawing	204

1 CHAIRMAN AIBEL: We are back on the
2 record.

3 Board members, Counsel?

4 Is our counsel back on the record, our
5 counsel?

6 MR. GALVIN: Just ask me.

7 (Laughter)

8 CHAIRMAN AIBEL: We have 600 Harrison
9 Street up. It is for final site plan approval, and
10 I am sure this is going to be the easy one that we
11 have been promised.

12 MR. MATULE: One would hope.

13 Good evening, Mr. Chairman.

14 Robert Matule appearing on behalf of
15 the applicant.

16 This is actually an application for
17 amended preliminary and final site plan approval.
18 That is why it has been on notice to the general
19 public.

20 Just as a brief overview, the property
21 received preliminary site plan approval and
22 variances in January of 2009 to construct a
23 seven-story building, six floors of residential
24 units over one floor of parking. There will be 46
25 residential units, 32 parking spaces, and two retail

1 spaces on the ground floor.

2 As part of that presentation, back in
3 2009, the applicant had proffered to, I think at
4 that time they were calling it work force housing,
5 but there were going to be five affordable housing
6 units in the project, ten percent.

7 We are now requesting amended
8 preliminary and final site plan approval, and what
9 is driving that, Mr. Nastasi will go into more
10 detail, but as we all know, a lot of things changed
11 since 2009, and primarily the flood regulations have
12 driven some changes to the base of the building, had
13 to be redesigned, and as a result, on the Sixth
14 Street side we need a facade variance.

15 Again, Mr. Nastasi will go into it, and
16 that is what we are asking for as part of our
17 amended site plan approval for the facade variance.

18 We received all of our other outside
19 agency approvals, and we are otherwise ready to go.

20 CHAIRMAN AIBEL: Is that the only
21 amendment?

22 MR. MATULE: I believe so, yes, the
23 Sixth Street facade.

24 MS. BANYRA: Bob, remember, we had
25 talked about the rooftop coverage had changed --

1 MR. MATULE: Oh, right, right --

2 MR. GALVIN: Are we getting affordable
3 housing?

4 MR. MATULE: Yes.

5 MR. GALVIN: Did Shirley Bishop look at
6 this or --

7 MR. MATULE: Nobody has looked at it.
8 The resolution from the original approval said, you
9 know, "As administered by the City of Hoboken
10 pursuant to the COA guidelines."

11 How optimistic was that?

12 (Laughter)

13 Only six years ago.

14 MR. GALVIN: So the applicant is --
15 what are we doing with -- let's talk about the COA
16 units. What are we doing, how are we getting them,
17 and what is your thought process?

18 MR. MATULE: My thought is we are
19 providing five affordable units, and I believe there
20 is one one-bedroom, three twos, and one three is
21 what's being provided and --

22 MS. BANYRA: Right. That will be
23 subject to what Shirley --

24 MR. MATULE: -- this is going to be a
25 rental project, as I understand it, so we will, you

1 know, have them administered by whatever system is
2 in place by the City of Hoboken to administer them.

3 MR. GALVIN: So, Eileen, we are going
4 to say that the applicant is to provide five
5 affordable housing units subject to the review and
6 approval of Shirley Bishop.

7 MS. BANYRA: Yeah, but subject to
8 Brandy Forbes, who has to authorize Shirley to look
9 at this, and that is a separate escrow account.
10 That is what I understand from Shirley.

11 MR. MATULE: Brandy has the power of
12 the purse strings.

13 (Laughter)

14 MR. GALVIN: Okay.

15 MR. MATULE: One other variance, if you
16 will, Ms. Banyra and I had talked about it, and I
17 put it in my notes when we advertised for it, at the
18 time this project was approved, we didn't -- I don't
19 know whether we didn't have green roofs, or I think
20 we did have green roofs, but they weren't counted as
21 roof coverage, and they now are.

22 So as a result, we are asking for a
23 roof coverage variance based on the fact that the
24 original project had a green roof, and this has a
25 green roof,

1 So if we can have Mr. Nastasi sworn, I
2 can have him take you through the original approvals
3 and what we are now proposing and the slight
4 changes.

5 MR. GALVIN: Yes.

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

9 MR. NASTASI: Yes, I do.

10 J O H N N A S T A S I, having been duly sworn,
11 testified as follows:

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

14 THE WITNESS: John Nastasi,
15 N-a-s-t-a-s-i.

16 MR. GALVIN: All right.

17 Mr. Chairman, do we accept Mr.
18 Nastasi's credentials?

19 CHAIRMAN AIBEL: Yes.

20 MR. GALVIN: I think that for purposes
21 of brevity is you want to stay as close as you can
22 to the information we need to decide these three
23 variances.

24 MR. MATULE: All right.

25 So if you would, Mr. Nastasi, why don't

1 you just explain to the Board what we are proposing,
2 and how it deviates from what was originally
3 approved?

4 MR. GALVIN: With an emphasis on what
5 variances you need now.

6 THE WITNESS: Okay.

7 As a very, very quick introduction,
8 post Sandy, we raised the lobby and coffee shop and
9 outdoor seating to Elevation 9. That created some
10 revisions to the facade, and the building has been
11 sort of redesigned.

12 As it pertains to variances, if I go to
13 Sheet G-103, the third sheet, I have my facade area
14 calculations.

15 The Sixth Street facade is requiring
16 two variances, one for the percentage of
17 fenestration. We have 22 percent.

18 Now, I have a quick question.

19 There is a typo in your code that says
20 the requirement is 45 percent when it is actually 25
21 percent.

22 MS. BANYRA: Yes.

23 THE WITNESS: Now, I am at 22 percent.
24 Had I known that was a typo and 25 percent is the
25 number, I don't know if -- I can make that 25

1 percent by enlarging a few of these windows, and I
2 will be at 25 percent, and that variance goes away.
3 I don't know if you want to do that.

4 MS. BANYRA: I think you should just
5 stay the program, stay your program right now.

6 THE WITNESS: So I'll state that I will
7 require a variance for fenestration because I am at
8 22 percent on the Sixth Street side.

9 The second variance for the Sixth
10 Street side is this piece is an enameled metal, and
11 that would trigger a variance for the masonry
12 material, but that is basically it.

13 MR. MATULE: So I am going to ask you
14 just for the record, as I understand it, we have 22
15 percent glazing where 25 is required.

16 We have 67 percent masonry, where 75
17 percent is required, and we have 33 percent non
18 masonry, where 25 percent is the limit.

19 THE WITNESS: That's correct.

20 MR. MATULE: Thank you.

21 Now, what about the roof coverage? Can
22 you address that?

23 THE WITNESS: I will.

24 Back when this project was initially
25 approved, we did not have a roof variance, but

1 because -- if I go to A-108 -- because of the 2,642
2 square feet of the extensive green roofing, we are
3 requiring a roof coverage variance because the green
4 roof counts as roof coverage in the ordinance.

5 MR. MATULE: What is the total
6 percentage of the roof coverage?

7 THE WITNESS: That is a good question.

8 MS. BANYRA: I think it is 12 percent,
9 right?

10 COMMISSIONER MARSH: 26.6?

11 THE WITNESS: 38.3 including
12 everything.

13 26.6 is the green roof, and then it is
14 38.3, which is the total roof coverage.

15 MR. MATULE: Okay. Now, I guess also,
16 if you could just talk about how the base of the
17 building had to be raised up for the flood.

18 THE WITNESS: Yes. I mentioned
19 earlier --

20 MR. MATULE: Let's mark this A-1 and
21 just tell us what it is.

22 (Exhibit A-1 marked.)

23 THE WITNESS: On board A-1 it's showing
24 an image of the lobby. The lobby is dry flood
25 proofed, as is the coffee shop next to it, and in

1 dry flood proofing we raised the elevation to
2 Elevation 9, and we will be dry proofing an
3 additional four feet for this lobby space while the
4 garage is wet flood proofed. That's the one change.

5 MR. MATULE: And the number of parking
6 spaces have stayed the same?

7 THE WITNESS: The number of parking
8 spaces has stayed the same at the same elevation and
9 it's now wet flood proofed.

10 MR. MATULE: Okay. You have all of
11 your other outside agency approvals, North Hudson,
12 New Jersey DEP?

13 THE WITNESS: All of the other
14 approvals are already 100 percent complete.

15 MR. MATULE: Okay. Just for the
16 record, this property was the site of an
17 environmental remediation and the remediation has
18 been completed, and the LSRP has sent their final
19 response action outcome report to the DEP for review
20 and approval?

21 THE WITNESS: Yes. That is true. That
22 is complete.

23 MR. MATULE: Okay. Unless the Board
24 has any questions -- well, I guess I should ask you,
25 you got Mr. Marsden's letter, and we responded to

1 them, correct?

2 THE WITNESS: Yes, we have.

3 COMMISSIONER BRANCIFORTE: I don't know
4 if we can address the -- this might be out of site
5 plan approval, but the changes that the Board is
6 starting to ask about driveways and pedestrians
7 meeting, some people are putting in extra warning
8 signals. LED lighting has been suggested.

9 MR. GALVIN: You know, if they weren't
10 needing anything on the amended, I think the answer
11 is correct. You can't ask for anything else.

12 The variances that they are asking for
13 are -- they are kind of driven by oddities. They
14 are not really asking for more rooms or more -- yes?

15 MR. MATULE: I appreciate that, but
16 notwithstanding that, if that is a concern of Mr.
17 Branciforte's, I just asked Mr. Nastasi, and we
18 would have no problem putting LED strips in the
19 sidewalk that he likes by the driveways.

20 (Laughter)

21 COMMISSIONER BRANCIFORTE: Thank you.

22 CHAIRMAN AIBEL: Before we go there,
23 can I just ask a couple of questions?

24 The application for development says a
25 couple of things. The building has been redesigned.

1 Lot coverage has changed from 90 percent to 87
2 percent, and from 71 percent to 68 percent on the
3 largest residential floor, and the other change that
4 I am looking at is that commercial space has been
5 reduced from 1285 square feet in total to 545 feet
6 in total.

7 Are those things that you are going to
8 speak to?

9 MR. MATULE: Well, Mr. Nastasi can.

10 THE WITNESS: The building is in fact
11 smaller than it was when it was first approved, so
12 those percentages are correct.

13 In the original version, there were two
14 retail spaces, and because of the redesign and the
15 new heights and the new configuration for
16 circulation, we have focused the retail space only
17 at the northern corner, which is adjacent to the
18 outdoor plaza, which is pointed towards the light
19 rail stop, and that is the only commercial space at
20 this point.

21 CHAIRMAN AIBEL: Go ahead.

22 COMMISSIONER COHEN: Well, I was going
23 to ask about that as well.

24 I mean, so where did you lose the
25 retail space that used to be -- in what part of the

1 building was it located when it was approved by the
2 Zoning Board?

3 THE WITNESS: It was at the southern
4 point of the garage space.

5 COMMISSIONER COHEN: Why wouldn't you
6 want to still have a retail space at the southern
7 part of the garage space?

8 MR. GALVIN: They don't think they can
9 rent it.

10 THE WITNESS: I think what we have now
11 is a large indoor bicycle storage area. But other
12 than that, I don't think we have any other real
13 reason for that.

14 COMMISSIONER COHEN: I mean, I guess I
15 would ask, couldn't it be that you could have indoor
16 bicycle storage elsewhere in the parking area and
17 preserve additional retail space?

18 THE WITNESS: I will look to my client.
19 Would you be against --

20 MR. GALVIN: Wait a minute. Wait a
21 minute. Raise your right hand.

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

25 MR. ENNIS: Yes, I do.

1 MR. GALVIN: I mean, the Board has a
2 concern --

3 THE REPORTER: Can you just tell me
4 your name?

5 MR. ENNIS: David Ennis, E-n-n-i-s.

6 MR. GALVIN: The Board always has
7 concerns about the commercial spaces, and we are
8 worried about the adequacy of this size commercial
9 space, and the original plan had a thousand square
10 feet --

11 COMMISSIONER DE GRIM: More than a
12 thousand.

13 MR. GALVIN: -- more than a thousand,
14 so the Board is thinking that we would like to see
15 that maintained.

16 Is that possible?

17 Why isn't that possible?

18 Talk to us.

19 THE WITNESS: Before David Ennis
20 speaks, I do want to interject that the lobby and
21 retail space has to be dry flood proofed, and that
22 means it has to be raised at a different elevation,
23 and that means you need circulation up to it, so
24 that all of this section of the lobby is now raised,
25 and all of this section of the building is at grade,

1 and I think that is what triggered all of it.

2 MR. GALVIN: I mean, the other thing
3 is, that's the reality of us trying to comply with
4 FEMA in Hoboken now. We have to -- we have to still
5 have commercial spaces, even though we had to raise
6 them up. We have to find a way to make them work.

7 COMMISSIONER MC ANUFF: It would be
8 correct, that you can't have the additional retail
9 space because of the need to raise it and have a
10 ramp and everything else, correct?

11 THE WITNESS: That is pretty much where
12 we are at right now.

13 COMMISSIONER COHEN: Okay. But I think
14 on the last application, we heard about there were
15 flood gates and flood proofing, and there was still
16 going to be a restaurant at that level.

17 I mean, it is possible, isn't it, to
18 still have retail space that's at that level?

19 THE WITNESS: Yes. And keep in mind,
20 we do have quite a highly designed coffee shop
21 adjacent to the lobby.

22 It is the juxtaposition of putting it
23 at this end and putting it at the elevation of the
24 garage and having to deal with all of those issues.
25 I think that is what creates the quirkiness.

1 COMMISSIONER COHEN: So how much lower
2 is the garage level than the other retail space
3 level?

4 THE WITNESS: Four feet, and then this
5 ramp has taken, getting the circulation in and up
6 the ramp up to this level has taken away square
7 footage, so in designing for FEMA, I am, look, I'm
8 completely for the retail spaces, but it is just the
9 logistics of trying to solve those problems.

10 For clarity, though, the LED lights in
11 the driveway are already on the drives, so they
12 won't have to be added.

13 MR. MATULE: Okay.

14 THE WITNESS: That is -- this gray area
15 is the indoor storage for the bicycle room, which is
16 taking up the space where the retail was.

17 COMMISSIONER COHEN: Okay.

18 Another note that -- a question that I
19 had was in the planner's report, it makes a
20 reference to on the ground floor along Harrison
21 Street, the approved design had considerable glass,
22 and now it is a solid concrete wall.

23 I was wondering if you could address
24 that change.

25 I guess the pictures you are showing

1 don't show the Harrison Street side of the project?

2 THE WITNESS: The original elevation of
3 the Sixth Street elevation, right, it shows pretty
4 much a blank wall.

5 There was glass at this end, which we
6 no longer have, and the reason why we took this
7 glass away was responding to waterproofing and
8 building a structure that can withstand wet flood
9 proofing, and the blank concrete wall that we are
10 referring to is actually a board formed concrete
11 wall, which is actually a beautiful concrete wall,
12 and it picks up all of the textures and direction of
13 the wood while having the resiliency of the
14 concrete, so it is not a bum's rush concrete wall.
15 It's a high level concrete wall.

16 COMMISSIONER COHEN: Okay.

17 I think the report also referred to the
18 Harrison Street side as well. I think we are
19 looking at the Sixth Street side.

20 THE WITNESS: The Harrison Street
21 elevation has glass only at, you know, the lobby
22 area, coffee shop, and then again, it is a concrete
23 wall with some clear stories, as we were reducing
24 the glass.

25 COMMISSIONER COHEN: It would be the

1 same kind of concrete that you were just showing?

2 THE WITNESS: Yes.

3 COMMISSIONER COHEN: Okay. That is all
4 I have.

5 COMMISSIONER GRANA: I just wanted to
6 ask a question because I saw immediately the absence
7 of the retail and the introduction of what I will
8 call like just a blank wall facing on Sixth Street.

9 To make it -- I'm trying to keep it a
10 question.

11 Would you agree that it would be more
12 ideal to have some kind of more useful space there
13 versus just concrete walls or blank walls facing
14 structures?

15 So if I lived on Sixth Street, right?

16 THE WITNESS: Which is this side.

17 COMMISSIONER GRANA: -- which is that
18 side, I now just have a blank -- if I am across the
19 street, I am just facing a blank wall.

20 THE WITNESS: Right. You are facing a
21 board formed concrete wall. If you could put a
22 retail shop there, would it be better?

23 Yes. I think logistically and trying
24 to get the parking spaces in, I mean, I originally
25 drew the two spaces, but because of the new

1 logistics, I was unable to do that.

2 COMMISSIONER GRANA: Okay.

3 Is it your testimony that it is
4 essentially -- that it is the -- the realities of
5 water that is driving your redesign?

6 THE WITNESS: Yes, that is correct, and
7 also the realities of the codes because of the FEMA
8 requirements and the spaces that those codes take
9 up.

10 COMMISSIONER GRANA: We would like to
11 have retail there. The codes have prompted this
12 redesign?

13 THE WITNESS: Correct.

14 COMMISSIONER GRANA: Thank you.

15 MS. BANYRA: Could you the make retail
16 on the other side larger, since that is already
17 raised up anyway, and slightly expand that area to
18 kind of recoup some of that back?

19 THE WITNESS: To answer your question,
20 I think we have two options. This parking lot is
21 tightly fit with the required parking spaces, and
22 the actual structural columns in the parking spaces,
23 so it is a real parking lot.

24 In order to make this retail space
25 bigger, I would either have to take away parking

1 spaces, which I don't think is a good idea, or I
2 would have to expand the nose of the building north
3 into the empty space that we are not actually
4 occupying, which would be down in this space.

5 MS. BANYRA: Which is the open plaza
6 area?

7 THE WITNESS: Yes.

8 MS. BANYRA: Is that going to be used
9 as an outdoor seating area?

10 THE WITNESS: It is just public outdoor
11 space up at that elevation with ramps and stairs and
12 it directly opens up to that coffee shop, so our
13 assumption is that the coffee shop is the benefit of
14 this outdoor plaza that's open to the public.

15 MS. BANYRA: And the only other
16 question I had was, you know, rather than the blank
17 wall, is there a way to either -- as I understand
18 your testimony, relative to the type of material --
19 would it be -- because I believe that faces the
20 housing project, would it be better to put a green
21 wall there, like a living wall of some sort to make
22 that be more attractive?

23 THE WITNESS: If I speak on behalf of
24 my client, I would say that we would welcome that
25 idea to fit this wall with an armature that would

1 grow some sort of ivy or green --

2 MS. BANYRA: Whether or not you have
3 to --

4 THE WITNESS: -- or maybe --

5 MS. BANYRA: -- some kind of relief to
6 that and make channels or something, I think there's
7 something that could be done to just take out that
8 mass.

9 COMMISSIONER MC ANUFF: Is there a
10 fifth story window above that wall there?

11 THE WITNESS: The clear story is on the
12 eastern part of that elevation, so that is the third
13 story there --

14 COMMISSIONER MC ANUFF: I think if he
15 is going with the poured formed concrete, I probably
16 would not want to see that covered up. That's just
17 my opinion.

18 THE WITNESS: There is a clear story up
19 to here, which is the center. That is a clear story
20 space right here.

21 MS. BANYRA: Okay. So how high is
22 that, John, that you are just pointing to?

23 THE WITNESS: It is going to be just
24 under the garage ceiling, so maybe the top of this
25 door for about 16 inches. It is a clear story. It

1 brings light into the garage.

2 MS. BANYRA: I guess, if I could
3 suggest, you know, if the architect thought that
4 there was a better design there, I would go with
5 what the better design was, you know, in terms of,
6 you know, the neighborhood it faces. So if he
7 agrees with you, great, you know, but if there is an
8 esthetic treatment that can be done, I would leave
9 that up to the architect then.

10 CHAIRMAN AIBEL: Going back to the
11 retail space, I am sorry --

12 COMMISSIONER GRANA: No.

13 CHAIRMAN AIBEL: -- can you reconfigure
14 the lobby in a way to allow more space in the,
15 quote, coffee shop?

16 THE WITNESS: If the Board felt it
17 critical, we can take this wall, which is the
18 demising wall between the coffee shop and the lobby,
19 and we could pinch that down to take the sitting
20 space and make it thinner and give that square
21 footage back to the coffee shop.

22 CHAIRMAN AIBEL: I guess I would just
23 encourage creative minds to, you know, be more
24 faithful to a resolution that was granted by another
25 Board in 2009.

1 Mr. Grana?

2 COMMISSIONER GRANA: Well, I don't know
3 if we are asking questions or commenting.

4 CHAIRMAN AIBEL: That was obviously a
5 rhetorical question.

6 COMMISSIONER GRANA: A little of bit of
7 both, because I have a comment.

8 MR. GALVIN: Because you don't agree
9 with adding the additional retail?

10 COMMISSIONER GRANA: Well, I guess, you
11 know, I think the city in general, the Board likes
12 to see maximizing, you know, the viability of
13 creating viable retail sectors in different parts of
14 the city. I would imagine, I was not here, that the
15 original reason the Board granted the approvals was
16 on the idea that there would be two different retail
17 properties that would be over 1200 square feet.

18 My only concern would be is now we
19 removed one of those, and architecturally, if I am
20 on the corner of Sixth and Harrison, or if I am
21 across the street on Sixth, I just have a big blank
22 wall staring at me, and I'm always turning my back
23 because I lost retail, and now I have a blank wall.
24 That's --

25 THE WITNESS: If I were to respond to

1 that, because we were doing a bike shop, Hoboken was
2 just becoming biker friendly, not really biker
3 friendly yet, but just because we were proposing a
4 bike shop because of the FEMA requirements and the
5 water proofing issues, we now have an interior bike
6 room for storage for the tenants, and that being the
7 bike shop sort of morphed into a large bike room
8 that would handle bikes for all of the tenants.

9 So it is not that that space has gone
10 away, but its amenities have switched from maybe a
11 public retail space to a bike storage room, so that
12 is what happened there.

13 Then the other question is the Sixth --
14 I would say that if anybody knows the site of the
15 junkyard, this is now Sixth Street down at that
16 corner, and you can see the amount of metal, the
17 glass wall, the lifted up space in relationship to
18 the backdrop, this is now quite an improvement
19 architecturally to what that condition is right now.

20 I don't really think we are turning our
21 back. This is the side of the Housing Authority,
22 not the front. The front faces, of course,
23 Harrison, but this is our side. If Harrison is our
24 face, this is our side, and that is this side, I
25 think we are giving a pretty good side to that

1 street.

2 It is not like we are really turning
3 our back at all. It's actually quite a beautiful
4 form. It really activates the street quite a bit.
5 It is really not a blank wall. You're talking about
6 the board formed concrete just down here, and I
7 think that board formed concrete is a beautiful
8 material. But this is a beautiful transformation of
9 Sixth Street at its western edge, which is kind of
10 up, you know, it's really uninhibited back there.
11 It was never a street, and there was Pino's Junkyard
12 creeping on to Conrail's property, so this is a
13 significant improvement to the community.

14 COMMISSIONER GRANA: We are doing a
15 back and forth?

16 My assessment is I agree with your
17 architectural assessment, that it is a great
18 enhancement, but the loss of retail is a sad one.

19 THE WITNESS: I agree with you
20 completely.

21 COMMISSIONER MARSH: What are the
22 dimensions of the board formed wall?

23 THE WITNESS: Six to eight inches of
24 boards --

25 COMMISSIONER MARSH: How high?

1 THE WITNESS: Oh, it is the first six
2 or seven feet.

3 COMMISSIONER MARSH: So it's seven feet
4 high, and it's how long?

5 THE WITNESS: It is this corner. This
6 corner arriving up to a garage door.

7 COMMISSIONER MARSH: How long is that?

8 THE WITNESS: Hum --

9 COMMISSIONER MARSH: Well, I mean, how
10 long is it along the Sixth Street side?

11 THE WITNESS: This is a hundred ten --
12 the short leg of the triangle is a hundred feet is
13 that elevation.

14 COMMISSIONER MARSH: Seven feet high by
15 a hundred feet long, and how long is the other side?

16 THE WITNESS: About a little less than
17 eight feet.

18 COMMISSIONER MARSH: Because I am
19 thinking -- I want to say on a 50 foot lot because
20 that is what I know -- that is a lot, okay.

21 CHAIRMAN AIBEL: Are you on the lot
22 line?

23 COMMISSIONER MARSH: Pardon me?

24 CHAIRMAN AIBEL: Are you on the lot
25 line?

1 THE WITNESS: Yes.

2 COMMISSIONER MARSH: Are we making
3 comments yet?

4 MR. GALVIN: No. We're just asking
5 questions of this witness, and then we have to
6 regroup and figure out where we are at.

7 COMMISSIONER MARSH: Is it a good thing
8 or a bad thing if that wall turns into a handball
9 court?

10 THE WITNESS: You mean by just
11 heuristic use? I think it would be an organic
12 thing.

13 COMMISSIONER MARSH: Any other
14 questions for this witness?

15 Any other witnesses?

16 MR. MATULE: No.

17 MR. MARSDEN: Mr. Nastasi --

18 THE WITNESS: Yes.

19 MR. MARSDEN: -- can you just go over
20 why you moved the driveway?

21 THE WITNESS: We moved the driveway
22 because my client wanted to develop a relationship
23 between -- first of all, my client wanted to
24 activate Harrison.

25 Now that Harrison is a street, which it

1 never was in the history of Hoboken, it was always a
2 paper street, now that it is an actual street, he
3 wanted to activate the relationship or the
4 juxtaposition between the garage door, which he
5 wanted on Harrison, to the lobby, to the coffee
6 shop, to the outdoor plaza, to the light rail
7 station, so that there was a synergy of uses along
8 Harrison Street.

9 MR. MARSDEN: Okay.

10 It wasn't because of the changing of
11 the elevation and moving of retail or anything?

12 THE WITNESS: No.

13 MR. MARSDEN: It was just basically to
14 make it more flow and function better?

15 THE WITNESS: Exactly.

16 MR. MARSDEN: Okay.

17 COMMISSIONER MARSH: I'm sorry.

18 Why does that improve the flow?

19 THE WITNESS: The juxtaposition
20 improves the flow, so that if you drop somebody off,
21 you pull in the driveway, you could drop somebody
22 off. The ramp is there to the coffee shop, to the
23 lobby. All of the entry activities at the base of
24 the building happen in this area, which is all
25 clustered together and relates to the -- the

1 building actually faces the light rail station,
2 which is now the new center back there in that part
3 of town.

4 COMMISSIONER MARSH: I don't somehow
5 correlate entry by car with entry by foot in my
6 head, so I don't -- that argument falls flat. Maybe
7 I am missing something. I'm not sure.

8 THE WITNESS: Pick up, drop off. I
9 mean, it is kind of a logical thing.

10 COMMISSIONER MARSH: Okay.

11 THE WITNESS: Let me explain one thing.

12 The way that the garage is designed,
13 the garage door can be on, if I play devil's
14 advocate, you can see the parking layout in our
15 driveway is in here.

16 We could put the driveway here, because
17 it fits with the layout, so if I were to put the
18 driveway here, and the lobby, coffee shop and
19 outdoor seating is here, I would have a hard time
20 saying I put it here because it is better than
21 putting it here.

22 I think you can make an argument that
23 clustering these spaces together is a better thing
24 from a practical standpoint as opposed to displacing
25 the driveway.

1 COMMISSIONER MARSH: Why?

2 If the driveway is there, what does
3 that person -- because they would make it so it
4 would be much easier to elevate a space for retail,
5 right?

6 THE WITNESS: No. Unfortunately it
7 doesn't have that.

8 MR. GALVIN: Where the bike storage is,
9 if it wasn't bisected by the driveway, that is what
10 Carol is saying, then you could attach it to that
11 raised area.

12 THE WITNESS: So you want to put the
13 garage door here, raise this? But I still have to
14 get up to it, though.

15 MR. GALVIN: You already have a ramp
16 there.

17 COMMISSIONER MC ANUFF: How would that
18 work, the travel of -- if you for argument sake put
19 a garage door there, aren't you going to have a
20 little bit of a tight turn getting into that garage
21 the way the traffic flows?

22 THE WITNESS: Yes, because it is
23 greater than 90 degrees.

24 MR. MATULE: If I might also, Sixth
25 Street is a one-way street there.

1 COMMISSIONER MC ANUFF: That's what I'm
2 saying. Do you have to go up that way?

3 COMMISSIONER MARSH: You could go this
4 way --

5 THE WITNESS: It's one-way --

6 MR. MATULE: Yes.

7 THE WITNESS: I see people drive behind
8 the projects and come out, but that is not a public
9 street.

10 COMMISSIONER MARSH: Right. It's
11 private property.

12 COMMISSIONER BRANCIFORTE: It's just a
13 one-way dead end?

14 THE WITNESS: It's a one-way dead end
15 street that people drive on private property --

16 COMMISSIONER MARSH: So you are saying
17 you can actually drive out?

18 THE WITNESS: You'd have to knock into
19 the --

20 COMMISSIONER BRANCIFORTE: That's
21 crazy.

22 MR. GALVIN: It could be changed. Even
23 though it's one-way there, it could be changed.

24 CHAIRMAN AIBEL: Any more questions for
25 Mr. Nastasi?

1 MR. MARSDEN: One more.

2 The plan that you have is the plan that
3 you permitted from DEP?

4 THE WITNESS: Yes.

5 CHAIRMAN AIBEL: Okay.

6 MS. BANYRA: One more question.

7 CHAIRMAN AIBEL: Get them out.

8 MS. BANYRA: The last question, John,
9 the Sixth Street side used to, because of the change
10 and orientation, had a lot more landscaping in now
11 what is -- at least -- I just pulled out one of the
12 plans from the old file, and it appears to be that
13 there was a lot of landscaping up against the
14 building, not just street trees.

15 I am looking at something from 2008,
16 and I don't know if that has changed.

17 What was approved --

18 THE WITNESS: I think it hasn't
19 changed.

20 MS. BANYRA: It hasn't changed. Then I
21 am looking at an old plan.

22 (All Board members talking at once.)

23 THE WITNESS: I would just for clarity,
24 I don't know if you want to still talk about this,
25 but if I put the garage doors here, I would be

1 displacing the width of the garage doors, which
2 would be these two spaces, and those two spaces
3 would have to go here, where this garage lip is, so
4 I could not -- moving the garage door doesn't
5 necessarily give me more room for retail. Believe
6 me, we have studied this.

7 MR. GALVIN: All right.

8 COMMISSIONER BRANCIFORTE: You know --
9 oh, I'm sorry --

10 MR. GALVIN: I am not talking.

11 COMMISSIONER BRANCIFORTE: -- you know,
12 I wasn't here on the Board when this was approved,
13 but I know that sometimes we talk about in these
14 ground floor retails, that the reason sometimes the
15 Board wants it, because it's like an eyes on the
16 street thing they call it, and the more activity you
17 have, especially retail, you know, it helps make the
18 residents feel safer in the area.

19 So the eyes on the street have been
20 lost now because retail is gone, so you are going to
21 have to make it up somehow with either better safety
22 lighting or even video cameras. I am not sure. But
23 you have to make up that loss of safety, illusion of
24 safety, whatever you want to call it, something
25 else, somehow. You have to figure it out.

1 THE WITNESS: We do have cameras and
2 security built into the project as part of it.

3 COMMISSIONER BRANCIFORTE: I mean, are
4 they on the sidewalk, facing the sidewalk --

5 THE WITNESS: Yes, yes.

6 COMMISSIONER BRANCIFORTE: -- or just
7 in the interior?

8 THE WITNESS: No, including the
9 sidewalk.

10 COMMISSIONER BRANCIFORTE: Well, where
11 are they exactly? Just point them out real fast.

12 THE WITNESS: So we have a 24-hour
13 virtual concierge with cameras that focus on Sixth
14 Street, focus on Harrison Street, focus on the lobby
15 and focus inside of the lobby and focus on the
16 coffee shop, and it is like a virtual doorman. It's
17 like Lo-Jack for buildings.

18 COMMISSIONER BRANCIFORTE: So the
19 residents feel like they would be somehow protected.

20 THE WITNESS: 24/7.

21 COMMISSIONER BRANCIFORTE: Okay.

22 COMMISSIONER GRANA: One more question.

23 What would the size of the retail space
24 now be?

25 THE WITNESS: The coffee shop is 545,

1 and then it is adjacent to that outdoor -- there's a
2 nice outdoor space right next to it.

3 MR. GALVIN: No. But if you moved that
4 demising wall, what could you bring it up to?

5 THE WITNESS: There is a bathroom that
6 is open to the lobby -- and I know it is a long
7 answer -- but we have another bathroom on the gym on
8 the upper floor. That might meet our public
9 bathroom requirement.

10 If that is the case, and this bathroom
11 doesn't have to open to the lobby, which there is no
12 need for it to be there, then that would allow me to
13 slide that demising wall past the door of that
14 bathroom, and it can get that over 600 feet.

15 COMMISSIONER GRANA: I just wondered if
16 500-something square feet is large enough for a
17 viable, you know, retail presence.

18 Is that sufficient space?

19 THE WITNESS: I think for a coffee
20 shop, we are showing a substantial coffee shop with
21 a long counter seating for six, but I think it is a
22 viable coffee shop.

23 CHAIRMAN AIBEL: Well, I don't want to
24 be more of a pain than I usually am, but there was
25 an original variance granted for parking. You were

1 obliged to provide 41 spots, and you got a variance
2 for 32. You know, I don't like to reduce parking
3 usually, but if the trade-off were, you know,
4 putting in a more substantial retail by putting the
5 driveway on the Sixth Street side of the building, I
6 guess that is an option.

7 MR. MARSDEN: If I may just add one
8 thing.

9 I just looked at it, and I think there
10 is a possibility that some redesign with moving the
11 driveway might actually allow you some retail space
12 that you lost.

13 So would you be willing to look at that
14 I guess is the question.

15 THE WITNESS: Bob, how do you suggest
16 we do that?

17 MR. MATULE: Well, you know, when you
18 say "look at that," I mean, we would have to stop
19 proceeding now and come back to the Board.

20 MR. GALVIN: I mean --

21 COMMISSIONER MC ANUFF: Just a quick
22 question on this regarding the moving the garage
23 door to the Sixth Street side. Is it physically
24 possible to turn in there the way you have parking
25 laid out now? I think the garage door in my opinion

1 is in the right spot right now.

2 THE WITNESS: It is my opinion, too,
3 that this is the best location for the garage door
4 because of its adjacencies.

5 COMMISSIONER MC ANUFF: I think getting
6 out is an easy way, but going in, I think you are
7 going to have a problem.

8 THE WITNESS: And even getting out, you
9 are making a tighter than 90-degree turn. I don't
10 think this is a better location, but I think the
11 Board is looking to activate this facade like
12 socially or architecturally --

13 MR. GALVIN: Listen, listen, I think
14 that they're -- I am hearing a few things.

15 I'm hearing, one, we are concerned
16 about having a solid wall, no matter how attractive,
17 that doesn't seem to be in keeping with what we're
18 trying to do. We're trying to create active
19 sidewalks. Sometimes having a green screen is good,
20 but like you said, then you have a long green wall.
21 That may not necessarily be good.

22 Mr. McAnuff thinks the concrete wall is
23 attractive, I get it, and you are facing the Housing
24 project, but the other thing the Board is concerned
25 with is having sufficient retail.

1 What was the amount of retail on the
2 prior plan?

3 COMMISSIONER COHEN: Like 1200 square
4 feet.

5 MR. GALVIN: We don't want to lose it.
6 We think that Hoboken works better when you have
7 street activity and interaction, and what you are
8 really doing is you are pushing the retail space,
9 and it is a very small space --

10 THE WITNESS: I don't disagree with any
11 of that. I am a big supporter --

12 MR. GALVIN: -- what I really wanted --
13 let me say just this: My hope was that this was
14 going to be a very simple application, and that you
15 were going to get an approval almost like
16 automatically, but I do think that we shouldn't just
17 give up and say, it's okay, it is all right.

18 I am just telling the Board that is my
19 opinion.

20 MR. MATULE: No, I understand, and I
21 appreciate your opinion as always.

22 But one of the variances we are asking
23 for on the Sixth Street side is to have less masonry
24 than the ordinance requires, so it is kind of
25 counter intuitive that --

1 MR. GALVIN: Yeah, if it's broken up --
2 no, because now you have a solid wall, though. You
3 know, we want masonry. We were trying -- then you
4 can have less glass --

5 THE WITNESS: I do want to, to keep
6 things in perspective, 600 feet is about this much
7 space, right?

8 So it is about that much space. If you
9 look at the ADA ramp to get up to the new FEMA
10 height, and then you look at the size of the bicycle
11 storage, that is the space we lost, but we didn't
12 lose it, because now we have a bicycle room and we
13 have an ADA ramp. It's not like --

14 MR. GALVIN: No, but here is the thing.
15 The space is there, but it is not creating activity.
16 It is a couple of things. We want activity on the
17 street --

18 MR. MATULE: If I might, I would like
19 to bring up the applicant because he has --

20 MR. GALVIN: I tried before, but I
21 failed. Mr. Nastasi cut me off.

22 (Laughter)

23 MR. MATULE: -- he has a lot of
24 experience in renting to retail, and I think --

25 MR. GALVIN: He can teach us. Maybe we

1 will learn something --

2 MR. MATULE: -- he can perhaps
3 elucidate a little more on why he thinks this plan
4 is a better plan than the plan we had.

5 So, Mr. Ennis?

6 Dennis, do you have to swear him in?

7 MR. GALVIN: No. I already put him
8 under oath, but then John got me to -- don't worry
9 about those Droids, you know, go ahead. That's a
10 Star Wars reference for people who don't get it.

11 CHAIRMAN AIBEL: Go right ahead.

12 D A V I D E N N I S, having been previously sworn,
13 testified as follows:

14 THE WITNESS: Do I have to go get?

15 CHAIRMAN AIBEL: No.

16 MR. MATULE: So you've been hearing
17 this colloquy going back and forth, and can you shed
18 some light --

19 THE WITNESS: I have about 20 years --

20 MR. MATULE: -- on why you have this --

21 THE WITNESS: -- I have about 20 years
22 of experience in development and retail.

23 15 years ago we were developing retail
24 in areas such as Harlem where it was tough to
25 develop retail, and we were quite successful at it.

1 One of the things that I could tell you
2 is that as a developer, you would never want to
3 develop dark retail, meaning retail that you cannot
4 rent out, and that is always a big concern.

5 As a developer, we want the Board to
6 tell us to develop more retail because we make more
7 money, but we also want to be socially conscientious
8 of the town that you are developing in. And retail
9 along here at the end of Hoboken right before the
10 Palisades on what is a street that is probably
11 one-way, it is just not viable retail, and we are
12 concerned that if you put a street scape or
13 storefront that is not lively and active, it
14 actually has the opposite effect.

15 So when we went through this plan, we
16 were very, very mindful of what to do on this street
17 and how to address it.

18 I want to address the point of the
19 parking and why I requested that we move it.

20 All of the residents of the building,
21 this is a tough street again because of the flow and
22 circulation, and we weren't quite sure if it was
23 going to be even legal to turn out on to this
24 street, and also we are envisioning at 46 units,
25 it's going to be residents with small children,

1 babies. It could be elderly people.

2 So bringing in your parking right here
3 by the lobby was a very mindful act that if you are
4 coming home with a baby stroller or something, you
5 want to be right by -- you drop off the person
6 that's bringing the baby in or somebody in a
7 wheelchair right by the accessibility into the
8 lobby, so that was a very mindful act, and also the
9 flow of how the traffic works coming in and out
10 of -- off of Sixth Street and Harrison Street.

11 So now jumping back to the retail and
12 why we put it here and what we thought, the
13 relationship between -- and you won't hear
14 developers say that too often, but the relationship
15 between the retail, which is close to 600 square
16 feet and the open space, which is how many square
17 feet?

18 MR. NASTASI: About a thousand.

19 THE WITNESS: Okay.

20 So what we are envisioning is a
21 successful retail. A retail here relating to the
22 light rail, which has been newly developed, and
23 quite successful.

24 What we are trying to accomplish is
25 incorporating open space with the retail, so I don't

1 look at it, and when we market this retail, and
2 hopefully we will have a great local tenant, we are
3 not looking at it as 580, 600 square feet. We are
4 looking at it as 1600 square feet. I just can't
5 charge for that, but that's okay. I want it to be
6 an amenity for the building, and we think that any
7 retailer is going to successfully look at great
8 outdoor space.

9 Here is the light rail. Here is the
10 residential lobby, so they will pull from there, and
11 they will pull from across the street and from here,
12 and they will have close to 1600 of usable -- most
13 people would pay for outdoor space. They are going
14 to happen to get it for free.

15 So I think we thought a lot of these
16 things through and how it is going to be successful,
17 and that is what we really want to see is successful
18 retail in the building.

19 MR. MATULE: Thank you.

20 THE WITNESS: I can answer any
21 questions, if you have any on retail.

22 CHAIRMAN AIBEL: I don't have a
23 question, but you know, the premise of the granting
24 of the preliminary site plan was, you know, that
25 your planner testified that even though there were

1 not two other retail uses on the block, it would
2 still be appropriate as part of the project because
3 the Hoboken master plan suggests that some
4 commercial activity shall be in close proximity to
5 transit stations.

6 He further stated that retail would
7 enliven the street making the park more active and
8 therefore safer.

9 So, you know, I am concerned that we
10 have a small little coffee shop, when the approver
11 of the application envisioned something
12 substantially more, so I would really hope that you
13 could expand the retail space where you have it,
14 because I think your logic seems great, but make it
15 a more substantial space. Coffee shops are, you
16 know, we have them all over the place. They --

17 THE WITNESS: But we are not suggesting
18 that just is a good vision that we could see a
19 coffee shop with indoor/outdoor space. It doesn't
20 mean it won't be a different retail use. After all,
21 it is not earmarked as a coffee shop. It's
22 earmarked for a retail use.

23 MR. GALVIN: But the only way to make
24 the space work the way you just described it would
25 be some kind of a eatery, something where you could

1 take the food outside and sit at tables outside,
2 right?

3 THE WITNESS: It could be a bicycle
4 shop, which is what I just -- in my head, I am
5 thinking, coffee shop, but it could be a lot of
6 different uses. I'm just not sure that --

7 MR. GALVIN: I have a suburban
8 mentality. I think everything needs to be 1400
9 square feet, so I am sure I am wrong, but --

10 THE WITNESS: I mean, retailers --

11 MR. GALVIN: -- the guy -- the bikes in
12 the back --

13 THE WITNESS: -- retailers, though,
14 look at things different than all of us. They look
15 at foot traffic and auto traffic. They do counts.
16 They do studies and counts --

17 MR. GALVIN: Right.

18 THE WITNESS: -- because at the end of
19 the day, a retailer has to make a living.

20 We know what the traffic is on
21 Washington. There is not the same traffic pattern
22 here. So where we might want retail, retail might
23 not thrive, and there's just -- the Palisades is
24 behind us, so there is not going to be more
25 development behind it to bring traffic, so you are

1 kind of at the last street in Hoboken. You have the
2 light rail there. There is not going to be retail
3 traffic.

4 I developed a building in Tribeca,
5 where retail was the only thing you could do, but it
6 doesn't have the traffic pattern, and the retail
7 ultimately failed there. We were concerned about
8 it. It was too big, and it failed, and today it is
9 sitting vacant, so, again, my concern is I don't
10 want to see vacant retail.

11 MR. GALVIN: We do hear that a lot.
12 It's true in some places, but it's not true in all
13 places. The Board has to decide if they agree with
14 you that is true in this place.

15 MR. MATULE: I know Mr. Marsden is
16 having a conversation with Mr. Nastasi now about an
17 alternative, but I did ask Mr. Nastasi where he
18 could move that wall down behind the bathroom, if he
19 doesn't need it, how much commercial space would
20 that make, and it would make approximately 750
21 square feet.

22 J O H N M A S T A S I, having been previously
23 sworn, testified further as follows:

24 THE WITNESS: Right. Because we could
25 even take the bathroom, which may not be required,

1 and give it back to the retail space, so you take
2 all of this space over and maybe that retail space
3 goes to 750, you know.

4 MR. GALVIN: All right, guys.

5 I think that we have gone as far as we
6 can. We need to know what the Board thinks.

7 I think my purpose of asking my
8 questions was so that the Board could consider it.
9 I don't want them to just roll over and say yes to
10 whatever is being changed, but on the other hand, I
11 think they have to evaluate, is this the best plan
12 that we can get for this building.

13 COMMISSIONER COHEN: So are we
14 deliberating now?

15 MR. GALVIN: I don't know. You guys
16 have to tell me.

17 CHAIRMAN AIBEL: I think so.

18 You have no closing argument, you're
19 finished?

20 MR. MATULE: Not really a closing
21 argument, other than the fact the majority of these
22 changes are driven by the flood regulations --

23 MR. GALVIN: If you need changes --

24 MR. MATULE: -- a true hardship --

25 MR. GALVIN: -- to this plan, we might

1 have to carry it for a week or two and have them --

2 CHAIRMAN AIBEL: So let me open it up
3 for discussion.

4 Antonio?

5 (Laughter)

6 Anybody wish to kick off?

7 COMMISSIONER GRANA: I guess I gave my
8 point of view already.

9 I accept the last explanation, which is
10 a much better explanation about the retail space.

11 And, in fairness, you know, I was very
12 attracted because there were two retail spots.

13 If I was to be fair, I have seen other
14 properties in town that it's nice that there's a
15 retail spot. It is not a great spot for traffic,
16 and in fact, it is dead retail, and it has been dead
17 retail for some time. So I admit I came in a little
18 bit skeptical, and I'm much more swayed after
19 hearing that testimony, and I am living with the
20 concrete wall.

21 Thanks.

22 COMMISSIONER COHEN: Yes. I definitely
23 said to applicants on other projects if you build
24 it, they will come, and there are places that don't
25 have retail, and particularly in the western edge of

1 the city, and we have insisted that they add retail,
2 and they have done it, and I think those shops have
3 been rented and haven't been dead space, but I think
4 this is different because it is a dead end one-way
5 street, and I think it is a legitimate concern in
6 this instance.

7 I don't think it is typically true. I
8 think when you have, you know, the kind of street
9 traffic you have in Hoboken, the kind of foot
10 traffic you have in Hoboken, even if it is just an
11 abandoned warehouse block, that I think it's
12 reasonable to think that eventually there will be
13 development in that neighborhood, and that if you
14 don't have retail in those buildings, you are making
15 a big long-term mistake.

16 But I think that this is an exception
17 to that general rule, because it is such an unusual
18 location, and I do think that it is more compelling
19 what the developer said than what the design
20 professional said for that explanation, which I
21 didn't find very compelling unfortunately, but I did
22 think that this is a legitimate reason.

23 I also think --

24 MR. GALVIN: But it is a good looking
25 building, though, right?

1 COMMISSIONER COHEN: It is a good
2 looking building.

3 (Laughter)

4 MR. GALVIN: Okay.

5 COMMISSIONER COHEN: Although I think
6 that we have to accept what the prior Zoning Board
7 did, for better or worse, with respect to this
8 project, which gives us very limited discretion as
9 to how to deal with it.

10 So, you know, I think it's a tabular
11 loss and this would not be the same result. It's
12 not.

13 CHAIRMAN AIBEL: Well, the original
14 application was premised on density allowances and a
15 certain number of amenities that would go along with
16 that density increase, so I am having a struggle
17 giving up what was I think, you know, part of the
18 package that led people to grant the applications,

19 You know, as much as I understand
20 perhaps that there are good retail locations and
21 bad, maybe not so good retail locations, I think I
22 have heard time and time again that we need to
23 create retail around public transportation, around
24 these new buildings.

25 The western part of town is

1 underserved, and so here in effect, we are being
2 handed an approval that was premised presumably on
3 that kind of logic, and we're basically saying, oh,
4 things have changed. Maybe it's not as economically
5 advantageous, so we will cut back the retail. I am
6 having trouble with it.

7 COMMISSIONER BRANCIFORTE: I guess to a
8 point -- go ahead, Antonio.

9 COMMISSIONER GRANA: I just wanted to
10 say, it may be more of a procedural question.

11 You know, I think I said that the last
12 testimony of the last witness, I agree, that it was
13 much convincing than the architectural testimony, no
14 offense. But at the same time, you know, what
15 should our guidance here be about how far we should
16 be deviating from what was approved by the Board in
17 2009, and this is actually quite different. There
18 were two retail spaces. It is now about half of the
19 size. The retail has been cut -- removed at one
20 end. I mean, what should be our guidance here, and
21 how far should we deviate from that Board's
22 approval?

23 MR. GALVIN: I never tell a Board how
24 to vote. I mean, if you think it is too much
25 deviation, then you can't agree with this.

1 COMMISSIONER GRANA: Okay. So it's a
2 judgment call on the deviation.

3 MR. GALVIN: Yeah, you know.

4 COMMISSIONER MC ANUFF: I think
5 unfortunately in this case, it's one of those
6 situations where the zoning hasn't caught up to the
7 flood regulations, and some changes had to be made
8 to --

9 MR. GALVIN: No -- well, I do think
10 that some of the variances that are required here
11 fall into that category, but the issue of whether or
12 not you provide the retail space, that doesn't.

13 COMMISSIONER MC ANUFF: Well, I think
14 the design and the inclusion of the additional
15 retail space was affected by raising of that area
16 and the handicapped ramp and all of that.

17 MR. GALVIN: No, I understand that.

18 I'm just saying sometimes when you ask
19 professionals could it be done, anything could be
20 done depending on the expense, okay?

21 COMMISSIONER MC ANUFF: Right.

22 MR. GALVIN: If you wanted to create,
23 you could have -- and I don't know how we do it, I
24 don't know what crazy way we do it, but if before
25 you had 1200 square feet, you find a way to make

1 that 1200 feet contiguous on this front end, you
2 move the lobby, you redesign things, it might be a
3 lot of effort, a lot of expense to do that.

4 They are trying to keep even the design
5 cost of doing that, you are trying to like take a
6 path that is the least expensive path. That is what
7 I would do if I were you is I would take the least
8 expensive path, you know.

9 So if we said, absolutely we want 1200
10 square feet, or we are not doing this, they would be
11 forced to find a way to make it work, and it might
12 be all on this one point --

13 COMMISSIONER MC ANUFF: It just comes
14 up with a question of what expense does it have, do
15 we lose parking or do you lose something else --

16 MR. GALVIN: I don't know what --

17 COMMISSIONER MC ANUFF: -- do you lose
18 the bicycle storage that, you know --

19 MR. GALVIN: Well, you would lose the
20 bicycle storage -- the bicycle storage is --

21 THE WITNESS: It is over 350 square
22 feet.

23 MR. GALVIN: Right. But it's part
24 of -- the bicycle storage is part of what the retail
25 space is.

1 The other thing that's -- and, again, I
2 think the space is unique. I am not saying it's
3 not. I think the testimony, you guys have to weigh
4 it. A lot of times what I have seen is people come
5 in and tell us that they are going to do X
6 commercial space, and then when the tire hits the
7 road, we are not getting that, and that's a
8 longstanding pattern in the city. But this is a
9 unique building in a unique location, and there have
10 been good arguments made, so I think you guys have
11 to be the jury here and decide.

12 But if you feel that it's just too much
13 of a deviation from what was approved, then you are
14 going to ask them to put more retail space into this
15 equation, they will go back to the drawing board,
16 and they will see if they can't come up with a
17 solution.

18 COMMISSIONER BRANCIFORTE: Well, you
19 know, I mean, they could do it. They would have to
20 lose a parking space, which I don't know would cut
21 into a variance or not --

22 MR. GALVIN: We could always -- listen,
23 if you value -- if you value what they are saying
24 about the masonry wall, if you wanted that wall to
25 be glass, and that required a variance, we would

1 grant that variance. I mean, sometimes it makes
2 sense to grant a variance like a fence variance in a
3 suburban neighborhood that you give somebody a
4 little extra height because it is what we want to
5 make good neighbors.

6 In this case, if you want more retail,
7 and you lost the parking space, maybe we don't care
8 that we grant the parking space variance. We may
9 have to notice for it, but --

10 COMMISSIONER BRANCIFORTE: Right.
11 That's what I'm saying.

12 MR. GALVIN: -- we could probably even
13 grant the parking variance as part of the -- any
14 other variances that are asked, you know, that the
15 Board determines at the time of the hearing without
16 requiring additional notice, a space or two, I don't
17 think -- I don't know what that does to the --

18 COMMISSIONER BRANCIFORTE: But it's not
19 just a question of the space. It's a question that
20 the retail space would have to be, I guess, brought
21 up.

22 I mean, the retail space can be in a
23 flood plain, can it? It can be in a flood zone. It
24 doesn't have to be raised above.

25 MR. GALVIN: We were arguing about

1 stoops. It's totally off track, but stoops, are
2 they important to the neighborhood? In what places
3 are they important? When do they get in trouble
4 with the flood?

5 You have to make these calls. If you
6 think that this coffee shop is adequate and meets
7 the spirit of the underlying preliminary approval,
8 then you can vote in favor of this.

9 COMMISSIONER BRANCIFORTE: Yeah. No.
10 My question was, you know, the retail doesn't have
11 to be lifted above the flood plain -- above the
12 flood level because it is retail. Retail can be in
13 a flood zone --

14 THE WITNESS: Right. But if it's a
15 retail space that floods all of the time --

16 COMMISSIONER BRANCIFORTE: That's
17 different.

18 THE WITNESS: -- that is a different
19 situation.

20 COMMISSIONER BRANCIFORTE: Okay. I
21 understand.

22 THE WITNESS: We basically have a zero
23 some gain. We have approximately 350 feet of
24 bicycle room. We have over a hundred-something feet
25 of entry into the handicapped ramp up, and then we

1 have the lobby, the package room, and the coffee
2 shop. Something's got to give, right?

3 If we are not going to give up parking
4 spaces, we can grow the retail space as large as we
5 can and then still keep the amenity of the bicycle
6 room, and it's a zero-some game trying to figure
7 what's the best --

8 MR. GALVIN: The Board has to tell you.
9 If the Board says it was 1200 in the preliminary, we
10 understand that you have to elevate, you understand
11 you might need a variance, but we would like to
12 maintain the 1200, then you guys have to go back to
13 the drawing board and figure out how you do it. You
14 guys have to tell me.

15 CHAIRMAN AIBEL: I think we've heard --
16 has everybody heard enough?

17 MR. GALVIN: Yes.

18 (Laughter)

19 CHAIRMAN AIBEL: So let's entertain a
20 motion.

21 A motion to approve, a motion to deny?

22 COMMISSIONER COHEN: So I will make a
23 motion to approve, but I would make a condition that
24 they expand the one retail space to the maximum --
25 can I just finish -- maximum possible space taking

1 over the bathrooms to get it as close to the 800
2 square feet --

3 MR. GALVIN: Before you do that, before
4 you do that, the space is 550 square feet. John is
5 saying, you are going to get it to what, 600 what?

6 I mean, you are going to lose a
7 bathroom.

8 COMMISSIONER DE GRIM: It is an
9 employee bathroom, you know, the people are behind
10 the counter, where are they going to go?

11 THE WITNESS: Well, there is another
12 public bathroom on the second floor.

13 MR. GALVIN: Yeah. But even if
14 somebody was going to use the coffee shop, you know,
15 one of the draws is I'm going to use the --

16 THE WITNESS: No. The coffee shop has
17 its own bathroom.

18 COMMISSIONER COHEN: So that would be
19 the condition, that they would expand to the maximum
20 size that they could accommodate taking over the
21 bathroom spaces that are adjacent to the current
22 design for the retail space, which the design
23 professional estimates is approximately 750 square
24 feet.

25 COMMISSIONER BRANCIFORTE: The only

1 other condition may I suggest --

2 MR. GALVIN: I'm sorry.

3 What was 750 square feet?

4 COMMISSIONER COHEN: That was the
5 estimated size that would increase the current size,
6 which is about 550 square feet to closer to 750
7 square feet.

8 COMMISSIONER BRANCIFORTE: Phil, the
9 only other question I have is: Can we tie in the
10 open space park for the exclusive use of the retail
11 to make sure that when they sign that lease on that
12 retail, they understand that they have the right to
13 use that open park space next door.

14 COMMISSIONER COHEN: Isn't it public?

15 COMMISSIONER DE GRIM: You can't make
16 it exclusive to them.

17 COMMISSIONER BRANCIFORTE: Not
18 exclusive, but that they understand -- well --

19 COMMISSIONER MARSH: As opposed to
20 what?

21 COMMISSIONER BRANCIFORTE: As opposed
22 to -- we discussed the fact that renting out that
23 space, whoever rents out that space is going to like
24 the idea that they can have seating and basically
25 get an extra thousand square feet of seating.

1 COMMISSIONER COHEN: I would rather it
2 be public than to be linked to a private use

3 COMMISSIONER BRANCIFORTE: That's fine.

4 COMMISSIONER GRANA: But I think to
5 clarify -- just to clarify that it is open space,
6 but that the retail is not prohibited from using it
7 as part of their retail operation.

8 COMMISSIONER BRANCIFORTE: That is a
9 better way to put it.

10 MR. GALVIN: But I think that's already
11 understood. I don't know that we have to write that
12 down.

13 MR. MATULE: We can say they won't be
14 prohibited from using it.

15 COMMISSIONER GRANA: Yeah, there you
16 go.

17 COMMISSIONER MARSH: I am going to play
18 devil's advocate here for just a second.

19 I actually like the idea of a small
20 coffee shop next to a light rail station. In the
21 morning, you know, you want a bagel and a cup of
22 coffee. If it's a nice day, you sit outside.

23 At what point does it become not viable
24 because it is too big?

25 MR. MATULE: You can probably answer

1 that.

2 Does 750 still work for a coffee shop?

3 COMMISSIONER MARSH: Because I have
4 another concern on top of this one.

5 Go ahead.

6 MR. ENNIS: I mean, we were very
7 thoughtful in the size. We think that size is a
8 appropriate.

9 We would -- to try to get more in
10 conformance with what the original intent was, we
11 would work with the 750 square feet.

12 Does the coffee shop ultimately need
13 it?

14 It depends again on the public and the
15 traffic. You can make policy, but it is the public
16 that will ultimately support it.

17 If it ends up being a small cafe or a
18 restaurant, I think, you know, definitely you would
19 use it.

20 So we're focused on a coffee shop. It
21 could become a cafe or something else, and the whole
22 750 square feet would get used.

23 COMMISSIONER COHEN: And the point at
24 the minute is to try and get as close as we could to
25 the original square footage of the retail.

1 COMMISSIONER MARSH: Well, my other
2 concern is that all of the retail is now
3 concentrated on the end where the light rail is.

4 The existing neighborhood, which, you
5 know, there is a ton of kids in the neighborhood,
6 and they are getting a blank wall with a big parking
7 garage next to them, you know, what would make that
8 better?

9 Can you close Sixth Street, so you can
10 have basketball courts there?

11 I guess not, you know.

12 MR. MATULE: I don't think they would
13 close the street because the residents need to get
14 around, you know --

15 COMMISSIONER MARSH: Do you know what I
16 mean?

17 You have big blank wall --

18 MR. MATULE: I appreciate it, but I
19 mean, there's windows in that wall, and there's
20 different materials on that wall. It's not a
21 monolithic concrete wall.

22 COMMISSIONER MARSH: That is a pretty
23 monolithic wall.

24 (Everyone talking at once.)

25 MR. MATULE: Reasonable minds can

1 differ.

2 COMMISSIONER MC ANUFF: I think when
3 you put the board formed concrete up there, I think
4 it's going to have enough architectural interest.

5 MR. GALVIN: Guys, we need to label the
6 colorized --

7 MR. MATULE: Make that A-3.

8 (Exhibit A-3 marked.)

9 THE WITNESS: If this board poured
10 concrete, which I think is a beautiful material and
11 an expensive material, if that switched to Hoboken
12 brick, would that make a difference, because we will
13 make it brick.

14 COMMISSIONER MARSH: No. It wouldn't
15 make a difference.

16 I'm going to make another -- now, I
17 have a question.

18 Every morning I walk to my car sadly
19 because I have to drive to work, as hard as I've
20 tried to find public transportation, and I walk
21 between -- Jim, help me out -- I walk between, is
22 that 1500 Garden, between the parking garage and
23 that new apartment building, there is like an
24 alleyway, and it's not an unpleasant walk at all.
25 It's in its own bizarre kind of way kind of

1 charming, so are we overthinking this?

2 THE WITNESS: Can I make a suggestion?

3 What if I fenestrate this wall?

4 MR. GALVIN: Let me ask you this.

5 Again, I want to try to bring this to an end.

6 Everyone is getting tired, and the court reporter is
7 getting exhausted, so --

8 (Laughter)

9 -- and I am dead serious when I say
10 this. You got a blank wall facing a project. It's
11 crying out for like paint me with graffiti, right?

12 How are we going to prevent that, you
13 know? It's going to make the building look
14 horrible --

15 THE WITNESS: You can't paint graffiti
16 on green --

17 MR. GALVIN: Maybe we should do the
18 green screen. I know that you like it --

19 COMMISSIONER MC ANUFF: They could put
20 an anti-graffiti treatment on it. There are ways to
21 put --

22 MR. GALVIN: Oh, well, I didn't know
23 about that.

24 COMMISSIONER MC ANUFF: -- yeah,
25 silicone coat it or --

1 COMMISSIONER BRANCIFORTE: Well, a
2 green screen would break up the blank wall.

3 COMMISSIONER MC ANUFF: I just think we
4 depend on the green screen for so much, and there's
5 no enforcement to maintain it --

6 MR. GALVIN: No, no. My only reason --
7 my only point here is, I would normally not say
8 anything about those, but here I am thinking, I
9 worry about dumpsters in my neighborhood, you know,
10 an hour and a half away, that they just tag them all
11 of the time.

12 I just can't believe that this won't be
13 tagged. It is almost like screaming out for it,
14 but --

15 MR. VANDERMARK: There are active
16 security cameras on that side.

17 MR. GALVIN: I mean, we just -- I don't
18 want to be --

19 (Everyone talking at once.)

20 A VOICE: We share the same concern
21 about security --

22 MR. GALVIN: Yes.

23 COMMISSIONER DE GRIM: As Owen said,
24 isn't there some kind of anti-graffiti coating
25 that --

1 COMMISSIONER MC ANUFF: Silicone, yeah,
2 or --

3 THE WITNESS: It is a product that has
4 been on the market since Cracker Jack. It's around.

5 (Laughter)

6 I would say that, for the record, we
7 are open to fenestration. We are open to a green
8 wall. We open to board formed concrete. I mean, we
9 are flexible. But to my client's point, he is going
10 to be the long-term manager, and we just want to do
11 something nice that is sustainable.

12 MR. ENNIS: We maintain our buildings
13 and for a beautiful rental building like this, where
14 you want to get nice rent, you have to maintain it,
15 and you cannot allow graffiti. It's not going to be
16 a vacant building, so we will be actively
17 maintaining it.

18 MS. BANYRA: John, is there a reason
19 that you just can't do a landscaping in front of it,
20 too?

21 I mean, they can go for city council
22 approval and get a landscaping bed across there, and
23 that breaks up the mass, and you can do things with
24 plants. You can use, let's say from the building
25 rooftop, you know, you can -- so that you don't have

1 to have any kind of sprinkler system. There is all
2 kinds of stuff, and that would at least just give it
3 some, you know, movement.

4 THE WITNESS: Even if it is a
5 three-foot front yard like on all of the brownstones
6 where there's just a front yard of landscaping --

7 MS. BANYRA: Well, if you give it at
8 least three feet, you can do a lot.

9 COMMISSIONER COHEN: So why don't we
10 add that there will be three feet of landscaping on
11 the Sixth Street side in front of the solid wall?

12 MS. BANYRA: And I can look at that for
13 you, whatever you submit.

14 THE WITNESS: I think that is a great
15 idea.

16 CHAIRMAN AIBEL: Okay. So there is a
17 motion to approve.

18 Is there a second?

19 COMMISSIONER MC ANUFF: Second.

20 MR. MATULE: That will have to be
21 subject to city council approval.

22 COMMISSIONER COHEN: Subject to city
23 council approval.

24 CHAIRMAN AIBEL: We had a second.

25 MS. CARCONE: Ready to vote?

1 COMMISSIONER AIBEL: The majority
2 approves, correct?

3 MR. GALVIN: Yes.

4 CHAIRMAN AIBEL: Good.

5 MR. GALVIN: Because the variances
6 involved here are C variances.

7 MS. CARCONE: Ready?

8 CHAIRMAN AIBEL: Go for it, Pat.

9 MS. CARCONE: Oh, okay.

10 Commissioner Cohen?

11 COMMISSIONER COHEN: Yes.

12 MS. CARCONE: Commissioner Grana?

13 COMMISSIONER GRANA: Yes.

14 MS. CARCONE: Commissioner Marsh?

15 COMMISSIONER MARSH: Yes.

16 MS. CARCONE: Commissioner Branciforte?

17 COMMISSIONER BRANCIFORTE: Yes.

18 MS. CARCONE: Commissioner McAnuff?

19 COMMISSIONER MC ANUFF: Yes.

20 MS. CARCONE: Commissioner DeGrim?

21 COMMISSIONER DE GRIM: Yes.

22 MS. CARCONE: Commissioner Aibel?

23 CHAIRMAN AIBEL: No.

24 All right.

25 (The matter concluded.)

C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that 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: 4/13/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
SPECIAL MEETING OF THE HOBOKEN : April 7, 2015
ZONING BOARD OF ADJUSTMENT : Tuesday 11 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Commissioner Philip Cohen
- Commissioner Antonio Grana
- Commissioner Carol Marsh
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Owen McAnuff
- Commissioner Frank DeGrim

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

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

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1 CHAIRMAN AIBEL: All right. We have a
2 waiver.

3 Jeff?

4 Jeff has some waivers for us. Our
5 engineer has some waivers for us.

6 COMMISSIONER COHEN: One waiver.

7 MR. MARSDEN: We have a waiver request
8 on 905 Hudson Street. It's for C variances. They
9 requested the hundred -- a waiver for the
10 contribution disclosure statement. However, they
11 provided that, so no waiver is required.

12 The elevation certification, I would
13 recommend denying that request for a waiver because
14 the survey is on assumed data, which doesn't tie to
15 anything vertically, and that should be required.

16 They also recorded a waiver for the
17 photographs of the building, but they have provided
18 photographs on the building, and they don't need a
19 waiver for that.

20 And then the C variances, they were
21 street scape elevation. It is a small tiny deck
22 almost at grade and a patio in the rear yard, so
23 Eileen and I agreed that we would approve that
24 recommendation. But overall, we think it should be
25 denied until they provide us a flood certification.

1 CHAIRMAN AIBEL: Can I have a motion to
2 accept the recommendation of the engineer on the
3 waiver?

4 COMMISSIONER BRANCIFOTE: Motion to
5 accept.

6 COMMISSIONER MC ANUFF: Second.

7 CHAIRMAN AIBEL: All in favor?
8 (All Board members answered in the
9 affirmative.)

10 CHAIRMAN AIBEL: Anyone opposed?

11 COMMISSIONER BRANCIFORT: No.

12 CHAIRMAN AIBEL: Motion to close the
13 meeting.

14 COMMISSIONER GRANA: Motion to close
15 the meeting.

16 COMMISSIONER BRANCIFORTE: Second.

17 COMMISSIONER COHEN: Second.

18 COMMISSIONER MC ANUFF: Second.

19 CHAIRMAN AIBEL: All in favor?
20 (All Board members answered in the
21 affirmative.)

22 (The meeting concluded at 11 p.m.)

23

24

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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: 4/13/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.