

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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SPECIAL MEETING OF THE :
HOBOKEN ZONING BOARD OF : June 24, 2014
ADJUSTMENT : Tuesday 7 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner Owen McAnuff
- Commissioner Richard Tremittedi

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

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

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
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A P P E A R A N C E S:

LAW OFFICE OF DENNIS M. GALVIN
730 Brewers Bridge Road
Jackson, New Jersey 08527
(732) 364-3011
BY: STEVEN M. GLEESON, ESQUIRE
Acting Attorney for the Board.

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1 CHAIRMAN AIBEL: Good evening,
2 everyone. It is seven o'clock.

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

11 We are at a Special Meeting of the
12 Hoboken Zoning Board of Adjustment, June 24th.

13 Could you please join me in the Pledge
14 of Allegiance.

15 (Pledge of Alliegance recited)

16 CHAIRMAN AIBEL: Thanks.

17 Pat, do the roll call.

18 MS. CARCONE: Commissioner Aibel?

19 CHAIRMAN AIBEL: Here.

20 MS. CARCONE: Commissioner Greene?

21 VICE CHAIR GREENE: Here.

22 MS. CARCONE: Commissioner Cohen?

23 COMMISSIONER COHEN: Here.

24 MS. CARCONE: Commissioner DeFusco?

25 COMMISSIONER DE FUSCO: Here.

1 MS. CARCONE: Commissioner Grana?

2 COMMISSIONER GRANA: Here.

3 MS. CARCONE: Commissioner Murphy?

4 COMMISSIONER MURPHY: Here.

5 MS. CARCONE: Commissioner Branciforte

6 is absent.

7 Commissioner Fisher is absent.

8 Commissioner McAnuff?

9 COMMISSIONER MC ANUFF: Here.

10 MS. CARCONE: Commissioner Tremitedi?

11 COMMISSIONER TREMITIEDI: Here.

12 CHAIRMAN AIBEL: Good.

13 Before we get started, I would like to
14 introduce everybody to Steven Gleeson, Mr. Galvin's
15 colleague. Mr. Galvin will be a little bit late
16 this evening, but we are going to start off, and we
17 are going to reorder the agenda, but I would like to
18 say right away, and Pat, am I right, to assume that
19 we are carrying --

20 MS. CARCONE: 926 Garden.

21 CHAIRMAN AIBEL: -- 926 Garden.

22 Is that Mr. Matule?

23 MS. CARCONE: Yes.

24 CHAIRMAN AIBEL: On 926 Garden, Mr.

25 Matule, we are going to carry that.

1 MR. MATULE: I am being told the Board
2 wishes to carry it. I am not understanding why,
3 what the issue is.

4 MS. BANYRA: We just don't think we are
5 going to get to it tonight based on its position on
6 the agenda. So when we looked at that, we
7 understood that you had noticed, so we put it on the
8 agenda to cover your notice issue, but we just
9 figured we would never get to five, so --

10 MR. MATULE: Okay. So it is going to
11 be carried to July 15th?

12 MS. BANYRA: The first meeting in July.

13 MR. MATULE: With no further public
14 notice?

15 MS. BANYRA: That's right.

16 CHAIRMAN AIBEL: Correct.

17 MR. MATULE: Okay. In that case, I
18 don't know where we are, but if we are running up
19 against the time limits, then we will consent --

20 MR. GLEESON: You agree to waive the
21 time?

22 MR. MATULE: -- to the time within
23 which the Board could act through July 15th.

24 CHAIRMAN AIBEL: Great.

25 So before we make a motion to carry,

1 anybody here who is interested in 926 Garden Street,
2 it is going to be carried to July 15th, same place,
3 same time.

4 Could I have a motion to carry without
5 notice?

6 VICE CHAIR GREENE: I will move it.

7 CHAIRMAN AIBEL: Second?

8 COMMISSIONER COHEN: Second.

9 CHAIRMAN AIBEL: Pat?

10 MS. CARCONE: Commissioner Greene?

11 VICE CHAIR GREENE: Yes.

12 MS. CARCONE: Commissioner Cohen?

13 COMMISSIONER COHEN: Yes.

14 MS. CARCONE: Commissioner DeFusco?

15 COMMISSIONER DE FUSCO: Yes.

16 MS. CARCONE: Commissioner Grana?

17 COMMISSIONER GRANA: Yes.

18 MS. CARCONE: Commissioner Murphy?

19 COMMISSIONER MURPHY: Yes.

20 MS. CARCONE: Commissioner McAnuff?

21 COMMISSIONER MC ANUFF: Yes.

22 MS. CARCONE: Commissioner Aibel?

23 CHAIRMAN AIBEL: Yes.

24 Thanks.

25 MR. MATULE: Very good.

1 MS. BANYRA: Chairman Aibel, just so
2 that anybody from the public knows, you will not be
3 receiving any additional notice in the mail, so that
4 was the notice.

5 (Continue on the next page.)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 RE: 618 Madison Street : SPECIAL MEETIN
 Block 75, Lot 23 :
 Applicant: 618 Madison St., HOB, LLC : June 24, 2014
 Minor Site Plan with Variances : Tuesday 7:05 p.m.
 ----- X

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Hoboken, New Jersey

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1 I N D E X

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3 WITNESS PAGE

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10 E X H I B I T S

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1 CHAIRMAN AIBEL: So we are going to
2 reorder the hearings.

3 We are going to start with 618 Madison,
4 and then we will proceed to 155 Third Street, and
5 the third hearing would be 307 Newark, and I hope we
6 will be able to reach 8-10-12 Paterson.

7 So, Mr. Matule, Mr. McNeight?

8 Where is Bob?

9 MS. CARCONE: I think he went out in
10 the hallway.

11 COMMISSIONER MC ANUFF: Yes. I think
12 he stepped out in the hall.

13 (Robert C. Matule, Esquire present.)

14 CHAIRMAN AIBEL: You are up. 618
15 Madison

16 MR. MATULE: Okay.

17 Good evening, Mr. Chairman, and Members
18 of the Board.

19 Robert Matule appearing on behalf of
20 the applicant.

21 This is an application for 618 Madison
22 Street. It is a request for minor site plan
23 approval and variances to replace an existing
24 nonconforming garage and house with a new
25 five-story, technically five-story, four residential

1 unit building.

2 I am going to have the testimony of Mr.
3 McNeight, our architect, and Mr. Ochab, our planner.

4 I have already submitted our
5 jurisdictional proofs to the Board Secretary, so if
6 we can have Mr. McNeight sworn, I am ready to go.

7 MR. GLEESON: Would you raise your
8 right hand?

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

12 MR. MC NEIGHT: I do.

13 J A M E S M C N E I G H T, having been duly
14 sworn, testified as follows:

15 MR. GLEESON: Can you please state your
16 full name for the record and spell your last name?

17 THE WITNESS: James McNeight,
18 M-c-N-e-i-g-h-t.

19 MR. GLEESON: Okay, Mr. Matule.

20 MR. MATULE: Mr. Chairman, Mr. McNeight
21 has appeared numerous times before the Board in his
22 capacity as an architect. I would ask that you
23 accept his credentials at an expert witness.

24 CHAIRMAN AIBEL: We do.

25 MR. MATULE: Thank you.

1 Okay. Mr. McNeight, the only thing if
2 you are going to make reference to any exhibits, we
3 just need a moment to mark them as you are going
4 along.

5 THE WITNESS: I just have the set of
6 zoning drawings with me.

7 MR. MATULE: Okay, terrific.

8 Would you please describe to the Board
9 members the existing site and the surrounding area,
10 and then if you wish to go right into describing the
11 proposed project?

12 THE WITNESS: This is on Madison Street
13 between 6th and 7th Street. It is up on the
14 northern end of that block on the west side, a
15 couple of doors down from the parochial school that
16 is on the corner.

17 Across the street is a pretty
18 consistent built-up residential complex.

19 On this side of the street, it is hit
20 and miss. In this case, there is a building that is
21 all the way in the front as a garage, and then a
22 building all the way in the back, you know, so it is
23 the total opposite of what is proposed by the zoning
24 ordinance.

25 So the proposal is to demolish

1 everything on the site, build a conforming building
2 that is 60 feet deep on the front side of the
3 building. It is a four-story building. We had to
4 pick up the front -- I mean the first story some
5 eight feet or so to bring it up out of the flood
6 plain, but it is a four-story building, four units.
7 The typical exit in the backyard, that comes down to
8 the yard and comes forward again to the two front
9 doors.

10 One thing that came up in the comments
11 from the professionals is the fact that it had this
12 stoop in the front that is a bullnose stoop, where
13 you come to a turning radius, you make a 180-degree
14 turn and come down to the bottom.

15 The comment was that perhaps you could
16 penetrate the building with that stoop, but the
17 problem with that is both means of egress come
18 forward in this building, and they both have to hit
19 the face of the building at the face of the
20 building.

21 So the concept of dragging that stoop
22 into the building doesn't work with this kind of a
23 building because the one and only way out of a
24 25-foot by a hundred foot building is in the front,
25 so it is like a double barrel shotgun, that both

1 barrels have to basically touch the property line,
2 so that is what happens in the front.

3 Because we are so high up off the
4 ground in the first place, you know, you have to
5 come around. You have to come up the steps and come
6 around to come into the building.

7 So then you have that first floor unit,
8 and then you come up through the building, the
9 second floor unit, and the upper two floors -- the
10 upper three floors all exit through the back of the
11 building and go down the tightest possible
12 construction that we have of a second means of
13 egress on the external side of the building.

14 And once you get back down to the
15 backyard, when you are talking about the second
16 means of egress, is this marble shoot straight to
17 the front, so that is what I am talking about, that
18 both of these things have to deliver to the front.

19 CHAIRMAN AIBEL: Mr. McNeight, before
20 you get going, can I ask the audience, is anybody
21 here interested and wish to see the drawings?

22 MS. KAUFFMANN: I am.

23 CHAIRMAN AIBEL: So, Mr. McNeight, if
24 you could bring them to the side and give everybody
25 a chance.

1 THE WITNESS: Sure.

2 MR. MATULE: Maybe go back to the first
3 page.

4 THE WITNESS: Okay.

5 MS. KAUFFMANN: I want to see it in
6 relation to the recessed building.

7 THE WITNESS: I'm sorry. To the
8 recessed building?

9 THE REPORTER: I'm sorry. What is your
10 name?

11 MS. KAUFFMANN: My name is Alanna
12 Kauffmann.

13 CHAIRMAN AIBEL: Okay. I'm sorry. I
14 am going to cut you off a little bit.

15 MS. KAUFFMANN: Okay.

16 CHAIRMAN AIBEL: The procedure here is
17 for us to hear the testimony of the architect, and I
18 am giving you a chance to see what he is saying and
19 how he is testifying. But after the architect is
20 finished, the Board will ask questions, and then we
21 will open it up to the public, so you will have a
22 chance to ask the architect any questions that you
23 want.

24 MR. MATULE: If you would, though, Jim,
25 just flip back to Sheet Z-1, and then just kind of

1 quickly recap your testimony since they didn't have
2 the benefit of your drawings.

3 THE WITNESS: Okay.

4 Well, here is the existing survey.
5 There's a back building. There's a front building.
6 There is a back building here.

7 I am not sure what goes on exactly
8 here, but we will see it on the next page.

9 We are going to demolish, clear the
10 site, bring the building 60 feet to the front,
11 leaving 40 feet in the back.

12 You are talking about this building
13 next door?

14 MS. KAUFFMANN: Uh-huh.

15 THE WITNESS: Lot 24.

16 So as far as the property line is
17 concerned, we are bringing our building all the way
18 forward, so this nonconforming building on Lot 24
19 will have a building all the way pushed forward and
20 a sheer wall on that property line on the north
21 side.

22 MR. MATULE: Then how about the stoop
23 you were talking about on Z-3?

24 THE WITNESS: Yes, the stoop -- let's
25 look at the elevation first.

1 We have to come up seven feet to get
2 out of the flood plain these days, so we have to
3 have a stoop that brings you up seven feet above
4 grade to get you into the first living unit, so that
5 is what I was talking about, that two flight
6 stairway.

7 But both -- this door delivers both
8 exits from this multiple dwelling to the street that
9 it has to do.

10 That is what I am saying. There was a
11 comment maybe we could push the stoop into the
12 building, but this kind of building, you can't do
13 that for building code reasons.

14 This is what it looks like two
15 dimensionally.

16 Here is the property line facing the
17 building.

18 This is Stairway A coming down.

19 This is Stairway B coming down. They
20 both have to come out here and deliver people back
21 to the street.

22 UNIDENTIFIED MALE VOICE: How far do
23 you go?

24 CHAIRMAN AIBEL: No. We are going to
25 hold off. Hold your questions. We will let him

1 finish testifying.

2 MR. MATULE: If I could, Mr. McNeight,
3 there is an existing fence line on this sheet?

4 THE WITNESS: Yes. North of this
5 building there is an existing fence line.

6 MR. MATULE: And would the stoop be
7 within that fence line?

8 THE WITNESS: Yes, it would be.

9 MR. MATULE: Okay.

10 CHAIRMAN AIBEL: Okay.

11 MR. MATULE: We can continue with his
12 testimony --

13 CHAIRMAN AIBEL: Thanks. We will
14 continue.

15 MR. MATULE: -- and then if there is
16 more questions, please feel free to come up when
17 he's done to ask, just to follow the process.

18 Okay. Mr. McNeight, one of the other
19 comments -- so the basic structure is going to have
20 60 percent lot coverage, correct?

21 THE WITNESS: Yes.

22 The basic shell of the building is 60
23 percent lot coverage. The extra lot coverage is for
24 that second means of egress stairway that goes down
25 the back of the building.

1 MR. MATULE: That is approximately 4.3
2 percent?

3 THE WITNESS: Correct.

4 MR. MATULE: And that stairway or
5 egress stair is approximately 16 feet wide and eight
6 feet deep?

7 THE WITNESS: Correct.

8 MR. MATULE: And as far as the space
9 under the building, for lack of a better word, the
10 crawl space, that cannot be used for anything other
11 than --

12 THE WITNESS: Storage --

13 MR. MATULE: -- trash cans, storage,
14 bicycles --

15 THE WITNESS: -- bicycles, carriages
16 baby carriages.

17 MR. MATULE: And assuming this
18 application is approved, and the building is built,
19 they will have to install a stormwater detention
20 system in accordance with the North Hudson
21 requirements?

22 THE WITNESS: Correct, underneath the
23 building, yes.

24 MR. MATULE: And one of the other
25 comments, I believe it was in Ms. Banyra's report,

1 was if the applicant would consider some type of an
2 energy efficient or green roof.

3 Would the applicant consider at the
4 very least putting a white roof on the building?

5 THE WITNESS: Yes. And right before
6 the meeting, the applicant told me they would be
7 more than willing to put in a green roof with the
8 plants and the trays.

9 MR. MATULE: Oh, a regular tray system
10 green roof?

11 THE WITNESS: Right, right.

12 MR. MATULE: And one of the other
13 comments, the planner was asking the architect to
14 discuss whether in a four-unit building handicapped
15 access and an elevator are required.

16 This building does not have an
17 elevator, correct?

18 THE WITNESS: Correct, no.

19 In this kind of a building that is 25
20 by a hundred, to put an elevator into a building
21 like this really creates a big problem. I have done
22 it before, and it doesn't work out nicely.

23 It is just too big of an object, and it
24 just destroys the floor plan, and it is noisy, and
25 it's a big maintenance problem, you know, so this

1 kind of a building is a typical in-fill, urban
2 building, walkup, but, you know, they are pleasant
3 apartments. They are big. They are light, and
4 putting an elevator into this kind of a building
5 just doesn't work.

6 MR. MATULE: But it is not required
7 under the code?

8 THE WITNESS: It is not required under
9 the code. You have to have a 3,000 foot floor plan
10 before you have to put in an elevator, so this is,
11 you know, 50 percent of that, so we are not even
12 close.

13 MR. MATULE: Okay.

14 And my other question, assuming again
15 there will be all new curbs and sidewalks --

16 THE WITNESS: Yes.

17 MR. MATULE: -- and the landscaping,
18 the rear yard will be landscaped?

19 THE WITNESS: Yes.

20 We demarcate three sides of the yard
21 with fencing, and then we have a four-foot planting
22 bed, and there is a certain amount of pavement up
23 close to the building, and then the rest of it is
24 just landscaped.

25 MR. MATULE: And the height of the

1 building as measured from BFE is 40 feet?

2 THE WITNESS: 40 feet.

3 MR. MATULE: That is in compliance with
4 the current zoning?

5 THE WITNESS: Correct.

6 MR. MATULE: So the variances that the
7 applicant is seeking is the lot coverage --

8 THE WITNESS: Yes.

9 MR. MATULE: -- for the rear stairs,
10 five stories, if you count -- counting the --

11 THE WITNESS: The unusable first level.

12 MR. MATULE: -- as a story, and we are
13 going to have a zero front yard, correct?

14 THE WITNESS: Correct.

15 MR. MATULE: And the masonry is
16 required to be 75 percent, and you are at 71.8?

17 THE WITNESS: Correct, because of the
18 bays, right.

19 MR. MATULE: And obviously, we are
20 asking to round up to four units?

21 THE WITNESS: Correct.

22 MR. MATULE: And did you receive Mr.
23 Marsden's report?

24 THE WITNESS: Yes, I did.

25 MR. MATULE: And are you able to

1 address in your plan revisions and getting a revised
2 survey the comments that he raised in his report?

3 THE WITNESS: No problem.

4 MR. MATULE: Okay. I think that is all
5 I have for Mr. McNeight.

6 CHAIRMAN AIBEL: Great.

7 Thanks, Mr. McNeight.

8 Board members?

9 COMMISSIONER DE FUSCO: I'll start.

10 So I have a question regarding the
11 building material. So it is -- you are going over
12 by something like three percent, three and a half
13 percent. What are you looking to do with the
14 facade?

15 THE WITNESS: It is because of the bay.
16 There is a bay on this building, if you look at the
17 floor plan.

18 COMMISSIONER DE FUSCO: I mean, there's
19 no way I guess to kill that variance by raising the
20 brick facade three and a half percent?

21 THE WITNESS: Well, the problem is that
22 the bay sticks out, and the bay can't be heavy
23 because it is a cantilever, and bays are never brick
24 typically. I mean, they look odd. Even if you can
25 support it from the bottom, a cantilevered brick bay

1 just doesn't read right.

2 So the bay in the old days when this
3 first started about this fenestration, we counted
4 the whole bay structure as the fenestration because
5 really that is what it is as far as the hold on the
6 masonry is concerned.

7 So these days, we just count the
8 opening of the windows and the rest of the bay
9 because it is lightweight material and doesn't add
10 on to your, you know, masonry number, so really any
11 kind of a bay building I think would generate this
12 kind of a thing.

13 To get more masonry into it would mean
14 cutting down the size of the windows, and you know,
15 in this kind of a building, you know, the bigger
16 openings front and back, that is the only choice,
17 you know, the bigger, the better.

18 COMMISSIONER DE FUSCO: Sure.

19 So to the left of the building, if I am
20 looking right at the building, there seems to be an
21 unusual lot.

22 THE WITNESS: Yes. That was renovated
23 a few years ago, so they have a garage up front and
24 they have a rear house in the back, and that's, you
25 know, that's the way it is. So they have a driveway

1 or a walkway on the north side of their property
2 that is going to be adjacent to the sheer wall of
3 this building.

4 COMMISSIONER DE FUSCO: Given that,
5 which is very unusual for Hoboken, has your design
6 taken that into account?

7 Is there going to be perhaps brick on
8 that exposed side of the building, or is that just
9 going to be stucco?

10 THE WITNESS: We just specced it out
11 that it was going to be stucco because it is a big
12 blank wall basically.

13 COMMISSIONER DE FUSCO: Do you feel, in
14 your opinion, you know, as an architect, having this
15 opportunity to perhaps design, you know, two sides
16 of the building as opposed to just one facade, that
17 that might be, you know, an interesting opportunity
18 for this project?

19 THE WITNESS: Well, you could introduce
20 another surface to the building, but because of
21 building code issues, it can't have any fenestration
22 on it because it is zero on the property line, so
23 any way you treat it, it is still going to be a big
24 wall with no holes in it.

25 COMMISSIONER DE FUSCO: Right.

1 Yeah, and this is, you know, this is
2 obviously probably a conversation you might want to
3 have with the neighbors, if you haven't done so
4 already, but perhaps that is a good opportunity to
5 integrate a green wall.

6 THE WITNESS: You could for sure.

7 COMMISSIONER DE FUSCO: The other
8 question I had is there is a building two lots down
9 that's a hundred percent lot coverage, and that is
10 two stories.

11 THE WITNESS: Let's see. South or
12 north?

13 COMMISSIONER DE FUSCO: I believe that
14 would be south.

15 THE WITNESS: A hundred percent lot
16 coverage?

17 COMMISSIONER DE FUSCO: It appears that
18 way.

19 THE WITNESS: It doesn't show up on my
20 map that way.

21 COMMISSIONER DE FUSCO: I guess I will
22 just ask the planner that question.

23 THE WITNESS: Okay.

24 COMMISSIONER DE FUSCO: That's all I
25 have for now.

1 CHAIRMAN AIBEL: Diane?

2 COMMISSIONER MURPHY: I am a little
3 confused about where the front of the building is
4 going to start.

5 If I were looking at this picture that
6 you have provided, the photo three, view of the
7 building, north of the project, are we starting
8 right where the brick is now?

9 THE WITNESS: Hum, I believe if you
10 look at that garage --

11 COMMISSIONER MURPHY: Yes.

12 THE WITNESS: -- that is the property
13 line of the building, so that is where the building
14 will come up, right.

15 COMMISSIONER MURPHY: That is where the
16 building is going to go up or the stairs?

17 THE WITNESS: Yes. That's the property
18 line.

19 COMMISSIONER MURPHY: Okay. So then
20 the stairs are what you are talking about --

21 THE WITNESS: In front of that, yeah --

22 COMMISSIONER MURPHY: -- that's what I
23 was confused about.

24 THE WITNESS: -- where that gate line
25 of that next door of that property we were just

1 speaking about is pushed out, that is where the gate
2 line is.

3 COMMISSIONER MURPHY: Right. Okay.
4 That is where your gate line is.

5 THE WITNESS: Right.

6 COMMISSIONER MURPHY: I'm okay for now.

7 CHAIRMAN AIBEL: Board members, any
8 other questions?

9 COMMISSIONER MC ANUFF: I have a
10 question regarding when you spoke earlier about the
11 front stoop, I didn't quite get what was the reason
12 for not sliding it back into the building. Was it a
13 code issue or --

14 THE WITNESS: Once you cross from a
15 two-family into a three-family, you could be a
16 three-family or a 3,000-family, we're a multiple
17 dwelling. You have to have two means of egress, and
18 both means of egress have to deliver people to the
19 right-of-way.

20 So when you have this landlocked
21 building, you know, mid block, both means of egress
22 have to come out and touch the right-of-way, so this
23 is as tight as this configuration is.

24 COMMISSIONER MC ANUFF: So, in other
25 words, it is not possible to take this whole block

1 and just slide it back, so this is --

2 THE WITNESS: It is possible. But what
3 happens if you do that, you slide the whole means of
4 egress backwards up through the whole plan.

5 I mean, if you push it on the first
6 floor, it has to get pushed on all of the other
7 floors --

8 COMMISSIONER MC ANUFF: Right.

9 THE WITNESS: -- so it pushes the means
10 of egress back to a point in the floor plan, where
11 you can't have back bedrooms any more --

12 COMMISSIONER MC ANUFF: Okay.

13 THE WITNESS: -- so it's like a
14 balancing act, where the means of egress happens in
15 the building to the most functional, you know,
16 aspects of the plan.

17 COMMISSIONER MC ANUFF: Okay. All
18 right.

19 COMMISSIONER GRANA: I have a question.

20 Mr. McNeight, could you briefly
21 describe what is the basis of the request for a
22 variance on the height of the building?

23 THE WITNESS: For the height of the
24 building?

25 COMMISSIONER GRANA: Yes.

1 MR. MATULE: Well, two points of order.
2 I think the basis for the variance I think would be
3 a better question for the planner.

4 COMMISSIONER GRANA: Save it for the
5 planner, okay.

6 MR. MATULE: I think Mr. McNeight can
7 certainly speak to why it is the height it is in the
8 design, if you would like him to answer that.

9 COMMISSIONER GRANA: I am happy to save
10 it for the planner.

11 MR. MATULE: Okay. Thank you.

12 COMMISSIONER COHEN: I have some
13 questions.

14 CHAIRMAN AIBEL: Please.

15 COMMISSIONER COHEN: Okay.

16 If you had a five percent setback
17 instead of right up to the lot line, could you then
18 have the stairway open into the right -- I mean the
19 path of egress, I mean, the question of the planner
20 was that instead of having the egress go into the
21 right-of-way, right --

22 THE WITNESS: Uh-huh.

23 COMMISSIONER COHEN: -- that you would
24 instead, is it possible to recess it. And I guess
25 your answer is no, because it would mess up your

1 floor plan. But instead of building a hundred
2 percent lot line, if say you built to 95 percent lot
3 line, could you then have the egress go to the --
4 instead of going into the right-of-way, it would go
5 into the property line, could you do it that way?

6 THE WITNESS: To answer your question,
7 it would be the exact same plan that you are looking
8 at, just push it back five feet, so I think this
9 things sticks out approximately seven feet now --

10 COMMISSIONER COHEN: Right.

11 THE WITNESS: -- so it would stick out
12 two feet if you pushed it back five feet.

13 But you would decrease your clear rear
14 yard because you would push your means of egress
15 into that rear yard, so it would trigger a rear yard
16 variance. It would get rid of a front yard
17 variance, but it would trigger a rear yard variance,
18 but it is certainly a possibility.

19 COMMISSIONER COHEN: Okay.

20 Looking at the side of the street where
21 you are looking to build, aren't most of the
22 properties lower than four stories on that side of
23 the street?

24 I mean, it seems like a lot of one,
25 two, and three-story buildings.

1 THE WITNESS: Well, it is up and down.
2 As you can see from A-2, you know, there is one of
3 those big 60-footers in the middle of the block.
4 There is a four-story next to that, and the rest of
5 them are, as you say, either two or three-stories on
6 that block.

7 COMMISSIONER COHEN: So it looks like
8 there is really just one property that is taller
9 than what you are proposing to build.

10 THE WITNESS: Well, there is two.
11 There's whatever this address is and this one, the
12 two big ones here in the middle of the block.

13 COMMISSIONER COHEN: Okay.

14 I guess you would agree that the
15 predominant buildings on this block are
16 three-stories or shorter, wouldn't you?

17 THE WITNESS: Yeah. You know, in the
18 old days, you know, the average height of the block
19 would mean something --

20 COMMISSIONER COHEN: Right.

21 THE WITNESS: -- this is higher than
22 the average height of the block.

23 COMMISSIONER COHEN: Okay.

24 That is all I have.

25 VICE CHAIR GREENE: I have a question.

1 CHAIRMAN AIBEL: Go ahead.

2 VICE CHAIR GREENE: Just following up
3 on Commissioner Cohen's question about the five-foot
4 setback, you assumed that that would mean taking
5 five feet from the rear yard, but if the building
6 were five feet shorter --

7 THE WITNESS: Oh, if you chopped five
8 feet off, yeah.

9 VICE CHAIR GREENE: You could do that?

10 THE WITNESS: You could do that, yeah.

11 COMMISSIONER COHEN: I have one other
12 question, if you are done.

13 VICE CHAIR GREENE: Go right ahead.

14 COMMISSIONER COHEN: With respect to
15 the fence line that has been testified to earlier,
16 is it accurate to say that the fence line on the two
17 neighboring properties were built into the public
18 right-of-way?

19 THE WITNESS: Yes. Of course, yes.

20 COMMISSIONER COHEN: And I assume you
21 don't know whether they received a variance for that
22 or not, or whether they got approval from the
23 governing body to do that or not?

24 THE WITNESS: At least the property to
25 the south has been done within the last couple of

1 years, so I assume they would have up-to-date
2 information. I am not sure about the rest of the
3 block.

4 COMMISSIONER COHEN: Okay.

5 MR. MATULE: If I might just chime in,
6 we have a streets and sidewalks ordinance. I
7 believe it is Chapter 68, which has some built-in
8 provisions to allow stoops and fence lines in the
9 right-of-way without going to the Council for an
10 ordinance depending on how many families the house
11 is, and if there is an existing fence line on the
12 prevailing fence line, if you will, on the block,
13 you can match it.

14 COMMISSIONER COHEN: Okay.

15 VICE CHAIR GREENE: I have another
16 follow-up.

17 CHAIRMAN AIBEL: Go ahead.

18 VICE CHAIR GREENE: Mr. McNeight,
19 looking at Photo 4, so if you go, I guess in this
20 photo, the fourth property to the south, which I
21 guess is the taller building you referred to
22 earlier --

23 THE WITNESS: Yes.

24 VICE CHAIR GREENE: -- that appears to
25 have a stoop.

1 Do you know if that stoop extends into
2 the right-of-way as far as your proposed stoop
3 extends?

4 THE WITNESS: I don't know the exact
5 measurement. But from looking at it, the number of
6 steps that it is and the height that it is, I would
7 say it is pretty much on the nose about what we are
8 trying to put in.

9 VICE CHAIR GREENE: Thank you.

10 CHAIRMAN AIBEL: Mr. McNeight, who is
11 going to have access to the rear yard?

12 THE WITNESS: Access to the rear yard
13 is by means of egress by everybody, but typically in
14 these kind of buildings that have condos, the
15 backyard is deeded as a limited area, common area,
16 just for the first floor unit.

17 CHAIRMAN AIBEL: This is going to be a
18 condo organization?

19 MR. MATULE: I could try to get an
20 answer for that. I assume so, but I will see if I
21 could get you an answer.

22 (Counsel confers)

23 MR. MATULE: That is the plan.

24 VICE CHAIR GREENE: So the yard is
25 designated Yard A and Yard B, so I presume that

1 means the yard will be split, and one will be deeded
2 to the first floor, and one to another floor?

3 THE WITNESS: Yeah.

4 We have it set up here that the first
5 two units would get to the yard, but I am not sure
6 how, you know, the condo docs would set it up. You
7 know, it might be more advantageous just to give the
8 whole yard to the first floor unit.

9 It is sort of a trade-off because the
10 first floor unit loses quite a bit of square footage
11 to the second means of egress hallway, so the bonus
12 is that you pick it up with outdoor area.

13 VICE CHAIR GREENE: Just another thing,
14 I'm sorry.

15 CHAIRMAN AIBEL: Go ahead.

16 VICE CHAIR GREENE: And the stairways
17 in the back --

18 THE WITNESS: Yes.

19 VICE CHAIR GREENE: Those are proposed
20 strictly as a second means of egress --

21 THE WITNESS: Yes, but --

22 VICE CHAIR GREENE: -- their width is
23 the minimum or the minimum required?

24 THE WITNESS: Exactly.

25 I mean, you know, this is sort of a

1 prototype of a four-unit building that we have been
2 presenting for a while, so we shrunk that means of
3 egress in the back to the smallest possible floor
4 plan, so it takes up -- what are we saying -- 6.4
5 percent of the property as opposed to ten percent or
6 seven percent, so we have cut that down to its
7 minimum size.

8 CHAIRMAN AIBEL: So the intention is
9 not to use them for decks?

10 THE WITNESS: No. It is not for, you
11 know, having a barbecue. It is strictly a means of
12 egress.

13 CHAIRMAN AIBEL: Okay.

14 COMMISSIONER DE FUSCO: Actually I have
15 one more question.

16 So the neighbors to the north and to
17 the south seem to end just short of the original
18 structure on the north and the new structure on the
19 south, and just short of 60 percent lot coverage.

20 Why wouldn't you just scale the end of
21 the building back, so that way this one doesn't
22 protrude two or so feet that it appears to extend?

23 THE WITNESS: I'm sorry. Which one are
24 you referring to?

25 COMMISSIONER DE FUSCO: So both on the

1 north and the south at least on the --

2 THE WITNESS: Well, the south, they
3 have a back building. It is wide-open here on this
4 side.

5 COMMISSIONER DE FUSCO: Well, okay.

6 But the south -- okay -- so the south
7 does have the back building. Okay, my mistake.

8 THE WITNESS: Yeah.

9 If you look at Page 2, Lot 24 has a
10 walkway or driveway on its northern border. That is
11 up against that sheer wall we were talking about
12 before --

13 COMMISSIONER MC ANUFF: It is here.

14 THE WITNESS: -- the other side has the
15 super structure that is a little bit shorter than 60
16 feet, but then it has an existing one-story frame in
17 the back that goes back to like 70 feet or so.

18 COMMISSIONER DE FUSCO: All right.
19 That was my misreading.

20 Thank you.

21 THE WITNESS: Okay.

22 CHAIRMAN AIBEL: Okay. Seeing no more
23 questions.

24 (Board members confer)

25 CHAIRMAN AIBEL: Jeff?

1 MR. MARSDEN: Yes.

2 Mr. McNeight, I didn't list it on my
3 letter, but the survey shows slightly different
4 grades, elevations than what you show in your site
5 plan. I was curious how you --

6 THE WITNESS: On the front or on the
7 back?

8 MR. MARSDEN: On the front.

9 THE WITNESS: Oh, on the front?

10 MR. MARSDEN: Yes.

11 THE WITNESS: Oh, yeah, we just picked
12 the sidewalk up a little higher to get your two
13 percent -- I mean, you know, to get your drainage as
14 well as your less than two percent. So on the front
15 side, we picked it up just slightly, you know, point
16 three.

17 MR. MARSDEN: Okay. No, I just wanted
18 to make sure it wasn't --

19 THE WITNESS: Right.

20 MR. MARSDEN: -- and on the survey, I
21 believe it says NGVD. That's something that's in my
22 letter that has to be addressed.

23 THE WITNESS: Okay, yes. We will get
24 Mr. Caulfield to fix that.

25 CHAIRMAN AIBEL: Okay.

1 Seeing no more questions, let me open
2 it up to the public.

3 If anybody in the public has a question
4 to ask Mr. McNeight, it's not the time for opinion,
5 just a question for the architect.

6 Please come forward.

7 MS. KAUFFMANN: Hi.

8 Alanna Kauffmann.

9 CHAIRMAN AIBEL: Give your name and
10 address for the record, please.

11 MS. KAUFFMANN: A-l-a-n-n-a, last name
12 K-a-u-f-f-m-a-n-n.

13 I live at 616 Madison Street.

14 So my husband and I purchased the
15 recessed property to the south last October, so we
16 have a wall that is touching this other building.

17 So I had spoken to the applicant about
18 my concerns about moving their building and just,
19 you know, leaving our framing because we already had
20 so many issues with this house unfortunately, so he
21 has assured me that he is going to allow our
22 independent contractor to come and make sure that
23 everything is secure and rebuilt, if necessary, to
24 as best as possible.

25 And we have a wall, and I wasn't quite

1 sure if it's -- it looks like our property, and
2 obviously our fence is on our property, and I just
3 wanted to confirm that those were staying.

4 I didn't know if they were going to be
5 represented on your plans.

6 THE WITNESS: Your building -- your
7 wall is on your property line, but actually the
8 corner of your building is point three feet over,
9 which is, you know, four inches over.

10 MS. KAUFFMANN: This part?

11 THE WITNESS: Yeah.

12 So, you know, when these guys build,
13 the intersection of your house and their house is
14 only like a two-foot section here --

15 MS. KAUFFMANN: Uh-huh.

16 THE WITNESS: -- they are going to miss
17 you, you know.

18 MS. KAUFFMANN: I mean, I don't care
19 about that. That's fine. That doesn't bother me.
20 I support, you know, the actual structure. I mean,
21 this is a nice one on the block.

22 But this also bothers me, on the other
23 side of our home, they had planters in the back
24 part, and it was pitched incorrectly, so our
25 foundation was compromised, so how are you going

1 to --

2 THE WITNESS: Well, this whole backyard
3 is going to be, you know, reconfigured and --

4 MS. KAUFFMANN: I understand it is
5 going to be reconfigured. I want just --

6 THE WITNESS: And your wall -- your
7 wall is right on the property line there, so --

8 MS. KAUFFMANN: Yeah. No, I know, I
9 understand that.

10 THE WITNESS: -- and we are going to be
11 taking a building down that is up against your wall.
12 So when they take that building down, and there is
13 something the matter with your wall, it is up to the
14 applicant to seal that wall up and make sure that it
15 is perfectly fine, you know, because that is going
16 to become an exposed wall in their garden, you know,
17 basically.

18 MS. KAUFFMANN: Right. So obviously,
19 they don't want it to be ugly.

20 THE WITNESS: Right.

21 MS. KAUFFMANN: Okay. That was just --
22 So as long as -- really I guess my issues are just
23 with the process and making sure that everything
24 goes as smoothly as possible --

25 THE WITNESS: Yes.

1 MS. KAUFFMANN: -- and the demolition
2 doesn't negatively impact the structure of my home.

3 THE WITNESS: Yes. Well, I mean, that
4 is a given.

5 Your home cannot be affected by this
6 construction, and you know, you have already started
7 a conversation luckily with the applicant, so you
8 know, and they're a renown local builder, so they
9 know what are doing, so you shouldn't have a problem

10 MS. KAUFFMANN: That was it.

11 MR. MATULE: If I might, while you are
12 here, I suggested to the applicant, and he can
13 certainly discuss it with you going forward, but if
14 this building -- when this building is built and
15 there is going be a shared wall on this side, I
16 suggested that they discuss with you putting a green
17 wall on this side of the building.

18 Typically what that is is they put some
19 kind of a galvanized or stainless steel wire mesh
20 framework on the building and then plant ivy or
21 whatever to grow up it.

22 Obviously, they would need your
23 cooperation to do that, because they would have to
24 come onto your property in order to put some
25 planting beds in here or something, or I guess they

1 could grow it down from the top.

2 MS. KAUFFMANN: Who maintenances it at
3 the top? It's technically on my property --

4 MR. MATULE: Well, --

5 MS. KAUFFMANN: -- this is what we are
6 looking at.

7 MR. MATULE: -- I think it would be a
8 joint effort because you would be getting the
9 benefit of it, but that is something you and the
10 applicant can discuss. They are open to doing
11 something like that, if you are predisposed to it.

12 MS. KAUFFMANN: Okay.

13 CHAIRMAN AIBEL: Okay.

14 Any other questions from the public for
15 Mr. McNeight?

16 Come forward, please.

17 State your name and address, please.

18 MR. SCHNABEL: Martin Schnabel.

19 I live at 620 Madison Street. That was
20 the house I guess identified as to the north side.

21 So directly -- I am directly between
22 the new structure and Hoboken Catholic.

23 So one of my questions is: Presently
24 the building is a two-story building, which had a
25 garage. You are taking down the garage, and you are

1 building I guess four floors and two bedrooms?

2 THE WITNESS: Correct.

3 MR. SCHNABEL: So that would be
4 probably eight people.

5 Have you accommodated for the cars
6 because they park up and down the street for Hoboken
7 Catholic to get the kids in.

8 Is there a plan, or has that been
9 accounted for?

10 THE WITNESS: If you look at the zoning
11 tabulation chart, there isn't any parking
12 requirement for a 25 by a hundred foot building.
13 You could have up to five units with no parking.

14 MR. MATULE: If I might also add on to
15 that, the ordinance does not permit parking on a lot
16 less than 50 feet wide, so if we wanted to put
17 parking under the building, we would be asking for a
18 variance, which based on my prior experience, the
19 Board is disinclined to grant on a lot this narrow
20 because the cars have to back out across the
21 sidewalk.

22 MR. SCHNABEL: And it's going to be a
23 four-story walkup?

24 MR. MATULE: Correct.

25 THE WITNESS: Correct.

1 MR. SCHNABEL: Okay.

2 Did you do any soil investigation,
3 because my building is well over a hundred years
4 old. I have windows on that side.

5 I have a picture here just so you can
6 see this, because I don't know if it matters to you
7 one way or another. But I am worried about the
8 effect of them moving the structure from behind to
9 in front and digging up all of that area next to my
10 building. I have a feeling they might cause my
11 building to collapse. It is that old.

12 We saw the blueprints and my building
13 to ask about the lot coverage, it is 70 feet deep
14 and a ten foot carriage house.

15 The seller told me on the plans you can
16 tell the carriage house -- the ten foot -- the last
17 ten feet of the house was added on later. On the
18 plans in 1896, it is already there. So the
19 building, I don't know how old it is. They don't go
20 back, but it might be 150, 160 years old.

21 So in moving that back structure and
22 then building in the front of the structure, has any
23 thought gone into the implications of when they do
24 all of the excavation, what is going to happen to my
25 building?

1 THE WITNESS: That is a building code
2 issue that is covered by the New Jersey Building
3 Code, so you know, I mean, it has been done time and
4 time again throughout Hoboken.

5 This is going to be a pile supported
6 building, where the piles are going to be installed.
7 There will be seismic instruments on the site when
8 the piles are installed to make sure that your
9 building doesn't, you know, have anything beyond
10 what it can take as far as vibration is concerned.

11 They auger down below your footings
12 before they start driving the piles, you know. And
13 as I said to the previous questioner, the building
14 has to go up as per the building code, and your
15 property cannot be disturbed.

16 MR. SCHNABEL: Were you aware of the
17 water problems at 618, where the fire department
18 came over like a month ago because the water main
19 broke, because nobody was monitoring the situation,
20 and I am just wondering as they do more excavation
21 because that site was damaged and sold because of
22 Sandy damage.

23 So I'm not sure -- like everybody knows
24 what happened to Hoboken Catholic on the other side.
25 Both buildings took a lot of water. She moved out,

1 the Hires, (phonetic) who lived there like 20 years
2 because of water damage, so I am not sure of the
3 structures when they do this.

4 THE WITNESS: To answer your question,
5 I was not aware of that. But any kind of a lot like
6 this that is going to have demolition and new
7 construction, all services are severed at the curb,
8 so there is nothing on the site.

9 THE REPORTER: Could you just spell
10 your last name for me?

11 MR. SCHNABEL: S-c-h-n-a-b, as in boy,
12 -e-l

13 THE REPORTER: Thank you.

14 CHAIRMAN AIBEL: Do we have any other
15 questions for Mr. McNeight?

16 VICE CHAIR GREENE: Seeing no one --

17 CHAIRMAN AIBEL: Seeing none, could I
18 have a motion?

19 VICE CHAIR GREENE: -- move to close
20 the public portion.

21 CHAIRMAN AIBEL: Good.

22 Second?

23 COMMISSIONER COHEN: Second.

24 CHAIRMAN AIBEL: All in favor?

25 (All Board members answered in the

1 affirmative.)

2 CHAIRMAN AIBEL: Okay, thank you.

3 Mr. Matule, back to you.

4 MR. MATULE: Mr. Ochab.

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

8 MR. OCHAB: I do, yes.

9 K E N N E T H O C H A B, AICP, PP, having been
10 duly sworn, testified as follows:

11 MR. GLEESON: Please state your full
12 name and spell your last name for the record.

13 THE WITNESS: Ken Ochab. That is
14 O-c-h-a-b.

15 MR. GLEESON: All right.

16 And Mr. Ochab has appeared before us
17 before. Does the Board accept his credentials?

18 CHAIRMAN AIBEL: We do.

19 THE WITNESS: Thank you.

20 MR. MATULE: Mr. Ochab, you are
21 familiar with the zoning ordinance and the master
22 plan of the City of Hoboken?

23 THE WITNESS: Yes, I am.

24 MR. MATULE: You are familiar with the
25 application and the surrounding area?

1 THE WITNESS: Yes.

2 MR. MATULE: And you prepared a
3 planner's report, dated November 4th, 2013 --

4 THE WITNESS: I did.

5 MR. MATULE: -- in support of the
6 requested variance relief for this application?

7 THE WITNESS: Correct.

8 MR. MATULE: Could you go through your
9 report and give us the benefit of your professional
10 opinion regarding the required variance relief, and
11 again, just we have to mark any exhibits that you
12 will refer to.

13 Do you have a photo board there or two?

14 THE WITNESS: I do. Just one.

15 MR. MATULE: Okay. So we will mark
16 your photo board as A-1.

17 (Exhibit A-1 marked.)

18 THE WITNESS: Thank you.

19 MR. MATULE: Fire away.

20 THE WITNESS: Okay.

21 So we have a proposed four-story
22 building with four units in it, a typical Hoboken
23 scenario, and we require several variances.

24 We require a height variance for the
25 number of stories. We require a density variance.

1 We have actually, if you calculate the density, it
2 is 3.79 units, and of course, we can't round up, so
3 we round down, so we have three units permitted, and
4 we are proposing four.

5 We have a lot coverage variance for 64
6 percent, a front yard variance for zero front yard,
7 and I believe that probably does it.

8 With respect to the variance, in my
9 report, I typically take photographs of the site, so
10 notwithstanding the whole conversation that took
11 place for the last hour and a half, we will go
12 through the proposed photographs.

13 What I will do is I will show the
14 photographs to the Board, and then I will turn
15 around and show the photographs back here as well.

16 So these photographs were taken by me.
17 I didn't doctor them up. I didn't do anything to
18 them. I just reproduced them.

19 The upper left photograph is a
20 photograph of the two sites. It's the site in
21 question, the property in question, which has a
22 garage, accessory one-story garage right on the
23 front line. And then the property to the south,
24 which has a small accessory building in the front,
25 and then the home that sits in the rear of the yard.

1 And then these two houses, this house
2 on the south, and the property in question here, the
3 application's property, also has a house in the rear
4 yard.

5 The photograph on the upper right shows
6 the walkway between the house to the north and the
7 accessory one-story garage in the front yard, and
8 then our building sits in the back of the lot.

9 The photograph on the lower left is a
10 photograph of the street scape looking south from
11 the property. So we have our property, the property
12 to the south, and then we pick up the building on
13 the lower left, which is a two-story over parking,
14 so it is two over one, and we have a newer
15 four-story building next to that.

16 It looks like a rehabbed five-story
17 building next to that, and then a series of twos,
18 threes, and when we get to the corner, this would be
19 a corner of 6th, then we have another five-story and
20 a five-story building.

21 The property to the north on the lower
22 right, we have again our garage structure here,
23 one-story with a two-story adjacent building to the
24 north on the line, and then the Hoboken Catholic
25 School to the north, and that runs to the corner of

1 7th, so that is the general street scape.

2 So we have a lot of things happening
3 here from a planning perspective. We have a totally
4 nonconforming set of structures on our property. We
5 have a building in the rear yard. We have a rear
6 yard setback issue. We have the building in what
7 typically is the center block open space that we
8 have learned to promote.

9 We also have an accessory building,
10 which is in the front yard, and we have a front yard
11 setback issue with that, so we have a building here,
12 a set of buildings and impervious coverage, which in
13 my calculations is roughly 90 percent impervious
14 coverage on the site. So we have a building, a
15 walkway, patio area, and building probably about 90
16 percent based on my view of the site and looking at
17 the site plan.

18 So the idea here is the concept is to
19 then remove all of the nonconformities with respect
20 to that, move the building to the front of the
21 property, which is again typical Hoboken design, as
22 the architect explained, and do four stories and
23 four units.

24 Again, that would open up the rear yard
25 area for not only recreation, but then promote that

1 open space center in the block that we are looking
2 for, as well as again just to a brand new building.

3 With respect to how that fits into the
4 neighborhood, this is a very unusual situation.
5 Usually we are looking at, you know, four stories or
6 five stories or however many stories up and down the
7 same side of the block in a continual fashion.

8 Here we have a completely mixed bag of
9 uses, and we have a completely mixed bag of styles,
10 with obviously the lower left photograph, the house
11 on the right is a completely different architectural
12 style, double garage doors underneath. And then
13 next to that to the south we have a more typical
14 four-story residential design, and another typical
15 four-story residential design, and then we go back
16 to the two and the three-story mix.

17 And the same thing to the north pretty
18 much. We just have the two-story building to the
19 north, and then St. Ann's School or the Hoboken
20 school to the north of that, so we have a completely
21 mixed bag.

22 I didn't show the opposite side of the
23 street. It is in my report. The opposite side has
24 a building facade with three stories over one
25 parking, so we have driveways on that side, and then

1 three stories, so it is structurally a four-story
2 building on the opposite side of Madison across from
3 the site.

4 So we require the two major -- oh, let
5 me just show them. I'm sorry.

6 So here is what we have. I showed the
7 Board the upper left photograph, which is our site
8 here in question, the garage. The property to the
9 south with the structure, the smaller structure up
10 to the street, and then the house in the rear yard.
11 Our house is back here beyond the garage.

12 The upper right again is the side of
13 our garage building, walkway, the building to the
14 north, and beyond that the two-story building all
15 the way in the back.

16 The lower left is the street scape
17 looking south. Again, we have our building. We
18 have what I call the yellow light house, and then we
19 start with this building here, which is the
20 two-story over parking, the three-story building,
21 and then we have a newer four-story, five-story next
22 to that, and then a collection of twos and threes
23 until we get to the corner of 6th, where we have
24 newer a five-story building here.

25 And then to the north, again, our

1 garage here, the two-story adjacent to us, and then
2 the school beyond that. That is the context that we
3 are dealing with.

4 So with respect to the height variance
5 and the density variance, these are both variances
6 that are covered by the Coventry criteria, so we
7 don't need to show the same level of proofs as we
8 have on the D-1 variances, and those proofs are
9 generally: Can the property accommodate the
10 additional height, and can it accommodate the
11 additional density, and what is the impact of doing
12 both.

13 So basically we have an additional
14 floor and one additional unit.

15 With respect to that, I showed a chart
16 in my report, which went through a calculation of
17 the area densities, and we are basically in the same
18 ballpark as many of the buildings within this
19 particular neighborhood, as well as in terms of
20 height.

21 This is again a typical Hoboken
22 building. We are going to move it up and
23 establish -- help to establish perhaps a new or a
24 continuation of the street scape with the buildings
25 in the front of the property, and hopefully that

1 will over time develop a more cohesive street scape
2 vision when we look at this block.

3 I don't think it will have any effect
4 whatsoever on the two-story over the double garage,
5 because that is a more recent building, but when we
6 look at everything else there is a certain potential
7 to at least establish a benchmark to then take off
8 from.

9 So in that respect, I think that the
10 variances can be granted, when you consider the
11 removal of all of the nonconforming situations or
12 circumstances on this building and looking at,
13 again, establishing a pattern for the street scape
14 here.

15 With respect to impact, we typically
16 talk about what is the impact of the height of the
17 building as far as whether we are impacting light,
18 air, open space.

19 The only building that really enters
20 into that picture is the building to the north,
21 because, again, as the sun comes around, it is only
22 the building to the north that will be impacted in
23 this regard.

24 And I think what we will be doing
25 essentially is by moving the building up, the

1 shadows will be cast on the existing building, not
2 on the existing rear yard of that building to the
3 north as they perhaps are now, where the existing
4 building is located.

5 So I think there is a benefit in moving
6 that building up from that perspective. I think the
7 impact will be marginal at best since there is no --
8 with a two story-building, there is no impact from
9 the fourth story because there is nothing up there
10 to basically have an impact with.

11 So from that perspective, I think that
12 we are -- that we can meet the criteria with respect
13 to accommodating the problems associated with the
14 additional story and the additional density.

15 With respect to building coverage, we
16 are at 60 percent building coverage. The extra four
17 percent is for the rear staircase area. They are
18 not decks. You can't sit on them. It is just
19 access to the rear area to the rear yard. That
20 constitutes 40 percent.

21 The planner's report indicated an
22 impervious surface, so I calculated the new
23 impervious surface. We are at 70.4 percent, so that
24 includes the new building and the staircase, the
25 front stairs, and the rear patio, and the rear

1 stairs coming back out to the rear yard. So all of
2 that is 70.4 percent, which is about 20 percent or
3 so lower than the existing condition, so we are
4 providing more open area in the rear yard, where it
5 belongs, and again matches that concept of providing
6 open space.

7 So with respect to that, certainly in
8 terms of the purposes of zoning, I would think that
9 we certainly qualify for a view that enhances the
10 visual environment with respect to that.

11 I was looking at the Berbig case,
12 which interestingly enough said that one of the
13 proofs for this type of application is whether or
14 not the overall visual is to consider the overall
15 visual compatibility of the use and how it
16 intertwines and is connected with establishing the
17 character of this area. So that is certainly
18 something that I think we can consider, and also
19 Grasso talks about promoting a harmonious and
20 consistent visual environment, and that is
21 essentially what it does. It starts to promote a
22 harmonious visual environment by moving the building
23 up and establishing the building line.

24 So with that, Mr. Chairman, I will stop
25 and answer your questions.

1 CHAIRMAN AIBEL: Thank you.

2 Questions?

3 COMMISSIONER COHEN: I understand and
4 agree with what you are saying about shifting the
5 front of the building to the lot line as an
6 improvement for the block, but I have concerns about
7 the height.

8 If you look at the property at 616, it
9 looks like it is going to be one story higher than
10 the property on the south.

11 If you look at the property at 620, it
12 is going to be two stories higher than that.

13 You made the statement that you only
14 thought the property to the north would be
15 negatively impacted, but wouldn't the property to
16 the south also be negatively impacted?

17 They are set back on the property line.
18 They are going to be looking out over property that
19 is going to be one story higher than it, if it is
20 built according to plan, wouldn't that affect the
21 light, the environment of that property?

22 THE WITNESS: Well, because they are
23 set so far back, they have the reverse situation,
24 where their front yard is really their open space.

25 COMMISSIONER COHEN: Right.

1 THE WITNESS: So I tend to think that
2 there would not be a significant impact with respect
3 to that building to the south.

4 COMMISSIONER COHEN: But the back of
5 your building is going to be fronting on the front
6 of their building, and it would be a full story
7 higher than that building.

8 THE WITNESS: Right.

9 But I think once you get to the third
10 story, you are already at the level of whatever
11 impact there is going to be. That is where it is
12 going to be. The additional story, whether it is
13 one or three above that, is really sort of
14 inconsequential to whatever that impact is.

15 COMMISSIONER COHEN: Okay.

16 The other question I had, it seems like
17 the predominant building on that side of the block
18 is the Hoboken Catholic property, which is clearly
19 the widest property, and we are talking about three
20 stories, or it looks like something like a
21 three-story structure. Is that right?

22 THE WITNESS: Yes. As a matter of
23 fact, I am not sure how many stories that is, but I
24 would say three.

25 COMMISSIONER COHEN: Okay. Or maybe --

1 it looks to be about 40 feet. I am just estimating
2 it or something like that.

3 And then opposite you have three over
4 one, which seems to be the prominent feature in
5 terms of the size, and here essentially we're
6 talking about you are looking to get four over one.
7 I mean, that is essentially what you are asking for
8 here. Is that right?

9 THE WITNESS: Well, four stories, but
10 the one is only a crawl space because of the flood
11 terms.

12 COMMISSIONER COHEN: Right. It's not a
13 habitable one, but it is thirteen feet, right?

14 THE WITNESS: Yes.

15 COMMISSIONER COHEN: Okay. Thank you.

16 CHAIRMAN AIBEL: Board members,
17 anybody, any questions?

18 COMMISSIONER GRANA: My previous
19 question was answered by Mr. Ochab.

20 COMMISSIONER DE FUSCO: So the
21 building, two lots to the south, I guess it would be
22 616, is that a hundred percent lot coverage?

23 I am confused, because it looks like it
24 is a hundred percent in your picture, but on the
25 plan it does not indicate that --

1 THE WITNESS: I didn't --

2 COMMISSIONER DE FUSCO: -- so the
3 picture that is throwing me off here is on Page 9,
4 photo one, so two lots down next to the neighbor's
5 building --

6 THE WITNESS: Oh, to the south?

7 COMMISSIONER DE FUSCO: Yes.

8 THE WITNESS: Oh, no. That is not a
9 hundred percent lot coverage.

10 COMMISSIONER DE FUSCO: What is that?

11 THE WITNESS: That's Lot 25, and that
12 building goes back about 60 feet or so, maybe 65
13 feet or so.

14 COMMISSIONER DE FUSCO: Then the other
15 building in the picture is covering the rear yard --

16 THE WITNESS: Yes, right. That is the
17 building next to us, which has a little accessory
18 building in the front --

19 COMMISSIONER DE FUSCO: Okay.

20 THE WITNESS: -- I don't know what that
21 is, if it's an office or, you know, a porch,
22 whatever. It is not a garage, and then the main
23 house is set way back on the rear property line.

24 COMMISSIONER DE FUSCO: So there were
25 numerous structures, and by "numerous structures," I

1 mean like 16 and the one next to it to the south.

2 Those are 60 percent lot coverage as well?

3 I am just trying to get an idea of the
4 donut in this space.

5 THE WITNESS: Yeah. It looks like we
6 will pretty much match the buildings to the south,
7 you know, that are -- the three-story and then the
8 four and the five-story.

9 COMMISSIONER DE FUSCO: Right.

10 So your testimony is that the three and
11 the four stories to the south are at 60 percent --
12 the rear setback is 60 percent lot coverage?

13 THE WITNESS: I would say so.

14 COMMISSIONER DE FUSCO: Yeah. I just
15 want to double check here because your testimony was
16 good, but so long as, you know, the proposed
17 development actually starts to maintain and create
18 some sort of consistency with the block, so that is
19 only the case if it is lining up with some of the
20 newer structures back there.

21 THE WITNESS: What I am suggesting is
22 that with the adjacent lot to the south, it looks
23 like a brand new building or a rehab, that is going
24 to be there, so I am not going to be able to do
25 anything with that unless the owner decides to do

1 something else.

2 COMMISSIONER DE FUSCO: Right.

3 THE WITNESS: But as you move further
4 south beyond the five-story building, it looks like,
5 you know, they are sort of older design, nicely
6 kept --

7 COMMISSIONER DE FUSCO: Sure.

8 THE WITNESS: -- I am not implying that
9 they are rehab material or anything, but eventually
10 you know how the things go, you know, eventually
11 they will be caught up in the process of
12 redevelopment, and they will keep that hole in the
13 donut concept because those buildings invariably
14 will be up on the front property line.

15 COMMISSIONER DE FUSCO: Okay. Thank
16 you.

17 CHAIRMAN AIBEL: Anybody else,
18 questions of Mr. Ochab?

19 MS. BANYRA: Mr. Ochab, can you just
20 tell me if you looked at the street scape?

21 I guess my question relative to the
22 projection was: How wide the sidewalk was that in
23 area, particularly if there is a street tree that's
24 put in there, so I was wondering if you had done
25 anything or looked at that.

1 THE WITNESS: I think Mr. McNeight has.

2 MR. MC NEIGHT: The sidewalk appears to
3 be 14 feet wide from the survey.

4 Yes, there is room for a street tree.

5 MS. BANYRA: And is there room for the
6 street tree and the extension of the stairway, Mr.
7 McNeight?

8 MR. MC NEIGHT: Yes. You could still
9 have a street tree there.

10 MS. BANYRA: And how much room would
11 that be? That is really my question.

12 MR. MC NEIGHT: What?

13 MS. BANYRA: The distance --
14 hypothetically, if there is a tree in front of the
15 stairway, what is the distance then?

16 I am looking at not to the base of the
17 tree, but to the curb, to the tree wall.

18 THE WITNESS: We have proposed a tree,
19 but not in front of the stairway.

20 MR. MC NEIGHT: Yeah. We did propose a
21 tree, but not in front of the stoop. It's to the
22 north of the stoop, so there is plenty of room to go
23 by, you know, the minimum six feet, or in this case
24 it's probably like, you know, ten feet wide there.

25 MS. BANYRA: Ten feet in front of the

1 stoop, and then in front of the tree there is
2 another six feet. Is that what you are talking
3 about?

4 MR. MC NEIGHT: No. So the stoop
5 sticks out like seven feet, and the curb is out like
6 15 feet, but the street tree is north of that, so
7 the stoop and the tree, you know, aren't in the same
8 line.

9 MS. BANYRA: Right.

10 MR. MC NEIGHT: Yeah, so there is
11 pretty of room for the street tree.

12 MS. BANYRA: Okay.

13 While you are there, Mr. McNeight, I
14 didn't see any photometrics on the plan relative to
15 the front or the rear.

16 Is there any lighting proposed?

17 MR. MC NEIGHT: I think on the
18 landscaping plan, we have that.

19 MS. BANYRA: Okay. I didn't see it.

20 MR. MC NEIGHT: Yes, the last page. On
21 five of five, Z-5.

22 MS. BANYRA: Okay.

23 I don't see a type of canister that is
24 proposed, but I am guessing it is something that is
25 going to be downward shining and not causing any

1 kind of nuisance to the adjacent property owners?

2 MR. MC NEIGHT: Yeah. We do have a
3 spec on there, but I am not sure.

4 Yeah. You can see it there. It has a
5 hood on the top of it, so it is just downward, yeah.

6 MS. BANYRA: Okay.

7 CHAIRMAN AIBEL: Eileen, are you okay?

8 MS. BANYRA: Yes.

9 Thank you.

10 VICE CHAIR GREENE: Can I follow up
11 with Mr. McNeight on a question?

12 CHAIRMAN AIBEL: Yes.

13 VICE CHAIR GREENE: Mr. McNeight, in
14 looking at the lighting plan, you called for an 80
15 watt incandescent light.

16 All things considered, why aren't you
17 proposing LEED -- LED lights as opposed incandescent
18 lights?

19 MR. MC NEIGHT: Yeah. I mean, that is
20 an old note. I mean, you can hardly buy an
21 incandescent lamp these days, so yeah, it will be a
22 modern lamp. I don't know if it will be LED, but it
23 will be a, you know, what they call compact
24 fluorescent, you know, type of a fixture.

25 VICE CHAIR GREENE: Okay.

1 CHAIRMAN AIBEL: Seeing no questions,
2 let me open it up to the public.

3 Anybody have questions for Mr. Ochab,
4 please come forward.

5 State your name.

6 MR. SCHNABEL: Martin Schnabel, 620
7 Madison.

8 On two stories, you are moving the
9 building to the front that is going to be four
10 stories. It is going to be adjacent.

11 Am I going to have impact, if the wind
12 is blowing to the south in the snow, am I going to
13 have a snow drift because now I have something two
14 stories, two higher next to my building, meaning the
15 snow can't blow off the roof, it will then be
16 creating one big snow drift on my roof?

17 THE WITNESS: That is a great question.
18 I am not sure I have an answer for it.

19 (Laughter)

20 CHAIRMAN AIBEL: That is a good answer.

21 MR. MATULE: Listening all of the
22 time --

23 MR. MC NEIGHT: That as well is a
24 building code issue, you know, that has to be
25 addressed when we do a plan review at the building

1 department.

2 CHAIRMAN AIBEL: Anybody else in the
3 public?

4 Please come forward.

5 MR. EVERS: Mike Evers, 252 Second
6 Street, Hoboken.

7 What is the reason for the additional
8 floor for this project?

9 Does it do anything for the community,
10 other than it adds to the profitability of the
11 project? Not that that is a bad thing.

12 THE WITNESS: No. I went through the
13 purposes of zoning, two purposes.

14 One is to enhance the visual
15 environment by removing all of the nonconformities
16 of the site and moving the building up. Even though
17 it is four stories, it enhances the existing street
18 scape to a standard that is proffered within the
19 zoning ordinance.

20 MR. EVERS: Does it enhance it more
21 than if it were three stories?

22 THE WITNESS: It does, because it is
23 consistent with what I would term the emerging
24 pattern of development within this general area, so
25 I would say yes.

1 MR. EVERS: So you are saying the
2 emerging pattern of development is to exceed the
3 number of stories in the height requirement of the
4 district?

5 THE WITNESS: Yes. And the Grasso
6 criteria with respect to height allows us to do
7 that, and we meet that criteria.

8 MR. EVERS: No other questions.

9 CHAIRMAN AIBEL: Thank you.

10 Anyone else have questions for Mr.
11 Ochab?

12 Please come forward.

13 MS. BARLEY: You mentioned at one
14 point --

15 CHAIRMAN AIBEL: Please, ma'am, please
16 state your name and address.

17 MS. BARLEY: Naomi Barley.

18 CHAIRMAN AIBEL: Thanks.

19 MS. BARLEY: One Marine View Plaza.

20 CHAIRMAN AIBEL: Thank you.

21 MS. BARLEY: I am here accompanying a
22 neighbor across the street from 618.

23 CHAIRMAN AIBEL: Why don't you ask a
24 question?

25 MS. BARLEY: You mentioned sun

1 exposure, what happens with sun and shade, and I
2 would like to point out what an important heat
3 source that sun is, especially in the winter. And
4 in my apartment with a lot of windows, I never turn
5 on the heat in the wintertime until the sun goes
6 down, and it is really a dramatic change, the sun.

7 So what is the impact of this building
8 on other buildings?

9 You mentioned one adjacent, but you
10 didn't mention anything about this magnificent heat
11 source being blocked to people across the street in
12 Victorian Mews.

13 THE WITNESS: Okay.

14 Well, as far as across the street is
15 concerned, there is no real impact because even with
16 a four-story building, you have the width of the
17 street, and then there is a building where your
18 building is located.

19 The sun is going to rise we hope in the
20 southeast, and it's going to revolve around to the
21 southwest, and that is away from where you are
22 located, because you are to the east, so there
23 shouldn't be any effect whatsoever.

24 MS. BARLEY: Well, as the sun goes
25 down, and it's circling to the southwest, it will.

1 I mean, there is a shadow being cast by a taller
2 building.

3 THE WITNESS: Right. But it is not
4 going to be tall enough to reach where you are
5 located, because it is not actually setting in the
6 west, which would be directly behind this
7 building --

8 MS. BARLEY: From the southwest.

9 THE WITNESS: -- it's setting in sort
10 of the corner, so it will project sort of diagonally
11 across the street, and it shouldn't reach the
12 building.

13 MS. BARLEY: Okay. Thank you.

14 CHAIRMAN AIBEL: Thank you.

15 Okay. Seeing no further questions, can
16 I have a motion to close the public portion?

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

19 COMMISSIONER GRANA: Second.

20 CHAIRMAN AIBEL: All in favor?

21 (All Board members voted in the
22 affirmative.)

23 MR. MATULE: I have no other witnesses,
24 and I will reserve my closing remarks until after
25 the public comments.

1 CHAIRMAN AIBEL: Okay.

2 Now is the opportunity for anybody who
3 wants to comment on the application, either in favor
4 or against.

5 Seeing nobody wishing to comment, take
6 it away.

7 VICE CHAIR GREENE: I move to close
8 public.

9 COMMISSIONER COHEN: Second.

10 COMMISSIONER DE FUSCO: Well, I just
11 saw somebody in the audience.

12 MS. KAUFFMANN: No. I just looked at
13 the --

14 COMMISSIONER DE FUSCO: If you want to
15 make a comment, just please come up.

16 MS. KAUFFMANN: Alanna Kauffman, 616
17 Madison.

18 MR. GLEESON: You are going to have to
19 raise your right hand.

20 Do you swear or affirm that the
21 testimony you are about to give is the truth, the
22 whole truth, and nothing but the truth?

23 MS. KAUFFMANN: Indeed, I do.

24 MR. GLEESON: And can you please state
25 your name again?

1 MS. KAUFFMANN: Alanna Kauffmann, 616
2 Madison Street.

3 So I just hope that the applicants
4 obviously will work with the adjacent buildings as
5 much as possible, and they said they have, but it is
6 obviously very stressful, you know, especially if
7 you have no kids, or I don't know if you have young
8 kids.

9 You know, I have young children, so the
10 demolition is absolutely going to impact my family,
11 so I just want to do this with goodwill.

12 That is it.

13 CHAIRMAN AIBEL: Thank you.

14 MS. BANYRA: Ms. Kauffmann, can I just
15 ask you a question?

16 Ms. Kauffmann?

17 MS. KAUFFMANN: Yes.

18 MS. BANYRA: How long ago was your
19 house built?

20 MS. KAUFFMANN: It was renovated and
21 the original foundation is still there.

22 We purchased it in October, and
23 started -- when was Sandy -- 2012.

24 It started in 2010, I believe, the
25 renovation.

1 MS. BANYRA: Thank you.

2 CHAIRMAN AIBEL: Mr. Matule?

3 MR. MATULE: Well, just very briefly --

4 COMMISSIONER COHEN: Hang on.

5 VICE CHAIR GREENE: Mr. Schnabel has

6 something.

7 Keep practicing.

8 (Laughter)

9 MR. GLEESON: Can you raise your right
10 hand, please?

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

14 MR. SCHNABEL: Yes.

15 MR. GLEESON: Can you state your name
16 again, please?

17 Can you state your name again, please?

18 MR. SCHNABEL: Oh, Martin Schnabel.

19 I'm sorry.

20 MR. GLEESON: All right.

21 Thank you.

22 MR. SCHNABEL: I think you can tell by
23 my questions, I am against it.

24 I am directly to the north. I think I
25 will have a disparate impact to my property by doing

1 this.

2 A lot of the questions that I made,
3 they said, well, I guess this isn't the proper form.
4 It goes to the building department, but they
5 couldn't answer the questions, so I am afraid that
6 the construction itself is going to do damage to the
7 property, going up four floors and basically
8 creating a wall to catch weather is going to affect
9 my roof and the rest of the property based on the
10 age of the property.

11 I have a ten-year-old son, not an
12 infant, but I do -- I -- you know, I am -- you are
13 not building like they built to the south, where
14 they really did a good job for the block building a
15 nice one-family. This looks like you are building
16 four walkup condos.

17 I know someone has a financial
18 interest. I respect that, but to me, I don't see it
19 benefiting me as a neighbor, this being done.

20 Thank you.

21 COMMISSIONER DE FUSCO: If I may,
22 excuse me, sir.

23 Are you aware of the zoning requirement
24 like the zoning, like they're allowed to build on
25 this plot of land?

1 They are allowed to build to 60 percent
2 lot coverage and three stories.

3 MR. SCHNABEL: Yes.

4 COMMISSIONER DE FUSCO: So I guess the
5 question I have for you, and quite frankly, I don't
6 disagree that you are going to be the one that's
7 most affected by this, do you feel that that one
8 story is going to adversely impact you that much?

9 The snow that you brought up before, it
10 is a very good point, that will still be there.

11 MR. SCHNABEL: Yeah.

12 COMMISSIONER DE FUSCO: So I guess the
13 question is: Is that one story going to be the
14 detriment that, you know, that you think it is going
15 to be?

16 MR. SCHNABEL: You know, you make a
17 very good argument for him because the impact is
18 going to three stories.

19 I see the impact, the footprint being
20 moved. If that isn't an issue here, I am not sure
21 except for the additional parking on the street, and
22 I don't know if the additional weight causes
23 anything on the property. I am not an engineer. I
24 just wanted to raise the issues.

25 COMMISSIONER DE FUSCO: They will still

1 be able to move the building, and from my
2 experience, my knowledge of the process, and I will
3 defer you to our counsel, the builders are usually
4 required to be insured for this sort of thing.

5 I am not making an argument for him. I
6 am just saying what they are actually allowed to do
7 on the property.

8 So my question is: You know, is that
9 story going to be the detriment you think it is, and
10 you know, I guess the positive is the improved
11 street scape worth that, you know, fourth story.

12 I am curious. It is a real question.

13 MR. SCHNABEL: Yeah, and I think it was
14 fair.

15 I wanted to make sure it wasn't that I
16 was saying you were biased, because I thought it was
17 a good question, because coming in here, I didn't
18 see the plans, so it's like I am troubled by it
19 moving forward.

20 But the difference between the three
21 and the four, I don't know. I have not given it
22 enough thought. I can see where I'm going to get
23 problems, but you have a good question, what is the
24 difference between three and four, and that I can't
25 answer.

1 COMMISSIONER DE FUSCO: Well, listen,
2 you know, I really appreciate -- you know, without
3 neighbors that come and speak to this, we are
4 looking at a piece of paper. We know the blocks,
5 but it is really important to get your feedback, so
6 I thank you for that.

7 CHAIRMAN AIBEL: Mr. Matule, take it
8 away.

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

10 VICE CHAIR GREENE: Did we close
11 public?

12 I guess we did.

13 CHAIRMAN AIBEL: We did.

14 MR. MATULE: Okay.

15 You know, just very briefly, this is
16 sort of a typical four-story four-unit building.

17 You know, part of the height issue that
18 we are all going through, and I guess will continue
19 to evolve is the new flood regulations, where the
20 first floors have to be at elevation thirteen. I
21 would imagine eventually some of these other
22 buildings on the street are going to go through this
23 process also.

24 I do have to reiterate that even though
25 the building is four stories, and we are asking for

1 that fourth story because the ordinance only allows
2 three stories. On the other hand, we are within the
3 permitted 40 foot height above the base floor
4 elevation, which the ordinance permits, so I think
5 it is reasonable to assume or assert that the impact
6 on the surrounding properties, the building with 40
7 feet above base flood elevation has been considered
8 by the governing body when they drafted the
9 ordinance.

10 I think you will all concede or agree
11 at least that what we are calling the fifth floor is
12 really a technical request, because by most people's
13 measure, it is not a usable floor. It can't be used
14 for any habitability. I know that is another
15 anomaly that has to be worked out in the ordinance.

16 The increase in density is de minimus.

17 The one thing I think that's very
18 important is we are going to get rid of a couple of
19 nonconforming structures, and especially for our
20 neighbor to the north, he is going to now have a
21 nice landscaped backyard there adjacent to his
22 property, which doesn't exist now. He has rather
23 substantial lot coverage and a shed in the back, but
24 he is going to have the benefit of that nice open
25 space in the rear yard.

1 As far as the parking goes, you know,
2 obviously that is not permitted. And, as I said, if
3 we built a three-story building 40 feet high or a
4 four-story building 40 feet high, I don't think the
5 incremental impact would be substantial.

6 The builder -- the applicant is someone
7 who has done several other projects in town. I am
8 sure he will work with the neighbors and, you know,
9 do everything that he is required to do to make it
10 as seamless a process as possible.

11 Obviously, when they knock a house
12 down, there is going to be some upset for a little
13 while. I am going through it personally right now.
14 My neighbors are putting an addition on, and I found
15 out I have a Mr. Bob between my house and my
16 neighbor's house delivered today, so it is only a
17 temporary thing, and it will go away.

18 So I would ask that you look at the
19 overall picture, and I think you will agree that the
20 benefits outweigh any negative, and I would ask that
21 you grant the minor site plan approval and requested
22 variance relief.

23 CHAIRMAN AIBEL: Thanks, Mr. Matule.

24 Board, anybody want to kick off?

25 VICE CHAIR GREENE: I will start.

1 You know, the applicant offered a green
2 roof. Is that correct?

3 MR. MATULE: That is correct.

4 A full green roof with the trays --

5 VICE CHAIR GREENE: With the trays?

6 MR. MATULE: -- as opposed to a white
7 kind of reflective roof.

8 VICE CHAIR GREENE: Is he offering any
9 other more environmentally positive aspects?

10 MR. MATULE: Well, I think the other
11 two comments Mr. McNeight made was that the lamps
12 will be CFL or LED, whatever is required.

13 Aside from that, I'm not aware of any.

14 COMMISSIONER COHEN: What about the
15 green wall on the --

16 MR. MATULE: Well, that is something
17 that we are certainly amenable to doing.

18 I think we need a little more
19 conversation with the neighbor in the sense that she
20 may have a concern about the maintenance of it and
21 who is going to be responsible to maintain it.

22 COMMISSIONER COHEN: Okay.

23 MR. MATULE: We are certainly willing
24 to have that conversation.

25 I know she also mentioned about her

1 brick wall, her freestanding brick wall. When she
2 has a sheer wall there, maybe she won't want that
3 brick wall there any more.

4 I mean, it's certainly a conversation
5 we will engage in and try to come up with a mutually
6 satisfactory thing.

7 We are certainly willing to put the
8 infrastructure on the building to have the green
9 wall, put wisteria on there or whatever, but we
10 don't want to do that if the neighbor doesn't want
11 it either.

12 VICE CHAIR GREENE: And I guess there
13 are a number of approvals that are required for
14 intrusion into the right-of-ways, the bays and the
15 front stairs?

16 MR. MATULE: We will have to go to the
17 Council for an easement for the bay.

18 I would assume that while we are there,
19 we will also ask for the front stairs, even though
20 it might be covered by the Chapter 60(a). It would
21 all be done in one combined ordinance request.

22 VICE CHAIR GREENE: I don't really -- I
23 don't see much issue -- I don't have much issue with
24 the variances requested. I think they seemed to
25 have stated their case.

1 The extra story is within the allowable
2 building, so it is really just a matter of one more
3 residential unit.

4 As you said, I agree that it is de
5 minimus. The rounding up is less than point 21. So
6 given the site, and given what you proposed, I think
7 that is a -- I think there is a fairly good match
8 there.

9 CHAIRMAN AIBEL: Anyone else wish to
10 comment?

11 Phil?

12 COMMISSIONER COHEN: Yes.

13 I am somewhat concerned about the
14 height. I think it really is five stories. It is
15 not a technical five-story when you are talking
16 about building four stories on top of 13 feet, it
17 really is, you know, a 50-foot structure on a block
18 that's dominated by three-story structures -- three
19 over one.

20 I get that it is within 40 feet above
21 the base line elevation, which is -- or flood
22 elevation level, which is a valid point, but it also
23 is going to be physically much higher than
24 everything else on that side of the street.

25 MR. MATULE: If I may have your

1 permission --

2 COMMISSIONER COHEN: Sure.

3 MR. MATULE: -- I know at this point
4 it's closed, and I'm not supposed to speak. But as
5 I review the plans, the first floor, the BFE of 12
6 is seven feet above grade --

7 COMMISSIONER COHEN: Seven feet.

8 MR. MATULE: -- not thirteen.

9 COMMISSIONER COHEN: Okay.

10 MR. MATULE: The first floor is one
11 foot above that at elevation thirteen, which grade
12 is at six, so it is seven. There is a seven-foot
13 differential to get to thirteen as opposed to being
14 at thirteen. We are not thirteen feet up in the
15 air. We are at elevation thirteen.

16 COMMISSIONER COHEN: Okay.

17 MR. MATULE: Thank you for that.

18 COMMISSIONER COHEN: I appreciate that,
19 so it's 40 feet above seven.

20 MR. MATULE: Correct.

21 COMMISSIONER COHEN: Okay. So I
22 appreciate the clarification.

23 It is still a concern. I guess I am
24 wondering whether people are entitled to just have
25 the 40 feet of habitable space. I mean, I'm sure --

1 I think that is sort of a policy question, you know,
2 for the body, and I'm not sure, because, again, if
3 you look at the street, this is going to be one of
4 the largest structures on that side of the street,
5 and I get that it is within the 40 foot above flood
6 elevation.

7 It doesn't seem to trouble Commissioner
8 Greene, but it, you know, troubles me somewhat, so I
9 am interested in knowing what others think.

10 But otherwise, I think it is a positive
11 application.

12 VICE CHAIR GREENE: I don't believe
13 you're actually looking for a height variance.

14 MS. BANYRA: Well, technically it's a
15 height -- it's a story --

16 VICE CHAIR GREENE: It's a story, but
17 not --

18 MS. BANYRA: -- but it's categorized as
19 a D variance, and the D variance that the statute
20 speaks to is relative to height.

21 The interpretation from Hudson County
22 Superior Court indicated that, you know, the story,
23 they were considering it should be considered as a D
24 variance as height, so when we say "height," we mean
25 story, in that particular instance.

1 VICE CHAIR GREENE: Thank you for
2 clarifying that.

3 CHAIRMAN AIBEL: Mr. Grana?

4 COMMISSIONER GRANA: I will just add
5 two considerations for the Board, that the raising
6 of the building due to the necessity to account for
7 the changes at flood are a consideration that we
8 should be including when we think about how we vote
9 here.

10 I also think that in quoting Grasso, I
11 think there has been -- it is not as stringent of
12 proof, but there has been improvement by improving
13 the harmonious environment that that can be used as
14 a justification for additional height, in this case
15 stories, and I think the Board should consider that.

16 COMMISSIONER DE FUSCO: You know, to
17 that point, I just think that I'm pleased that they
18 came. In terms of the footprint of the building,
19 they weren't asking for anything more than 60
20 percent main lot coverage plus the egress stair.
21 They could have come back and asked for something or
22 designed the site differently.

23 This sets a good precedence for the
24 block, and I think it is a block that in the past
25 has been developed, you know, haphazardly, and this

1 is trying to align the block. So street scape
2 aside, I think it is a good precedent for the
3 future.

4 COMMISSIONER TREMITIEDI: Even though I
5 can't vote tonight, looking at the visual
6 consistency as shown on Z-2, 618 seems to balance
7 610, and I believe that it does increase the visual
8 environment to make it compatible with the
9 neighborhood.

10 And as to the flood concerns, they're
11 very important for a Board to consider, and this is
12 raised out of the flood zone, the elevation. As we
13 know in Hoboken, that is extremely important.

14 Thank you.

15 CHAIRMAN AIBEL: Mr. McAnuff?

16 COMMISSIONER MC ANUFF: I agree the
17 variance requested is minor. My only concern, which
18 Mr. McNeight addressed, was that I wish the
19 staircase had been -- the front stoop was recessed
20 into the building, but it is a minor point, and Mr.
21 McNeight addressed it, as I said.

22 CHAIRMAN AIBEL: Well, if the City
23 Council requires it, you will have to address that
24 with the City Council.

25 Anybody else?

1 I will finish it up.

2 I am comfortable that the proofs have
3 been made here. I think the benefit is removing the
4 nonconformities. Opening up the donut space is I
5 think a benefit to the public.

6 I think it is an improved street scape,
7 and the building in context will offer a nice
8 benefit to the community, so I can be very
9 supportive.

10 I guess we are ready for a motion.

11 COMMISSIONER MURPHY: Motion to
12 approve.

13 VICE CHAIR GREENE: Well, should we
14 listen to the conditions?

15 COMMISSIONER GRANA: Conditions.

16 CHAIRMAN AIBEL: Oh, I'm sorry.

17 Counsel has conditions.

18 Thank you.

19 MR. GLEESON: Condition 1: Applicant
20 shall install a stormwater detention system
21 underneath the building.

22 Did I hear that correctly?

23 MS. BANYRA: Yes.

24 MR. GLEESON: Condition 2: The
25 applicant shall install a green roof on the building

1 and will work with neighbors about installing and
2 maintaining a green wall.

3 Condition 3: The rear yard shall be
4 landscaped in accordance with the plans submitted at
5 the time of the hearing.

6 Condition 4: The applicant shall
7 comply with the letter of the Board Engineer.

8 Condition 5: The applicant shall apply
9 for approval from the governing body for the
10 applicant's encroachments into the public
11 right-of-way.

12 CHAIRMAN AIBEL: Great.

13 COMMISSIONER DE FUSCO: Can we have our
14 planner -- is it possible for our planner to take a
15 look at the designs for the green roof?

16 MS. BANYRA: Uh-huh.

17 MR. GLEESON: Sure.

18 COMMISSIONER MC ANUFF: Was there a
19 concern about lighting before?

20 CHAIRMAN AIBEL: I think we addressed
21 it.

22 MR. MATULE: Yes. I think the
23 testimony was it would be CFL or LED.

24 MS. BANYRA: And that there will be
25 revised plans representing all of the changes.

1 CHAIRMAN AIBEL: Okay. Can I have --

2 COMMISSIONER GRANA: Okay.

3 Motion to approve 618 Madison with
4 conditions.

5 COMMISSIONER MURPHY: Second.

6 CHAIRMAN AIBEL: Pat?

7 MS. CARCONE: Commissioner Greene?

8 VICE CHAIR GREENE: Yes.

9 MS. CARCONE: Commissioner Cohen?

10 COMMISSIONER COHEN: Yes.

11 MS. CARCONE: Commissioner DeFusco?

12 COMMISSIONER DE FUSCO: Yes.

13 MS. CARCONE: Commissioner Grana?

14 COMMISSIONER GRANA: Yes.

15 MS. CARCONE: Commissioner Murphy?

16 COMMISSIONER MURPHY: Yup.

17 MS. CARCONE: Commissioner McAnuff?

18 COMMISSIONER MC ANUFF: Yes.

19 MS. CARCONE: Commissioner Aibel?

20 CHAIRMAN AIBEL: Yes.

21 MR. MATULE: Thank you.

22 CHAIRMAN AIBEL: Okay. Thanks, Mr.

23 Matule.

24 (The matter concluded.)

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 6/16/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 RE: 155 Third Street : SPECIAL MEETING
 Block 189, Lot 25 :
 Applicant: 155 Third Street, LLC : June 24, 2014
 Minor Site Plan and Variances : Tuesday 8:30 p.m.
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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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12 BY: JAMES J. BURKE, ESQUIRE
13 Attorney for the Applicant.

14

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I N D E X

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1 CHAIRMAN AIBEL: We will go right to
2 155 Third Street. Okay. It is about 8:30.

3 Okay, everybody, we are back on the
4 record.

5 Thank you, sir.

6 Okay. We are going to hear 155 Third
7 Street, Mr. Burke.

8 MR. BURKE: Thank you, Mr. Chairman.

9 CHAIRMAN AIBEL: Make your appearance.

10 MR. BURKE: James Burke representing
11 the applicant.

12 The application, as the Chairman
13 mentioned, is 155 Third Street.

14 It is an existing two-story building.
15 There had been a deli in the building. The
16 applicant has purchased the building and is going to
17 expand the deli, so there are several variances that
18 are needed under 196-33.

19 The retail use is a conditional use,
20 but you are not allowed to have a second floor
21 service area, which this application will include,
22 and then the addition of the half floor for office
23 use on the third floor, although you will hear
24 testimony that there is no height for number of
25 floor variances involved, it will exacerbate the

1 rear yard variance, which is preexisting, so those
2 are the two variances that will be needed.

3 I have three witnesses. The first is
4 the applicant himself.

5 Would you step forward, please?

6 MR. GLEESON: Would you raise your
7 right hand, please.

8 MR. CARACAPPA: Michael Caracappa.

9 MR. GLEESON: Can you raise your right
10 hand?

11 Can you raise your right hand?

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

15 MR. CARACAPPA: Yes, I do.

16 M I C H A E L C A R A C A P P A, having been duly
17 sworn, testified as follows:

18 MR. GLEESON: Now, may you please state
19 your name and spell your last name for the record?

20 THE WITNESS: Michael Caracappa,
21 C-a-r-a-c-a-p-p-a.

22 MR. BURKE: Mike, just a couple of
23 questions.

24 You live here in Hoboken, correct?

25 THE WITNESS: Yes, in fact, very close

1 to this site, yes.

2 MR. BURKE: You are renovating the
3 building?

4 THE WITNESS: Yes.

5 MR. BURKE: And you would be what I
6 would term a single user. You will be the only use
7 in that building, right?

8 THE WITNESS: Right.

9 MR. BURKE: There's no other tenants,
10 and there's no other commercial uses?

11 THE WITNESS: Right.

12 MR. BURKE: Okay.

13 And what is your concept?

14 I explained that a deli had existed,
15 and I understand it was a deli that served general
16 deli sandwiches and so forth, and you are intending
17 to do something a little different. Just explain to
18 the Board what that intent is.

19 THE WITNESS: My family has been in the
20 fish business since 1924. I am presently exiting
21 the fish business. I run tractor trailers
22 delivering seafood along the East Coast. I am
23 turning that over to my son, and I am looking to
24 retire and work at the fish store.

25 I will have a fish store, raw bar, a

1 few seats during dinner, take-out, and bring fresh
2 fish back into Hoboken.

3 I used to deliver for Apicella years
4 ago in my younger days.

5 MR. BURKE: Many would remember
6 Apicella's was the one fresh seafood facility in
7 Hoboken that no longer is there, but it had been
8 there for many, many years.

9 THE WITNESS: I have tractor trailers
10 in the full fish market every night delivering fish.

11 I am going to pick up the fish, the
12 fresh fish there, and bring it back to our warehouse
13 there where we will have a trucking company, and
14 from there I take possession and bring it into
15 Hoboken by van. I am just going to work there and
16 kind of love the neighborhood a little.

17 MR. BURKE: Okay.

18 That is my only question of this
19 witness, if you have any questions of him.

20 CHAIRMAN AIBEL: I guess I wouldn't
21 mind it if you described a little bit more about
22 your operation.

23 Are you going to be deep frying fish,
24 cooking fish dinners?

25 THE WITNESS: Yes. I will be selling

1 retail fish. I will be retailing fish. And then I
2 also will be doing like fish sandwiches and open
3 clams, steamed seafood, salads, and then at night I
4 would like to do, after four o'clock, I would like
5 to do a few specialty dishes.

6 I love the cooking show. I love
7 seafood, and fresh seafood is fairly simple. It's
8 just the amount of, you know, different sauces that
9 you put together with it, and I can get the fish
10 cheap. I can buy cheap.

11 I have been in the fish market all of
12 my life, so I know all of the wholesalers down
13 there, and they are basically my age now, so I know
14 the quality of fish, and I know where to buy it.

15 CHAIRMAN AIBEL: Thank you.

16 Anybody else have questions?

17 VICE CHAIR GREENE: So are you going to
18 have deep fryers?

19 THE WITNESS: Excuse me?

20 VICE CHAIR GREENE: Are you going to
21 have deep fryers?

22 Are you going to be frying fish?

23 THE WITNESS: Frying fish --

24 VICE CHAIR GREENE: In addition to
25 steaming it and grilling it or --

1 THE WITNESS: -- and grilled, grilled
2 seafood.

3 VICE CHAIR GREENE: Okay.

4 COMMISSIONER DE FUSCO: What time are
5 fish deliveries usually made, because it is going to
6 come up in a little bit.

7 THE WITNESS: Well, the fish store is
8 going to be open at seven.

9 COMMISSIONER DE FUSCO: Okay.

10 THE WITNESS: We will be delivering the
11 fish there around six o'clock, 6:30, preparing
12 everything. I figured we would be open from about
13 8:30, nine o'clock.

14 COMMISSIONER DE FUSCO: Because the
15 question inevitably is going to arise what time
16 these deliveries are made, because obviously Third
17 Street is a busy street, you know, in the mornings,
18 so deliveries will be at six a.m. usually?

19 THE WITNESS: About six, 6:30. I am
20 the contractor who is building the building, too,
21 so --

22 COMMISSIONER DE FUSCO: Right.

23 You have done a very nice job. I have
24 been walking by it.

25 THE WITNESS: Thank you.

1 Yeah. So I got the rhythm of the
2 street. I understand the rhythm of the street now,
3 and I know about eight, nine o'clock, it gets really
4 busy.

5 COMMISSIONER DE FUSCO: Right.

6 All right. So six, 6:30 is the
7 testimony?

8 THE WITNESS: Yes.

9 VICE CHAIR GREENE: And if I could just
10 follow up.

11 The delivery is not going to be taking
12 place in a tractor trailer?

13 THE WITNESS: No.

14 VICE CHAIR GREENE: I assume it will be
15 a small van --

16 THE WITNESS: No. It's going to be
17 transported by a van. In fact, I was looking at the
18 van today.

19 VICE CHAIR GREENE: Okay.

20 CHAIRMAN AIBEL: Any more questions?

21 I will open it up to the public.

22 Anybody have a question for this gentleman?

23 Seeing none, let me get a motion to
24 close the public portion.

25 COMMISSIONER COHEN: Motion to close

1 the public portion for this witness.

2 COMMISSIONER MC ANUFF: Second.

3 CHAIRMAN AIBEL: All in favor?

4 (All Board members answered in the
5 affirmative.)

6 CHAIRMAN AIBEL: Thank you.

7 MR. BURKE: Our next witness is the
8 architect, Mr. Vandermark.

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

12 THE WITNESS: I do.

13 A N T H O N Y C. V A N D E R M A R K, JR.,
14 having been duly sworn, testified as follows:

15 MR. GLEESON: Please state your full
16 name and spell your last name for the record.

17 THE WITNESS: Sure.

18 That's Anthony C. Vandermark, Jr.

19 Vandermark is V, as in Victor,
20 a-n-d-e-r-m-a-r-k.

21 MR. GLEESON: Has Mr. Vandermark
22 appeared before the Board prior?

23 CHAIRMAN AIBEL: He has.

24 MR. GLEESON: Does the Board accept his
25 credentials?

1 CHAIRMAN AIBEL: We do.

2 MR. GLEESON: Okay.

3 THE WITNESS: Thank you very much.

4 MR. BURKE: All right.

5 Mr. Vandermark, you have heard the
6 witness testify as to what the intent would be,
7 which would be a focus on seafood, both take-out and
8 fresh and served in a small restaurant on the second
9 floor.

10 I would like you to walk through your
11 plans starting with the basement first floor, second
12 floor, and then describe the office, so start from
13 the bottom and go on up.

14 But first, we had two exhibits that
15 were marked. This is marked Exhibit 1.

16 Can you describe these for the
17 stenographer?

18 (Exhibits 1 and 2 marked.)

19 THE WITNESS: We have two exhibits.
20 Exhibit 1 would be a photo board of the existing
21 conditions.

22 Exhibit 2 will be a two-dimensional
23 street elevation of the proposed facade.

24 I have brought mini copies of the photo
25 board, if any of the Board members would like to

1 follow along when I go through the photographs.

2 I took these photographs personally
3 over the duration of the past week.

4 I will just wait until everybody gets a
5 copy.

6 Just so everybody knows, the subject
7 property is on Third Street.

8 On the south side of Third Street
9 approximately mid block between Garden and
10 Bloomfield, photo number one, top left-hand corner,
11 everybody would know this as the old Von Holland
12 Deli, an existing two-story structure, and it's
13 approximately 22 feet six inches in height to the
14 principal roof structure.

15 Photograph number two, top left, the
16 subject property is here. In the center of the
17 photograph there is -- excuse me -- an existing
18 two-story residential structure.

19 Immediately adjacent to it to the east,
20 there is a mixed-use four-story structure on the
21 corner. A lot of people know it as Tree Tie at the
22 base, and multi-family residential units above it.

23 Photograph number three, again, dead
24 center, the owner has taken possession of the
25 property, and he has done a pretty good job of

1 restoring the existing facade.

2 Photograph number one is the old Von
3 Holland Deli. The complete facade was painted. Our
4 owner has restored the facade to the original state.
5 He's repointed the existing brick. He rebuilt the
6 lower wood cornice. He rebuilt the upper wood
7 cornice. He's restored the big bay window in the
8 front of the storefront.

9 The existing Von Holland Deli had these
10 roll gates, which have already been removed, and I
11 think the addition will compliment, as we will
12 describe later, will compliment the existing facade.

13 Photograph number four, which is the
14 top right-hand corner, this is the existing
15 sidewalk. The owner has already replaced the
16 existing sidewalk. What you see is an elevated
17 curved section with a sidewalk vault right here to
18 the upper -- excuse me -- to the lower right corner.

19 This here is the upper part of a
20 storage vault, which is directly below the building
21 and below the sidewalk.

22 This caps the vault, okay, and it
23 aligns with the property to the east and partially
24 the property to the west.

25 The owner is prepared to restore the

1 gate line, move the gate line forward, and match the
2 existing entry.

3 Let's go just around the block here.
4 Across the street directly to the north and west,
5 that is the four-story masonry David E. Rue School.

6 Across the building to the east -- to
7 the north, that is the John The Baptist Church with
8 the Hoboken shelter at the base.

9 And then the middle second row here,
10 that is the rear yard shot. You are looking east.
11 This is an existing four-story multi-family
12 structure. As you see on the first floor, the
13 windows have been blocked off.

14 At floors two, three and four, you have
15 these little kind of portholes. I think they are
16 bathroom windows.

17 The rear elevation shot here is the
18 existing rear facade of our structure.

19 The rear yard has a three-foot-four
20 setback. It has a little light well to the basement
21 windows. We are proposing a grate that covers this
22 rear well for protection to the rear yard.

23 The whole rear yard is open in space
24 from all of the adjacent properties. There is no
25 fencing here. It's kind of a little bit different

1 condition for Hoboken.

2 Again, block facades, this takes you
3 all the way west. There is an existing multi-family
4 five-story, very tall here.

5 The adjacent property is a three-story
6 residential directly to our west, and another
7 three-story residential structure right after that.

8 If we go to the floor plans, Sheet 1
9 talks about our variances, and these were described.
10 We were talking about really three variances here.
11 We are talking about an expansion of a nonconforming
12 structure in size. We're adding a third floor,
13 approximately 260 square feet, 51 percent of the
14 building footprint.

15 We are asking for a restaurant use on
16 the second floor, which is not permitted.

17 We are adding five tables, 14 seats, a
18 very small footprint of this building.

19 The existing site is 20 feet wide by 25
20 feet deep, 500 square feet in size. Our building is
21 20 feet wide by 21 feet, nine inches, very small,
22 435 approximately square feet.

23 The last variance, we have a
24 preexisting three-foot-four rear yard setback
25 variance. We are going to be matching that as we go

1 up to the top floor of the third floor addition.
2 There is a reason for that, and I will describe that
3 later.

4 On Sheet Z-2, we have two site plans.
5 To your left, we have the existing site plan again
6 with the building that covers 85 percent, more than
7 35 square feet.

8 The site plan to the right, the
9 cross-hatching shows you our top floor addition. We
10 are proposing a nine foot setback off the principal
11 building facade, a 12-foot-eight addition that takes
12 you to this rear yard property line. Again, so we
13 are at 20 feet in width, 12-foot-eight in size, 260
14 square feet.

15 Sheet Z-3 shows you the preexisting
16 floor plans. The preexisting Von Holland Deli had
17 food prep and food equipment located in the basement
18 space. We are replacing the equipment and reusing
19 that space and use.

20 The first floor, which was the retail
21 space of the deli, again, we have set up a
22 countertop space for the retail and Mr. Caracappa's
23 fish store.

24 The preexisting second floor was used
25 as an office. The stairwell was open. There was no

1 separation between the office space and the retail
2 space, and the roof plan had existing condensers and
3 some venting for the existing kitchen equipment.

4 Sheet Z-3, we are proposing no change.
5 We are changing the equipment out of the basement.

6 Again, we have the retail store on the
7 first floor.

8 The second floor is when we encounter
9 the use variance, we are proposing five tables
10 again, 14 occupants, one-half bathroom, and one
11 point of service station here as you come up the
12 stairs.

13 The proposed third floor, which is the
14 expansion of the nonconforming use, set back nine
15 feet again. We have a roof area to the front yard
16 here. We are not proposing any use of the roof
17 area. It's just going to be a roof area set behind
18 the parapet, and a 260 square foot office area at
19 the top of the stairs. There will be no wall
20 separation. It will be strictly for Mr. Caracappa's
21 desk and storage of files.

22 As you guys can see, the building
23 footprint is really limited. This section of floor
24 really allows him to run the day-to-day operations
25 out of this structure.

1 Sheet Z-5 is occupancy and area
2 calculations, which I have already described.

3 Sheet Z-6 is the preexisting Von
4 Holland Deli facade and rear facade, which we
5 described on the photo board.

6 Sheet Z-7, and I would like to use
7 Exhibit 2 and talk about Sheet Z-7 at the same time.

8 We have the existing two-story
9 structure 22 feet, six inches in height to the
10 principal roof. We are putting a ten-foot high
11 third floor addition on top.

12 This existing parapet is four-foot-six
13 higher than the principal roof line, so therefore,
14 this five-foot-six inches of our structure is going
15 to be peaking out above that parapet. We have a
16 two-foot-six high top cornice or simplified cornice
17 at the top of the building.

18 The overall impact had a nine foot
19 setback. You're looking at approximately eight
20 feet.

21 The chances of you being able to see
22 this from the street, you will probably see the top
23 of the building at best.

24 You can see here that our structure is
25 still lower than the structure to the west, although

1 we're being very sensitive to our structure to the
2 east, we have a two-story residential structure to
3 the east, and the front cornice line aligns with the
4 top of that building. Our building is set back.

5 We are proposing a cast stone four-inch
6 facade with a simplified black metal cornice above.
7 We think this addition is sensitive, and it
8 compliments the existing architecture both in color,
9 you know, and impact on the neighborhood.

10 That's the building in the rear as we
11 have shown in the photographs. The building is
12 directly to the north. It has no impact on any
13 existing structures as far as sunlight and air.

14 Both of these buildings that corner
15 this block, both on Bloomfield Street and Garden
16 Street, very tall, four to five stories in height.
17 Any of the impact on the hole in the donut is
18 already being caused by those buildings.

19 Bloomfield Street has very tall
20 four-story structures, and Garden has three to
21 four-story structures, so the impact of this
22 three-story structure, we are proposing 32 feet six
23 inches in total height to the principal roof. I
24 think it has minimal impact on the neighborhood, and
25 that is it.

1 MR. BURKE: Let's look at the reports
2 that we received from the professionals.

3 A question came up: How would the roof
4 area in front of the third floor be used.

5 THE WITNESS: We are not proposing to
6 use the roof area. It is just going to be room.
7 We are just proposing windows to the office that
8 will be venting just to the office. There will be
9 no walk-out space there.

10 MR. BURKE: And can a street tree be
11 included? Is there room for a street tree?

12 THE WITNESS: Yes. I took a
13 measurement today of the sidewalk from that front
14 curb line in front of the building to the curb. We
15 have approximately eight-foot-nine. Therefore, we
16 can accommodate a street tree there, so we will.

17 MR. BURKE: A question came up about
18 whether the third floor would be used for office,
19 and you stated on the record it would.

20 THE WITNESS: Yes, it will.

21 MR. BURKE: Okay.

22 Ms. Banyra, do you have any other
23 questions because I'm looking at your report.

24 MS. BANYRA: Yes, I had a question.
25 Just a point of clarification, I guess.

1 Mr. Vandermark, you testified that the
2 second floor was an office use? Was it -- the
3 zoning officer's --

4 COMMISSIONER COHEN: The third floor.

5 MS. BANYRA: -- no. The original
6 second floor was an office use, and the zoning
7 officer's letter said it was a residential use.

8 Do you know what the difference was on
9 that?

10 THE WITNESS: I looked at that. I
11 didn't exactly see the definition or the word
12 "residential" use there, but there was no wall
13 separation at the top of the stairs, so I think it
14 probably was kind of a --

15 MS. BANYRA: A guess?

16 THE WITNESS: Yes.

17 MS. BANYRA: Okay.

18 And I guess the question I had is your
19 lighting plan shows gooseneck lighting, which the
20 building, you know, architecturally looks like the
21 applicant has taken a lot of time to restore it in a
22 significant way --

23 THE WITNESS: Right.

24 MS. BANYRA: -- gooseneck lighting
25 wouldn't necessarily be period lighting, so I am

1 wondering if something else could be done instead of
2 gooseneck lighting.

3 THE WITNESS: I think we could take
4 probably a second look at that, and you know,
5 subject to approval, we can resubmit the lighting,
6 because the applicant doesn't exactly like gooseneck
7 lighting either.

8 MS. BANYRA: Yeah.

9 MR. BURKE: There's a lot of gooseneck
10 lighting in town, you know.

11 (Laughter)

12 MS. BANYRA: Well, I think for a long
13 time it was like -- it became the mandated lighting,
14 and it doesn't match the architecture and the period
15 in most of it, so we moved off of that a few years
16 ago to the extent that we could.

17 I think those were my only questions.

18 I think, Mr. Burke, you had indicated
19 that as long as the offices used the third floor --
20 has to maintain an office, I know it is a tiny
21 space, but it couldn't be used, and it shouldn't be
22 used. I think the testimony was it was going to be
23 maintained by this particular owner --

24 MR. BURKE: Yes.

25 MS. BANYRA: -- and I think obviously

1 everything is small, and it would be really tight to
2 have somebody else up there, and certainly it
3 couldn't be changed to a residential use.

4 MR. BURKE: Correct.

5 MS. BANYRA: That is it, Mr. Chairman.

6 MR. BURKE: Let's look at the report we
7 received from H2M, Mr. Marsden.

8 THE WITNESS: I think we can
9 accommodate Mr. Marsden and all of his comments for
10 the planning revisions and updates that he
11 requested.

12 MR. BURKE: All right.

13 I will note we did provide an updated
14 survey today. We received the report Thursday, but
15 an updated survey was provided along with the flood
16 elevations and other items that Mr. Marsden
17 requested in his memo of June 18th.

18 CHAIRMAN AIBEL: Jeff?

19 MR. MARSDEN: Yes, just one point.

20 Mr. Caulfield, when he updated the
21 survey, called out the current working elevations
22 from FEMA when the governor's order was issued on
23 the ABFE at the time of the issue, which would be
24 elevation twelve, but in this case, it doesn't
25 really matter because you are not adding anything.

1 You are not putting an addition on the first floor.

2 You are changing that, so it doesn't really matter.

3 MR. BURKE: Correct.

4 MR. MARSDEN: Okay. So I am good with
5 it.

6 MR. BURKE: Okay, great.

7 Any questions from the Board?

8 CHAIRMAN AIBEL: Yes.

9 Let me just ask a couple of quick
10 questions while I remember them.

11 Where is the HVAC going to be
12 installed?

13 THE WITNESS: The HVAC is going to be
14 installed. We are using a wall mounted mini split
15 systems, so they will be mounted on each floor, wall
16 mounted interior-wise and the condensers would be
17 located on the roof -- on the upper roof.

18 CHAIRMAN AIBEL: Is that in the front
19 area, or is that going to be --

20 THE WITNESS: No. It will be on the
21 upper --

22 CHAIRMAN AIBEL: -- on top of the third
23 floor --

24 THE WITNESS: -- it will be
25 approximately, you know, 33 feet up in the air, the

1 condensers themselves, not the units.

2 CHAIRMAN AIBEL: Okay.

3 Are they shown anywhere on the plans?

4 THE WITNESS: They are shown on the
5 roof plan, but the actual wall-mounted units are not
6 shown on the floor plans, the interior units
7 themselves.

8 VICE CHAIR GREENE: I don't see them.

9 COMMISSIONER COHEN: Z-3.

10 (Board members confer)

11 VICE CHAIR GREENE: Where will the
12 garbage be stored?

13 THE WITNESS: In the basement. We have
14 an area over here, storage only. He will have
15 independent carting, and it will be basically taken
16 out on a daily basis because it is something that's
17 not going to linger.

18 VICE CHAIR GREENE: Will there be a
19 cold room in that storage area, or it will stored
20 dry and unchilled?

21 THE WITNESS: I will defer that
22 question to the owner.

23 MR. CARACAPPA: On each floor there is
24 three-ton air-conditioning units. I should be able
25 to hold 60 degrees in the basement, so I was going

1 to store it in the basement and then take it out at
2 night.

3 So most of my basement prep area will
4 be in the morning, and then everything will be
5 prepared upstairs. I mean, cooked upstairs and all
6 of that, and then I will be using the basement to
7 hold the garbage, and then a private sanitation will
8 take it out, somebody that could come early
9 hopefully and get it out.

10 MR. BURKE: And that will be, as Mr.
11 Vandermark mentioned, on a daily basis?

12 MR. CARACAPPA: Yes, on a daily basis.
13 You can't leave it on the street unfortunately.

14 (Laughter)

15 VICE CHAIR GREENE: Thank you.

16 MS. BANYRA: This way the neighbors
17 wouldn't be complaining.

18 (Board members confer)

19 CHAIRMAN AIBEL: I will ask a question
20 about the ventilation.

21 Oftentimes when we here restaurant
22 applications, the applicants offer sort of enhanced
23 ventilation to avoid odor and noxious fumes in the
24 neighborhood. Is there anything that can be done
25 here?

1 THE WITNESS: Well, I think greet
2 lengths have already been taken. The existing Von
3 Holland Deli moved their ventilation right over the
4 rear property line right into the hole of the donut.

5 What this owner has done is already
6 extended the ventilation system all the way up to
7 the back of the building, and it will be 42 inches
8 above the principal roof plain, so the majority of,
9 you know, all the smells, you know, developed by his
10 cooking should go off and dissipate above the roof
11 line.

12 CHAIRMAN AIBEL: Thank you.

13 MR. CARACAPPA: I went to the Boston
14 Seafood show, and they sell an air sanitizer that
15 keeps the air fresh, okay? And all of our air is
16 going to vented out to the roof, so we have an
17 out-take that will take the air right up and out,
18 externally out to the top of the building, and plus
19 they have an air sanitizer.

20 CHAIRMAN AIBEL: Jeff?

21 VICE CHAIR GREENE: When you say --
22 excuse me.

23 When you say an air sanitizer, you're
24 talking about a scrubber?

25 MR. CARACAPPA: No. It's not a

1 scrubber. It kills all of the germs and it kills
2 the odor, so it is important for me to not have a
3 fish store that stinks like fish, or I am not going
4 to be selling anything.

5 (Laughter)

6 CHAIRMAN AIBEL: Jeff, is there a
7 scrubber?

8 MR. MARSDEN: No. No scrubber
9 questions.

10 CHAIRMAN AIBEL: No?

11 MR. MARSDEN: The question I have is
12 your photograph that shows the front step of the
13 building --

14 THE WITNESS: Yes.

15 MR. MARSDEN: -- I presume that
16 concrete step was there prior to, that raised
17 concrete step in front of the building?

18 THE WITNESS: That's correct. That is
19 preexisting.

20 MR. MARSDEN: That wasn't changed?

21 THE WITNESS: That was not changed.

22 MR. MARSDEN: Okay.

23 And the only other comment I had, it
24 appears that when you replaced the sidewalk, it is
25 probably well over a two percent cross slope, but I

1 am not sure because of the width of the lot, you
2 couldn't have done much about that.

3 THE WITNESS: Right.

4 MR. MARSDEN: Okay.

5 CHAIRMAN AIBEL: Eileen, go ahead.

6 MS. BANYRA: I just have one more
7 question to follow up on that lip.

8 Is there a way to saw cut that, so
9 there will be handicapped accessibility into that
10 restaurant?

11 It seems like, yeah, with the slope and
12 then have that lip --

13 THE WITNESS: At this distance, this is
14 approximately seven inches at the absolute, you
15 know, you know, at the lowest point on that lip.
16 This is almost eleven.

17 So this pitches up seven inches. You
18 don't have enough rise to run really to get you into
19 the front door, and the front door even has a
20 four-inch step at the front door to align itself
21 with the floor line. It's very difficult to do it
22 at that point.

23 CHAIRMAN AIBEL: Mr. Cohen?

24 COMMISSIONER COHEN: Obviously it was
25 originally a deli, the Von Holland Deli. They had

1 food prep in the basement. They had food service in
2 the first floor retail area.

3 They were not permitted to have food
4 service on the second floor. I mean, is that what
5 the situation is?

6 THE WITNESS: That is correct. That's
7 the reason why we are here asking for the use
8 variance for the second floor.

9 COMMISSIONER COHEN: Okay. Thanks.

10 COMMISSIONER GRANA: What would be the
11 total square footage of the customer sales or
12 service area, if we put -- if we moved this use to
13 the second floor?

14 THE WITNESS: The building footprint is
15 at 435 square feet, so between the first and second
16 floors, you are looking at approximately 870 square
17 feet of area.

18 Now, you have to have stairs and the
19 bathroom, you know, the second floor, and the
20 customer service area, you know, in the front, so
21 you are really looking at, you know, at best
22 approximately 600 square feet of customer service
23 area.

24 COMMISSIONER GRANA: Under a thousand
25 square feet?

1 THE WITNESS: Yes.

2 COMMISSIONER GRANA: Thank you.

3 (Board members confer.)

4 CHAIRMAN AIBEL: Any other questions,
5 Board members?

6 Let me open it up to the public.

7 Any --

8 MR. BURKE: Mr. Chairman, before you do
9 that, there was one point that we didn't bring out.
10 The applicant -- let me just demonstrate it better.

11 He was going to put in a lobster tank,
12 so you should describe that a little. You forgot to
13 mention that.

14 THE WITNESS: That is invisible from
15 the street, so it is a feature that you should hear
16 about.

17 (Laughter)

18 If we turn to Sheet Z-3, well, I don't
19 know the specifics of the tank itself, but I can
20 tell you the location of where it is going.

21 Sheet Z-3 in the front large bay window
22 right to the right of the front swing door, it would
23 be approximately 18 inches deep by the full width of
24 the front bay of a display tank, and you know, it
25 will be fully back lit, and it will be something,

1 you know, that could be used, you know, for
2 pedestrians that pass by in front of the store.

3 CHAIRMAN AIBEL: Thank you.

4 MR. BURKE: That was it. We forgot to
5 mention that.

6 CHAIRMAN AIBEL: Now, we will open it
7 up.

8 Anybody have questions for the
9 architect?

10 Seeing none, can I have a motion?

11 COMMISSIONER MURPHY: Motion to close
12 the public portion.

13 CHAIRMAN AIBEL: Second?

14 COMMISSIONER MC ANUFF: Second.

15 CHAIRMAN AIBEL: All in favor?

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

18 (Witness excused.)

19 CHAIRMAN AIBEL: Okay. Thanks.

20 MR. BURKE: Ken Ochab.

21 MR. GLEESON: Do you swear or affirm
22 that the testimony you are about to give is the
23 truth, the whole truth, and nothing but the truth?

24 MR. OCHAB: I do.

25

1 K E N N E T H O C H A B, AICP, PP, having been
2 duly sworn, testified as follows:

3 MR. GLEESON: Can you state your full
4 name and spell your last name for the record,
5 please?

6 THE WITNESS: Ken Ochab, O-c-h-a-b.

7 MR. BURKE: Mr. Chairman, he has
8 appeared --

9 CHAIRMAN AIBEL: We do.

10 MR. BURKE: -- before you a few times.
11 Do you accept him?

12 CHAIRMAN AIBEL: We do. We do.

13 MR. BURKE: Okay. Thank you.

14 Before we begin, I marked this Exhibit
15 3.

16 (Exhibit 3 marked.)

17 Please describe that for the
18 stenographer for her record.

19 THE WITNESS: Okay.

20 Yes. I took some of photographs of the
21 site and surrounding area.

22 The upper left photograph is the
23 subject site, which is the right side of the photo,
24 and then looking east on Third, so you see the
25 adjacent building, a two-story building, immediately

1 to the east, and a three-story on the corner with a
2 retail facility on the first floor of that building.

3 The upper right photograph, again, the
4 property in the question in the center looking west,
5 and again, we have a three-story and then a
6 five-story building, looks like an office of some
7 kind down on the first floor.

8 The lower left photograph is a
9 photograph of the school directly across the street,
10 and to the left and the photograph to the right is a
11 photograph of the church building directly across
12 the street and to the right.

13 So that is basically the context in
14 which the property sits.

15 MR. BURKE: All right.

16 You prepared a report, last dated May
17 14th?

18 THE WITNESS: I did, yes.

19 MR. BURKE: Okay.

20 Please summarize it for us, and focus
21 on the variances, which are being requested, which
22 involve Section 196-33 and the three-prong test, and
23 also the rear yard variances that's also --

24 MS. BANYRA: Excuse me, Mr. Burke.

25 Did you indicate that there was a

1 report dated May 14th? Is it April 14th or May
2 14th?

3 MR. BURKE: May 14th.

4 THE WITNESS: May.

5 MR. BURKE: The original report was on
6 April 14th, and then there were revisions, and it
7 was resubmitted.

8 MS. BANYRA: I think it is -- okay. I
9 guess I received the April 14th again on June 9th.

10 CHAIRMAN AIBEL: Here you go, Eileen.

11 MS. BANYRA: Great.

12 Thank you.

13 (Board members confer.)

14 THE WITNESS: So the major issue here
15 with respect to zoning is we are in a residential
16 zone, but retail uses are permitted in a residential
17 zone, and restaurants are permitted in a residential
18 zone as conditional uses, which means that they need
19 to satisfy the requirements of Section 196-33, which
20 has three principal conditions associated with it.

21 One is that there be two existing
22 retail, other retail facilities on the same block
23 face.

24 Two is that the retail facility be
25 located on the first floor only.

1 And third, that the customer service
2 area for the retail facility not exceed 1,000 square
3 feet.

4 So with respect to the three criteria,
5 we don't exactly have two other retail facilities on
6 the same block. We have one on the corner to the
7 east, and we have a business use, but I am not sure
8 that is a retail use, so let's just say we will talk
9 about that variance in a second.

10 Secondly, we are proposing the
11 restaurant tables sitting on the second floor, and
12 that clearly needs a variance.

13 These are called conditional use
14 variances or a D-3 variance. So the D-3 variance
15 criteria basically is using again the Coventry case,
16 which basically is a discussion of whether or not
17 the use is appropriate, notwithstanding the fact it
18 doesn't meet the conditions to, and can accommodate
19 the problems associated with granting the variance.

20 So with respect to -- let's just say
21 the two other retail uses on the block, again, this
22 corner or this block of Third Street is very narrow.
23 It is not the long end of the block. It is the
24 short end of the block.

25 We have an existing retail facility,

1 which has been here for many, many years, and we are
2 basically reconvertng that.

3 So with respect to the intent of having
4 the two other retail uses here, we are basically
5 taking this use and converting it, so I don't think
6 that is as important as if we were establishing a
7 brand new use on a block, which is clearly all
8 residential. And to some degree, the discussions
9 with the master plan sort of discuss that particular
10 issue with respect to having that kind of a
11 requirement.

12 Secondly: Using the second floor, we
13 have a very small building, but we are providing a
14 use that is, I think, well-deserved and well-desired
15 within the community, which is to keep the retail
16 portion of the use on the first floor, so you have
17 retail and take-out, and then upstairs to have the
18 restaurant facility as well. Again, I don't see any
19 particular problems associated with implementing
20 that type of a plan, having the second floor an
21 eating area.

22 You see the plans, and the architect
23 described the layout as well as the flow within the
24 building.

25 With respect to zoning, again, this is

1 an issue, which has come up in the master plan
2 discussion as to relooking at that requirement as
3 part of 196-33 in terms of having the second floor
4 being used for retail facilities, and I think it is
5 very appropriate in this case because we have a very
6 narrow lot, a very small lot, and we have a unique
7 opportunity here to reuse a building here, which has
8 some real character to it and a neighborhood, which
9 is clearly diverse, provides, again, a new
10 restaurant use.

11 With respect to the entrance and exit,
12 everything from the street. There's no side yard,
13 rear yard issues with respect to having the
14 restaurant on the second floor, and from a planning
15 perspective, I think it is an ideal location with
16 the second floor use.

17 The only other variance here is a rear
18 yard. We have the existing building set back three
19 and a half feet from the existing rear yard. And
20 Anthony has indicated, the third story will go back
21 and basically meet that wall at the three and a half
22 foot line, where basically seven and a half feet is
23 required, 30 percent of the lot depth.

24 So although I don't have a photograph
25 of it, the rear yard area is completely open and

1 clear. There is a condominium of a business or a
2 commercial condominium, which is located directly
3 behind us, so the impact with respect to just that
4 rear wall is basically non-existent. The rear yard
5 area is cleaned up, and it's open, and it will
6 remain so.

7 Again, there is no access to it from
8 the outside, and so it should not have a significant
9 impact on either the surrounding area or on the
10 zoning plan or the zoning ordinance.

11 So unfortunately, I am going to be
12 very, very short on this one. I know you are sad --

13 (Laughter)

14 -- but I hope you appreciate that.

15 Thank you.

16 CHAIRMAN AIBEL: Thank you.

17 Board members?

18 COMMISSIONER GRANA: Just a question.

19 Mr. Ochab, did you -- are you
20 testifying that there are other retail uses or at
21 least two retail uses?

22 You know the question I am asking,
23 right?

24 THE WITNESS: Right, yes.

25 It is debatable, so I think I want to

1 include it in the list of variances because the one
2 on the corner to the east is a retail facility, but
3 the one to the west, although it might have been
4 retail, I am not sure what it is. I couldn't
5 identify exactly what that use is, so I think on the
6 side of safety, let's just say we don't meet that
7 particular requirement and put it on the list.

8 COMMISSIONER GRANA: Okay. Thank you.

9 CHAIRMAN AIBEL: Any other Board
10 members?

11 Let me open it up to the public.

12 Anybody have questions for Mr. Ochab?

13 VICE CHAIR GREENE: Seeing no one, I
14 move to close the public portion.

15 CHAIRMAN AIBEL: Second?

16 COMMISSIONER MURPHY: Second.

17 CHAIRMAN AIBEL: All in favor?

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

20 MR. BURKE: Mr. Chairman, and Board, I
21 have no other witnesses. I will hold my remarks
22 until the conclusion.

23 CHAIRMAN AIBEL: Okay.

24 Let me open it up to the public. It's
25 time for comment.

1 Please come forward.

2 MR. GLEESON: Would you raise your
3 right hand?

4 Do you swear or affirm that the
5 testimony you are about to give is the truth, the
6 whole truth, and nothing but the truth?

7 MR. DWORZANSKI: Yes, I do.

8 MR. GLEESON: Can you state your full
9 name and spell your last name for the record,
10 please?

11 MR. DWORZANSKI: My name is Jeff
12 Dworzanski, D-w-o-r-z-a-n-s-k-i.

13 Good evening, everybody.

14 We live at 153, right next door to the
15 construction sites. We just want to express our
16 support for this project.

17 Two reasons: Mike from the start has
18 gotten -- expresses to be a very good neighbor, and
19 not just a business owner, but part of the
20 community, and he followed through so far. You
21 know, we have heard a lot of his plans. He has
22 always been forthcoming about how he is going to
23 mitigate the odor and the noise and things like
24 that, so he certainly lived up to that so far, and I
25 believe that he will moving forward.

1 Secondly: I think the overall project
2 is going to contribute to our neighborhood and our
3 community. It is really important to us. I live
4 with my wife, Paulette, and we have a three-year-old
5 at home, so we intend to stay there and raise him,
6 so it is really important that that block continues
7 to improve.

8 Right now it is apartments and a
9 school, and it's constant noise and traffic, so I
10 think a high quality business will provide some
11 stability and a really quality establishment, and we
12 think it looks amazing so far, and my son is very
13 excited about the lobster tank that's going to be
14 there --

15 (Laughter)

16 -- so we think it is going be a strong
17 and positive for our neighborhood.

18 CHAIRMAN AIBEL: Thank you very much.

19 Anybody else wish to comment?

20 Please come forward.

21 MR. GLEESON: Do you swear or affirm
22 that the testimony you are about to give is the
23 truth, the whole truth, and nothing but the truth?

24 MS. CHERUBINI: Yes.

25 MR. GLEESON: Can you please state your

1 full name and spell your last name for the record?

2 MS. CHERUBINI: Jacqueline Cherubini,
3 C-h-e-r-u-b, as in boy, i-n-i.

4 I am Jacqueline Cherubini, Executive
5 Director of the Hoboken Shelter, and I
6 wholeheartedly support this project.

7 As our neighbor has stated, Mike is a
8 great neighbor to the community. He really cares
9 about Hoboken, and he cares about the neighbors who
10 live across the street from them.

11 The entrance of the Hoboken Shelter is
12 on Third Street, so we see Mike and his crew every
13 single day, and because he makes himself available
14 and accessible and caring about each of our
15 community members, so the Hoboken Shelter
16 wholeheartedly supports this application.

17 Thank you.

18 CHAIRMAN AIBEL: Thanks very much.

19 Okay. Seeing no further hands, can I
20 have a motion?

21 COMMISSIONER MURPHY: Motion to close
22 the public portion.

23 COMMISSIONER GRANA: Second.

24 CHAIRMAN AIBEL: All in favor?

25 (All Board members answered in the

1 affirmative.)

2 CHAIRMAN AIBEL: Great.

3 Mr. Burke?

4 MR. BURKE: Mr. Chairman, and Board,
5 very briefly, the benefit of what Mike has already
6 done you have seen by the project and the quality
7 work that he does.

8 Also, the seafood industry is very
9 tricky and it's very difficult. He is very
10 qualified to provide the type of product and type of
11 sales and restaurant use that he wants to do. So
12 based on that, the relief being requested is very
13 minimal, and I would ask you to support the
14 application.

15 CHAIRMAN AIBEL: Thank you.

16 Board members, anybody want to kick
17 off?

18 Mr. Grana?

19 COMMISSIONER GRANA: I will kick it
20 off.

21 From what I could see, just some
22 thoughts. The rear yard impact appears minimal, and
23 there has been testimony to mitigate any
24 environmental externality, like you know, smell or I
25 think fish smells was the exact word that we used.

1 The restoration is obviously great, and
2 it's great for the block, and the additions appear
3 sensitive.

4 As far as 196-33, you know, there was
5 testimony from the planner that we may not have the
6 two required, although the block, at least in the
7 photographs, I admit, I am only looking at the
8 photographs, it looks like that there is an intent
9 that there be some retail uses on that block. I
10 mean, perhaps, it's opinion. So it seems to me, we
11 are really looking at Section B, which is the
12 addition to the second floor.

13 It is an existing use that seems to
14 enhance the neighborhood, and it is under the
15 thousand square feet in Section C of 196-33, so I
16 think I would support this.

17 CHAIRMAN AIBEL: Thank you.

18 Anybody else?

19 Diane?

20 COMMISSIONER MURPHY: I am in agreement
21 with the attorney --

22 CHAIRMAN AIBEL: With the Commissioner.

23 COMMISSIONER MURPHY: -- the
24 Commissioner.

25 (Laughter)

1 I think that the second floor is not
2 that big of a detriment. I feel that it is staying
3 within the thousand square feet, and my overall
4 sense is that this is a little bit of almost a
5 throw-back to what Hoboken used to have more of, and
6 we definitely need somebody that knows fish --

7 (Laughter)

8 -- and I don't see it as -- I see it as
9 an improvement to the neighborhood and to Hoboken
10 overall, so I would support it.

11 COMMISSIONER COHEN: I think it is a
12 great application. I mean, I wish the business
13 success. I think it sounds like a great business.

14 My kids went to school in the Rue
15 building for 15 years, and you know, we have sweet
16 on the one side, but there really aren't any
17 businesses with quality food establishments on the
18 other side of the building, and I think this will
19 definitely add to it. Long after this business has
20 come and gone, we are going to have a beautiful
21 building, where we had a really decrepit building
22 that was there.

23 I think the second floor is sort of a
24 common sense extension of what is already permitted
25 to be there on the first floor and the basement. I

1 think it is really an ancillary use. I don't see it
2 as a major lift. But what I do -- I just want to
3 commend the design that it is really a sensitive
4 addition. It is built in scale.

5 You know, I almost wish Commissioner
6 Fisher were here to see this, because she always
7 likes to talk about Hoboken's sensitive design. I
8 think this clearly is that. I think that is
9 probably part of applicant and his love for the
10 city, and he wants to fit into the neighborhood, but
11 she talks about it from time to time, and this is a
12 perfect example of that kind of construction, so I
13 commend the builder, and I commend the applicant. I
14 think this is a great application.

15 COMMISSIONER DE FUSCO: I have nothing
16 to add.

17 I think that, you know, overwhelmingly
18 this is a fantastic project. It is perfect for that
19 part of the community. It sort of adds
20 architecturally. It's kind of the poster child of
21 what I think we all agree we need more of in
22 Hoboken.

23 The only one question I do have,
24 probably more of an ask, is that the roof material,
25 is that a white/green roof or what's -- what's --

1 MR. BURKE: I will let Mr. Vandermark
2 answer that.

3 MR. VANDERMARK: We are proposing a
4 white EPDM roof.

5 COMMISSIONER DE FUSCO: With that, I
6 overwhelmingly support the application.

7 CHAIRMAN AIBEL: Great.

8 VICE CHAIR GREENE: Just one add is
9 that I have often said that Hoboken has lots and
10 lots of things, but we don't have a fish mongrel --

11 (Laughter)

12 -- so all other things being equal, I
13 think it is a terrific application.

14 CHAIRMAN AIBEL: All right.

15 Let me see if anyone wants to make a
16 motion.

17 COMMISSIONER COHEN: Motion to move the
18 application.

19 VICE CHAIR GREENE: Do we have any
20 conditions?

21 COMMISSIONER GRANA: Well, do we have
22 any conditions?

23 MR. GLEESON: Yes. We have a few
24 conditions.

25 Condition 1: Deliveries will occur

1 before eight a.m.

2 Condition 2: The applicant will go
3 before the Shade Tree Commission to install a street
4 tree.

5 Condition 3: The third floor will be
6 restricted to office space for use by the applicant
7 and will not be used for any other residential or
8 commercial use.

9 Condition 4: Garbage will be stored in
10 the climate controlled basement and removed daily.

11 Condition 5: The applicant shall
12 install a white EPDM roof.

13 COMMISSIONER MC ANUFF: Wasn't the
14 delivery before seven a.m.?

15 (Board members all talking at once.)

16 VICE CHAIR GREENE: But also the
17 lighting, the gooseneck lighting.

18 COMMISSIONER MC ANUFF: No. But the
19 time was before seven a.m., not before eight a.m.

20 MR. GLEESON: Do you want to add before
21 seven a.m.?

22 COMMISSIONER DE FUSCO: I think that is
23 probably a better condition. I mean, it is not
24 necessarily enforceable, but I mean, by eight
25 a.m. -- by 7:45, people are already on the move in

1 their cars.

2 VICE CHAIR GREENE: He already stated
3 he plans to open at 8:30, which means he has to have
4 deliveries well before that.

5 CHAIRMAN AIBEL: So it's seven a.m.

6 MR. GLEESON: Deliveries will occur
7 before seven a.m.

8 And what about the lighting?

9 MS. BANYRA: That the lighting will be
10 changed from gooseneck to something more
11 historically appropriate, and the architect will
12 submit that as part of the revised plans.

13 CHAIRMAN AIBEL: Okay.

14 Now we are ready for a motion.

15 COMMISSIONER COHEN: So I will make
16 that motion with the six conditions stated by
17 counsel, a motion to approve.

18 COMMISSIONER GRANA: Second.

19 MS. CARCONE: Commissioner Greene?

20 VICE CHAIR GREENE: Yes.

21 MS. CARCONE: Commissioner Cohen?

22 COMMISSIONER COHEN: Yes.

23 MS. CARCONE: Commissioner DeFusco?

24 COMMISSIONER DE FUSCO: Yes.

25 MS. CARCONE: Commissioner Grana?

1 COMMISSIONER GRANA: Yes.

2 MS. CARCONE: Commissioner Murphy?

3 COMMISSIONER MURPHY: Yes.

4 MS. CARCONE: Commissioner McAnuff?

5 COMMISSIONER MC ANUFF: Yes.

6 MS. CARCONE: Commissioner Aibel?

7 CHAIRMAN AIBEL: Yes.

8 MR. BURKE: Thank you.

9 CHAIRMAN AIBEL: Thank you, Mr. Burke.

10 Before we break, we are going to resume
11 with 307 Newark Street at 9:30.

12 (Recess taken)

13 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: 6/30/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 307 NEWARK STREET : SPECIAL MEETING
 BLOCK 2.1, LOTS 7 & 8 : June 24, 2014
 Applicant: Gold Coast Parking, LLC :
 Preliminary Site Plan and Variances : Tuesday 9:35 p.m.
 (Continued from 5/13/14) :
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
 Vice Chair Elliot H. Greene
 Commissioner Phil Cohen
 Commissioner Michael DeFusco
 Commissioner Antonio Grana
 Commissioner Diane Fitzmyer Murphy
 Commissioner Owen McAnuff
 Commissioner Richard Tremitedi

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

Eileen Banyra, Planning Consultant
 Jeffrey Marsden, PE, PP
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1 CHAIRMAN AIBEL: All right. It is
2 9:35. We are back on the record.

3 Mr. Matule, 307 Newark Street. It's a
4 continuation, but before we get there, why don't we
5 do some administrative business for 8-10-12
6 Paterson?

7 MR. MATULE: Yes, Mr. Chairman.

8 I expect, you know, this 307 to take a
9 little while, and I would think the Board would not
10 want to start a new application at 10:30 or so at
11 night. So I think it might be in everybody's best
12 interest if we carry it to -- I don't know how many
13 meetings you are having in July, or if you know that
14 yet, or if we can carry it to the 15th.

15 CHAIRMAN AIBEL: Pat, what do we have
16 on for the 15th?

17 MS. CARCONE: I'm sorry. I missed the
18 beginning of that.

19 We are carrying 8-10-12?

20 CHAIRMAN AIBEL: 8-10-12 to July 15th,
21 is that possible?

22 MS. CARCONE: July 15th, we have a
23 Special Meeting scheduled for the 22nd of July. We
24 have -- or we can do the alternative on the 29th of
25 July.

1 CHAIRMAN AIBEL: What's on the 15th?

2 MS. BANYRA: Excuse me.

3 Pat, what was on the 15th?

4 MS. CARCONE: The 15th right now, we
5 have 926 Garden. We have one other application
6 scheduled for 40 Willow, and then it would be
7 8-10-12 for the 15th, and then we will have a second
8 meeting in July.

9 MS. BANYRA: I mean, we should
10 hopefully be able to get through three applications,
11 don't you think, on the 15th?

12 Why don't we go for the 15th? I
13 mean --

14 CHAIRMAN AIBEL: I would be in favor of
15 that.

16 MS. BANYRA: 40 Willow is a small
17 application.

18 MS. CARCONE: It's a small roof deck.

19 MS. BANYRA: So 926 is a roof deck
20 and --

21 MR. MATULE: It's a fourth floor
22 addition.

23 MS. BANYRA: -- fourth floor, so I'm
24 thinking that those, you know, two --

25 MS. CARCONE: Plus 8-10-12.

1 MS. BANYRA: -- yes, please, 8-10-12, I
2 think we should do them on the 15th.

3 Does that sound okay?

4 MR. MATULE: Yes, I think so.

5 MS. BANYRA: Yes. I think that that is
6 a real possibility.

7 CHAIRMAN AIBEL: Actually let me just
8 throw this in. I am recused on 926, so I probably
9 would prefer to hear 8-10-12 first.

10 MR. MATULE: I don't think my client
11 would have any objections.

12 (Laughter)

13 MR. MATULE: I always leave the --

14 CHAIRMAN AIBEL: I am not sure that had
15 double entendre.

16 (Laughter)

17 MR. MATULE: -- I will always leave the
18 order of the agenda to the Chair.

19 CHAIRMAN AIBEL: Thank you.

20 Okay. So let's carry it without notice
21 to July 15th.

22 Do we have to waive notice, waive the
23 time?

24 MR. MATULE: I don't know if we do, but
25 I will.

1 MR. GALVIN: I appreciate that.

2 Thanks. I'm not sure.

3 MR. MATULE: I will waive the time
4 until July 15th.

5 CHAIRMAN AIBEL: Do we have a motion to
6 carry to July 15th --

7 MR. GALVIN: Without notice.

8 CHAIRMAN AIBEL: -- without notice?

9 COMMISSIONER GRANA: Motion to carry.

10 COMMISSIONER MURPHY: Motion.

11 CHAIRMAN AIBEL: Got a second?

12 COMMISSIONER MURPHY: Second.

13 CHAIRMAN AIBEL: Okay, Pat?

14 MS. CARCONE: Commissioner Greene?

15 VICE CHAIR GREENE: Yes.

16 MS. CARCONE: Commissioner Cohen?

17 COMMISSIONER COHEN: Yes.

18 MS. CARCONE: Commissioner DeFusco?

19 COMMISSIONER DE FUSCO: Yes.

20 MS. CARCONE: Commissioner Grana?

21 COMMISSIONER GRANA: Yes.

22 MS. CARCONE: Commissioner Murphy?

23 COMMISSIONER MURPHY: Yes.

24 MS. CARCONE: Commissioner McAnuff?

25 COMMISSIONER MC ANUFF: Yes.

1 MS. CARCONE: Commissioner Aibel?

2 CHAIRMAN AIBEL: Yes.

3 MR. MATULE: So if anybody here is on
4 8-10-12 Paterson Ave, it is carried to July 15th
5 with no further public notice.

6 Thank you.

7 CHAIRMAN AIBEL: Okay. Thank you.
8 307.

9 MR. MATULE: 307 Newark Street.

10 Good evening, Mr. Chairman.

11 Robert Matule appearing on behalf of
12 the applicant.

13 This is a continuation of a hearing.
14 We were here on May 13th, and we just put in our
15 architectural testimony.

16 Based upon comments received from the
17 Board and the Board professionals, there have been
18 revisions to the plans, which were submitted.

19 We could have Mr. Nastasi recalled just
20 briefly to go through the changes, and then we have
21 our traffic engineer and our planner to testify.

22 Last time we were here, Mr. Nastasi had
23 handouts for everyone. We collected them up. They
24 have been revised, and we are going to hand them out
25 again for the Board members.

1 I also understand there are a couple of
2 attorneys here on the matter representing contiguous
3 properties or properties owners within 200 feet, who
4 may wish to address the Board. I don't know if they
5 want to come up and do that before we start.

6 VICE CHAIR GREENE: Mr. Matule, can I
7 interrupt for a second?

8 MR. MATULE: Sure.

9 VICE CHAIR GREENE: Let me just state
10 for the record that I was not present at the last
11 hearing, but I did read the transcript and gave the
12 Board Secretary a certification to that effect.

13 COMMISSIONER COHEN: As I did.

14 MR. MATULE: Thank you, Mr. Cohen.

15 MR. GALVIN: Who else did?

16 COMMISSIONER TREMITIEDI: I did.

17 MR. GALVIN: Mr. Tremitedi, thank you.
18 That should be on the record.

19 COMMISSIONER TREMITIEDI: I liked your
20 comments, too, in the transcript,

21 MR. GALVIN: Oh.

22 COMMISSIONER TREMITIEDI: "Stop, stop,
23 stop," you said.

24 (Laughter)

25 COMMISSIONER COHEN: "One person at a

1 time."

2 COMMISSIONER TREMITIEDI: It was fun.

3 MR. MATULE: Just for the record, we
4 are handing out the revised booklets. We would
5 collect them up at the end of the meeting.

6 THE WITNESS: It depends.

7 (Laughter)

8 MR. GALVIN: You know, I am not so sure
9 you can do that. We probably don't want them, but
10 you better give me a legal argument why we can't
11 keep these.

12 MR. MATULE: I don't know if I am
13 prepared to do that, Counsellor. But the only thing
14 I request, if you throw them away, throw them back
15 at us.

16 MR. GALVIN: I was a little
17 disconcerted when we collected them the last time,
18 but everybody was cooperative and did it, so...

19 COMMISSIONER MC ANUFF: I didn't give
20 it back, because I wrote on mine.

21 MR. GALVIN: Well, you didn't give
22 yours back because you wrote on that one, so --

23 MR. MATULE: Okay.

24 Well, on that note, if we could have
25 Mr. Nastasi sworn.

1 MR. GALVIN: He is still under oath, so
2 please proceed.

3 J O H N N A S T A S I, having been previously
4 sworn, resumed the stand and testified further as
5 follows:

6 MR. MATULE: All right.

7 Mr. Nastasi, you previously testified
8 on the 13th with respect to the project at 307
9 Newark Street.

10 We have now submitted revised plans
11 with amendments based on some of the feedback from
12 the Board.

13 If you would, could you just go over
14 those amendments to supplement your testimony, and
15 as always, if we are going to refer to any exhibits,
16 we need to mark them.

17 THE WITNESS: Thank you very much.

18 So I think I would like to start with
19 the ground floor plan because a lot of issues that
20 were brought up by the Board reflect to the way the
21 facility functions at the ground floor.

22 In particular, Commissioner Branciforte
23 brought up a series of questions about bicycle
24 storage, garbage storage, and if you look at the
25 ground floor plan, which is Z-2, you will see the

1 things are toned in color. The things that are
2 toned in color are the things that I revised based
3 on the last meeting.

4 I can move this back, so that you can
5 see it.

6 I think the most important thing that
7 we touched on was that at the entry to the
8 residential building, we established bicycle storage
9 for 11 bicycles at the point of entry, so that with
10 the 11 proposed residential units, we now have at
11 the curb one bike per unit or essentially 11.

12 And then to complement that bicycle
13 storage, in the parking garage at the first level,
14 there is additional parking for eight bicycles
15 stacked two high, so another 16 bicycles on the
16 ground floor, and that is hatched in the light
17 purple.

18 We have also expanded at the request of
19 the Board a customer waiting area, so the customer
20 waiting area is now 140 square feet. It is covered
21 by the building, so if it is raining, you are
22 protected from the rain.

23 It is hard to get all of you with this
24 column here.

25 But if you look at the 140 foot square

1 foot customer waiting area at five square feet per
2 person, which is the building code, there is
3 essentially standing for 28 people, if 28 people
4 were actually waiting for their car at that time,
5 So we feel like we have provided ample waiting space
6 protected from the elements.

7 And then the other thing that we did on
8 the ground floor is, again, I think this was a
9 comment by Commissioner Branciforte, that we
10 provided -- we provided a protected area at the
11 entry of the garage with a very low planting area,
12 so that if a car were pulling out with these lower
13 planting areas and this skirt, somebody walking
14 along the face of the building, or if I quote
15 Commissioner Branciforte, "a kid on a Big Wheel"
16 can't be riding along the face of the building and
17 inadvertently come in contact with a car coming out
18 of the garage, so there is a buffer so people would
19 have to walk away from the face of the building.

20 In addition to that, on this revised
21 front elevation, I will talk about in a second, we
22 have now visual and audible devices coupled with
23 both planters, so I think we've reinforced the
24 buffer at the entry of the parking garage to make it
25 as pedestrian friendly as possible.

1 If I were to segua to the front facade,
2 Commissioner Fisher -- Commissioner Fisher asked a
3 series of questions about the limestone tone of this
4 facade in relationship to the three-acre Neumann
5 Leather complex, which this building is adjacent to,
6 and I explained to the Board that we would go back
7 to my studio and look at the facade.

8 After reworking some of the facade
9 proposals, we brought this revised scheme, which has
10 a red brick, very Neumann Leather brick,
11 industrial -- Hoboken brick, red brick front facade,
12 so that this building now has a screen of red brick
13 that I think will tie in with more of the industrial
14 esthetic of the Neumann Leather complex, and I think
15 it would be more in keeping with the material and
16 character of Hoboken.

17 MR. MATULE: Let me just interrupt one
18 second.

19 For the record, I will mark that A-3.

20 MR. GALVIN: Wait a minute. It
21 couldn't be A-3, right?

22 MS. CARCONE: Yeah

23 Well, A-2 was the old book of exhibits,
24 so are we marking the new one --

25 MR. GALVIN: The new book will be A-3.

1 MR. MATULE: Okay. Because I looked in
2 the transcript, and the old book was A-2.

3 MR. GALVIN: Right, but we have amended
4 it, so now it has to become A-3.

5 (Exhibit A-3 marked.)

6 MR. MATULE: So we will mark this A-4?

7 MR. GALVIN: Yes. Sorry about that.

8 But Pat might need that A-3, so --

9 MS. CARCONE: I have a set here.

10 MR. GALVIN: No. You may need the
11 little sticker.

12 MS. CARCONE: Oh, okay.

13 (Laughter)

14 No waste.

15 MR. GALVIN: Exactly. We're recycling
16 reminded here today.

17 MR. MATULE: A-4 is the new rendering.

18 (Exhibit A-4 marked.)

19 THE WITNESS: Then the last thing that
20 I would -- well, actually two more things is
21 Chairman Aibel asked me if I would go and measure
22 the buildings, the contiguous buildings. I don't
23 know if you remember asking me that, and we used our
24 laser measuring devices that we have in my studio,
25 and our building, our proposed building, has a

1 cornice of 79 feet six inches.

2 We went across the street to the
3 Jefferson Trust Building with lasers and measurement
4 devices, and we have the top of the brick parapet of
5 Jefferson is in fact 79 feet six inches, so our
6 building does match the Jefferson Trust Building.

7 The Jefferson Trust Building has an
8 upper penthouse, which goes up to 88 feet, and our
9 penthouse goes up to 92 feet, so our building is in
10 keeping 79-feet-six, the top of the cornice, and
11 then we are at 92, and Jefferson Trust is at 88.

12 And then also the 301 Newark Street
13 building has an 81-foot-six-inch cornice, so all of
14 these buildings, the contiguous buildings, our
15 proposed building, the Napa Auto Parts building, and
16 then the Jefferson Trust Building are all of the
17 same height with relationship to each other.

18 I do want to bring reference to a solar
19 diagram that I produced at the recommendation of
20 Chairman Aibel, and that can be seen in the back of
21 the book, two pages from the back. It is Z-11.

22 What we did here at the recommendation
23 of Commissioner Aibel is we show the building in
24 sections, and what we are looking at now is this
25 building from the side, if you're looking east

1 actually, and we are looking at it three times of
2 the year. The summer solstice, which gives you the
3 shortest shadow. The sun is highest in the sky.
4 The Equinox, which is the midpoint, and then
5 December 21st, which is the lowest, the winter
6 solstice, the shortest day of the year.

7 If we look at the worst condition,
8 which is always the winter solstice, the winter
9 solstice produces a shadow across the street on the
10 Jefferson Street Building approximately consuming
11 the first four stories of the Jefferson Trust
12 Building, which is kind of normative for a city, and
13 it is important to know that the Jefferson Trust
14 Building already has trees in front of its facade at
15 approximately 35 feet high.

16 So I would testify that the long shadow
17 of the winter really has a minimal impact on the
18 Jefferson Trust because the thick trees along Newark
19 Street there are already buffering that front facade
20 for the first three and a half stories.

21 (Witness and counsel confer)

22 THE WITNESS: Okay. I think that is
23 the summary of the changes based on the first
24 application.

25 CHAIRMAN AIBEL: Anybody have

1 questions?

2 COMMISSIONER COHEN: So I remember the
3 discussion you had with Commissioner Fisher about
4 the red brick. If I remember correctly, there was a
5 concern that you had about sort of maybe it was a
6 Disney vacation, where not having an authentic red
7 brick feel and trying to duplicate that feel in a
8 way that it didn't feel authentic. Maybe I am
9 mischaracterizing it.

10 THE WITNESS: I think if I were to
11 recall that conversation, there were actually two
12 conversations. The first conversation was red
13 brick, and I thought an entire red brick building
14 would get too heavy because there are 11 buildings
15 of Neumann Leather that are big hawking red brick
16 buildings.

17 So what we proposed here was a red
18 brick front screen, a three bay system. The first
19 five feet of the building are in red brick, and then
20 as the building steps back, it lightens up, and I
21 think that keeps the building from getting too
22 heavy.

23 The second conversation was really
24 about sticking things on the building in a fake
25 historic way, and I think that didn't really have

1 anything to do with the fact that the building is
2 red brick or limestone color, but it more had to do
3 with keeping this industrial esthetic and not trying
4 to make things look like a row house, even though
5 it's a big industrial building.

6 COMMISSIONER COHEN: Okay.

7 Thanks. I just wanted your comments on
8 that.

9 CHAIRMAN AIBEL: Any other questions,
10 Commissioners?

11 COMMISSIONER MC ANUFF: I have a
12 question.

13 What are the panels in the three bays,
14 what is the material?

15 THE WITNESS: These are red brick, and
16 then these will be red terracotta panels, which are
17 made from the same material as the brick.

18 COMMISSIONER MC ANUFF: Okay.

19 CHAIRMAN AIBEL: Anything else?

20 MS. BANYRA: I have a question.

21 Mr. Nastasi, are you assuming that
22 there will be a building on to that white side, that
23 light side?

24 You know, I guess that is what sticks
25 out to me. I don't want it necessarily red brick,

1 but it just seems so striking in terms of -- and I
2 am assuming that you may be assuming there is going
3 to be a building there, and I guess at this point we
4 don't know if there will be a building height change
5 there, so I am just wondering in terms of relative
6 to Neumann, if that being one of your buildings or
7 one of your pictures, you show the context of it,
8 and it is just such a strikingly different side wall
9 looking, I guess, east from some of the buildings
10 coming up that street --

11 THE WITNESS: It is on Page 4.

12 MS. BANYRA: -- okay. Great.

13 So maybe you could just discuss that.

14 THE WITNESS: Our assumption is that
15 since this is currently the systems group, which is
16 part of the Neumann Leather complex --

17 MS. BANYRA: Right.

18 THE WITNESS: -- and this building is
19 an anomalous building. It is a two-story warehouse
20 building. Our assumption is that this was going to
21 probably be part of the master plan of Neumann
22 Leather and probably be a higher building to match
23 the character of Newark Street.

24 MS. BANYRA: Okay.

25 THE WITNESS: If, in fact, this

1 building stays a two-story building, which I can't
2 imagine it will, but the plan is being done by the
3 city, then we would consider either a red brick or a
4 stucco to match.

5 MS. BANYRA: Okay.

6 Then my second question is: Can that
7 building down below that actually support a
8 higher -- something on that two-story brick
9 building, or would that totally be knocked down?

10 THE WITNESS: I would imagine -- I am
11 in this building all of the time. I would imagine
12 if you're building three or four stories on top of
13 that, this would probably be a new structure with
14 piles and a foundation being put in there.

15 MS. BANYRA: Okay. Thank you.

16 I have no further questions.

17 CHAIRMAN AIBEL: Anything else,
18 Professionals?

19 Okay. Let me open up to the public.
20 Anybody have questions for the architect?

21 CHAIRMAN AIBEL: Okay, seeing none.

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

24 COMMISSIONER MURPHY: Second.

25 CHAIRMAN AIBEL: All in favor?

1 (All Board members answered in the
2 affirmative.)

3 MR. MATULE: Okay. Mr. Staigar.

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. STAIGAR: Yes, I do.

9 J O S E P H S T A I G A R, having been duly sworn,
10 testified as follows:

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

13 THE WITNESS: My name is Joseph
14 Staigar, S-t-a-r-i-g-a-r.

15 MR. GALVIN: Mr. Chairman, do we accept
16 Mr. Staigar's credentials as a traffic expert?

17 CHAIRMAN AIBEL: Yes, we do.

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

19 MR. GALVIN: You may proceed.

20 MR. MATULE: Mr. Staigar, you prepared
21 a traffic study for the original application on this
22 matter, did you not?

23 THE WITNESS: Yes, I did.

24 MR. MATULE: And you prepared a new
25 study, dated June 4th, 2014, to reflect the amended

1 plan that is presently before the Board?

2 THE WITNESS: Yes.

3 MR. MATULE: Could you give the Board
4 the benefit of your findings in your report and your
5 professional opinion regarding the traffic
6 generated, and I am sure you would do so in any
7 event, but I particularly would like you to discuss
8 it in the context of the existing approvals for the
9 larger parking garage.

10 THE WITNESS: Yes.

11 The format of the traffic report mimics
12 what the original report was.

13 We went out, and we took traffic counts
14 back in then in 2011, April of 2011, and we more
15 recently went out this past May, particularly May
16 20th, 2014, at the intersection of Newark Street and
17 Willow Avenue.

18 Traffic volumes have not changed much
19 since 2011. We have about 550 to about 600 vehicles
20 per hour during the a.m. and p.m. peak hours. Those
21 occur between 7:45 and 8:45 a.m., and five to six
22 p.m.

23 The second aspect of the traffic report
24 deals with the amount of traffic that would be
25 generated by the proposal, and the biggest

1 reflection is the fact that there is a reduction in
2 the traffic generation characteristics of the
3 proposed site.

4 The original proposal had a total of
5 400 -- and the approved application back then for
6 the approved project had a total of 487 parking
7 spaces. Now, those 487 parking spaces were allotted
8 for 119 apartments, Jefferson Trust and the other
9 residential building, and there was 377 public
10 spaces, parking spaces in the approved building.

11 This has been reduced to accommodate
12 the same 119 apartments that are off site, parking
13 for the 119 Jefferson Trust and so forth, plus the
14 14 apartments that are proposed in this building
15 that is proposed, for a total of 133 apartments. So
16 parking spaces will be allotted for 133 apartments,
17 plus 80 public spaces.

18 Now, there might be some changes to the
19 first floor, that that 80 may vary from 80 to 86,
20 but the main point is that the proposal is reducing
21 the number of parking spaces in the order of about
22 284 spaces.

23 The previous application was approved
24 for 487. The current application has about 203
25 parking spaces, so there is a reduction of 287

1 parking spaces. That alone in itself will result in
2 less traffic activity generated by the site.

3 We had taken back in the 2011 study, we
4 had taken counts at other public parking lots in and
5 around the area on Park Avenue and elsewhere, and we
6 came up with trip generation rates. We sat at the
7 driveways and counted cars coming in and cars coming
8 out. We knew how many public spaces were in each of
9 the parking lots.

10 The bottom line is when we compare what
11 is being proposed to what was approved previously,
12 there is a reduction of 31 trips in the morning peak
13 hour generated by the site as compared to the
14 previous approval, and 19 trips during the p.m. peak
15 hour in the afternoon, so the end result is that
16 this will have less intensive trip generation and
17 traffic activities associated with it.

18 Nonetheless, the intersection of Newark
19 and Willow operates at a Level of Service B and C
20 during the morning and evening peak hours, so we
21 have good levels of service. There's no congestion.

22 I was again out there tonight before
23 the hearing during the peak hours between 4:30 and
24 six o'clock p.m., and it operates very well at that
25 intersection. So the end result is this proposal

1 will have no impact, will have less of a potential
2 impact than what was already previously approved by
3 this Board.

4 MR. MATULE: Just for the record, Mr.
5 Staigar, in your testimony you said 119 spaces, but
6 it is actually 109 spaces.

7 THE WITNESS: 119 apartments.

8 MR. MATULE: Well, there are nine
9 spaces allocated for 89 Willow Avenue, a hundred
10 spaces for Jefferson Trust, and 14 for the new
11 residential, so that totals 123, and plus the 80 for
12 the public is where we come up with our 203.

13 THE WITNESS: Right.

14 MR. MATULE: I just want to have the
15 math right for the record.

16 THE WITNESS: At that point we're
17 actually comparing apples and oranges because 123
18 spaces are pointed to 133 apartments, because we
19 have 109 off site and 14 --

20 MR. MATULE: You were combining the two
21 figures?

22 THE WITNESS: -- the two figures, and I
23 was getting the trip generation of the apartments
24 that would be going in and out as opposed to spaces.

25 MR. MATULE: Thank you.

1 I just didn't want to --

2 MR. GALVIN: What was the nine?

3 MR. MATULE: Nine is for 83 Willow --

4 I'm sorry. Let me just get this right.

5 89 Willow, pursuant to prior agreement

6 between the former property owners.

7 MR. GALVIN: Okay.

8 MR. MATULE: Okay. That is all I have

9 for Mr. Staigar.

10 CHAIRMAN AIBEL: Board members, any

11 questions?

12 COMMISSIONER GRANA: I have a question,

13 and I will also try to get the math right.

14 THE WITNESS: Okay.

15 COMMISSIONER GRANA: So because of the

16 prior agreements, there needs to be parking for 119

17 units, okay?

18 Is it fair to say --

19 VICE CHAIR GREENE: Wait.

20 MR. MATULE: No, I am not agreeing.

21 109 spaces.

22 VICE CHAIR GREENE: That's where the

23 confusion is.

24 THE WITNESS: For 119 units.

25 MR. MATULE: I don't know where the 119

1 units is coming from.

2 There is a hundred spaces for Jefferson
3 Trust, nine spaces for 89 Willow --

4 COMMISSIONER GRANA: 109.

5 MR. MATULE: -- and 14 spaces for the
6 proposed new 14 residential dwelling units.

7 COMMISSIONER GRANA: Okay.

8 So for 109 --

9 MR. MATULE: Yes.

10 COMMISSIONER GRANA: -- is the current
11 use on that land right now to park cars for 109
12 units?

13 MR. MATULE: No.

14 COMMISSIONER GRANA: Okay.

15 MR. MATULE: What is happening right
16 now is there is parking on that site. There is
17 parking on 81-83 Willow --

18 COMMISSIONER GRANA: Okay.

19 MR. MATULE: -- which was, once again,
20 part of the whole underlying group, and then there
21 is parking dispersed around the different municipal
22 garages on a temporary basis, as a result of several
23 court orders and agreements between Jefferson Trust
24 and the respective owners of these properties.

25 COMMISSIONER GRANA: Okay.

1 MR. MATULE: And what my understanding
2 is, and I am sure some of the counsel in the room
3 bringing this up before the Board, is that when this
4 garage goes up, and the 100 parking spaces are
5 allocated to Jefferson Trust, it is at least my
6 understanding of all of these agreements and court
7 orders, that then all of those other obligations
8 will go away, and everything will be concentrated
9 back on this site.

10 That is as I understand it, so of our
11 203 spaces, 100 of them are going to be for the
12 people across the street at Jefferson Trust.

13 COMMISSIONER GRANA: Okay.

14 Does that potentially relieve parking
15 pressure elsewhere, because the parking is now
16 dispersed into other municipal sites?

17 THE WITNESS: Well, those existing
18 units currently are parking partially near the site
19 or on the site and elsewhere.

20 So when this building is built, and now
21 the parking is in place there, yes, it will
22 alleviate the parking demand elsewhere.

23 COMMISSIONER GRANA: I was just trying
24 to gauge, you know, if it was all in the same area,
25 that the delta, if I could use that word, is we are

1 adding in effect 94 spaces. I mean, we are adding
2 14, plus 80 for the public.

3 THE WITNESS: Correct, yes, a good way
4 of looking at it, yes.

5 COMMISSIONER GRANA: You're adding 94
6 spaces?

7 MR. MATULE: Mr. Nastasi might be able
8 to shed more light on this.

9 MR. NASTASI: I have here based on
10 different scenarios for handicapped parking
11 pertaining to the handicapped vans the most
12 up-to-date, which is this plan, which I can
13 distribute, which actually gives a better
14 handicapped layout and increases the building to 209
15 spaces total, so the additional spaces are even
16 more, so I would say 209 is the total number based
17 on this handicapped layout.

18 COMMISSIONER GRANA: I was really just
19 trying -- I was really just trying to gauge the
20 additional impact. That is all it was that I was
21 trying to do.

22 MR. MATULE: So, Mr. Nastasi, while you
23 are up here then, in effect, then instead of having
24 80 spaces available to the public, you will now have
25 86 spaces?

1 MR. NASTASI: Yes.

2 MR. MATULE: Thank you.

3 COMMISSIONER GRANA: Thank you.

4 MR. MATULE: Who is on first?

5 (Laughter)

6 MR. GALVIN: I don't know.

7 VICE CHAIR GREENE: I have a question
8 for the traffic engineer.

9 Did I hear you testify that during rush
10 hour, there is no congestion on the intersection of
11 Willow and Newark?

12 THE WITNESS: I didn't see any undue
13 congestion. When I say that, that people are
14 waiting for over a minute or more or 60 seconds or
15 more to try to get through that intersection.

16 VICE CHAIR GREENE: What about the
17 intersection of Observer and Willow?

18 THE WITNESS: Yes. That becomes more
19 problematic, but this driveway will be located on
20 Newark Street, such that you will have good
21 dispersion. Newark Street at that location is a
22 two-way location, so you can go east or west, and
23 then you don't have to necessarily utilize the
24 intersection of Willow and Observer.

25 VICE CHAIR GREENE: So when they come

1 out of the garage, they can make a left or a right,
2 then can cross traffic and make a left, or they can
3 make a right and go east?

4 THE WITNESS: Correct.

5 VICE CHAIR GREENE: Is that problematic
6 for them to go west?

7 Does that become somehow hazardous,
8 because there is westbound traffic, and they are
9 crossing into it?

10 THE WITNESS: No. Making a left turn
11 out of the driveway, no. There's clear visibility.
12 That roadway is straight as an arrow. It's flat,
13 and you have good visibility at that location. You
14 wait for a gap in traffic and make a left turn out.

15 It operates, and we ran the analysis,
16 it operates at a Level of Service B, which is a good
17 level of service also.

18 VICE CHAIR GREENE: Thank you.

19 THE WITNESS: You are welcome.

20 CHAIRMAN AIBEL: Anybody,
21 Commissioners?

22 I think I opened it up to the public,
23 but I will ask again: Anybody have questions for
24 the traffic engineer?

25 Seeing none.

1 COMMISSIONER MC ANUFF: Motion to
2 close.

3 MR. MATULE: Thank you.

4 CHAIRMAN AIBEL: Second?

5 COMMISSIONER GRANA: Second.

6 CHAIRMAN AIBEL: All in favor?

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

9 MR. SELTZER: I had no questions of the
10 traffic engineer, but I want to make public comments
11 on behalf of my client.

12 MR. GALVIN: We are not done yet. You
13 are fine.

14 MR. MATULE: Mr. Ochab.

15 MR. GALVIN: Wait a minute. Time out.

16 MR. MARSDEN: I have one question for
17 Mr. Staigar. I'm sorry about that.

18 Did you look at the cue lights and how
19 far back the traffic backs up for those 60 seconds,
20 and will that allow vehicles to come out of the
21 driveway without causing a congestion problem?

22 THE WITNESS: Did I observe -- no, I
23 didn't take note. I sat there for over an hour just
24 to see if it extended beyond. I didn't count cars,
25 but I didn't see any undue congestion.

1 When I say that, that appeared to me
2 that people would be waiting more than 60 seconds in
3 order to make a maneuver through the intersection.

4 MR. MARSDEN: But will they back up
5 beyond your driveway?

6 THE WITNESS: They very well could be.
7 We are not too far from the intersection itself. I
8 was going to get a measurement from the intersection
9 itself to the driveway, and then I can give a car
10 length distance.

11 (Counsel and witness confer.)

12 THE WITNESS: You have about 120. You
13 have about six car lengths from the intersection to
14 the driveway.

15 MR. MARSDEN: Was it your observation
16 that they do cue behind past the intersection -- I
17 mean, past the driveway?

18 THE WITNESS: Momentarily, I did not
19 see it being a product of congestion. I didn't see
20 six car lengths or more many times.

21 MR. MARSDEN: But it does occasionally?

22 THE WITNESS: Yes, it does.

23 MR. GALVIN: Anything else?

24 MR. MARSDEN: No.

25 CHAIRMAN AIBEL: Okay.

1 (Witness excused)

2 CHAIRMAN AIBEL: Mr. Ochab?

3 MR. GALVIN: Raise your right hand

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

7 MR. OCHAB: I do.

8 K E N N E T H O C H A B, AICP, PP, having been
9 duly sworn, testified as follows:

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

12 THE WITNESS: Ken Ochab. That's
13 O-c-h-a-b.

14 MR. GALVIN: It didn't change.

15 (Laughter)

16 Do we accept Mr. Ochab's credentials?

17 CHAIRMAN AIBEL: We do.

18 MR. GALVIN: All right. You may
19 proceed.

20 MR. MATULE: Thank you.

21 MR. GALVIN: He's got it pretty easy,
22 too. He only has a couple of letters there. It is
23 not too bad.

24 MR. MATULE: Mr. Ochab, you are
25 familiar with the zoning ordinance and the master

1 plan of the City of Hoboken?

2 THE WITNESS: Yes, I am.

3 MR. MATULE: And, in fact, you were the
4 planner for the prior application before this Board
5 for the parking garage --

6 THE WITNESS: I was.

7 MR. MATULE: -- at this site?

8 THE WITNESS: Yes.

9 MR. MATULE: And you have prepared a
10 report, dated April 23rd, 2014, based on the new
11 configuration that is currently before the Board?

12 THE WITNESS: I did, yes.

13 MR. MATULE: Could you please go
14 through your report for the Board and give us your
15 professional opinion regarding the requested
16 variances, and whether or not they could be
17 supported as required under the Municipal Land Use
18 Law?

19 THE WITNESS: First, let's just go
20 through the photographs.

21 MR. MATULE: I guess that would be A-5.

22 (Exhibit A-5 marked)

23 MR. MATULE: Just one?

24 THE WITNESS: Yes.

25 MR. MATULE: Thank you.

1 THE WITNESS: So I have four
2 photographs mounted on the board. The upper left
3 photograph is a photograph of the site in question
4 as it exists today.

5 Minor gate fencing, access off Newark
6 Street with the Neumann Leather building to the
7 background.

8 The upper right photograph is a
9 photograph taken from Willow looking west, so it is
10 actually showing 301, what was 301, which is now
11 vacant, and our site just beyond that, and then,
12 again, the Neumann Leather buildings behind that in
13 the background.

14 To the right of that photograph shows
15 the edge of the Jefferson Trust Building on the
16 north side of Newark Street, and then just beyond
17 that another six-story building, residential
18 building, beyond that on Newark Street as well.

19 The lower photograph is taken from
20 Newark Street looking again at our site in the
21 foreground, 301 Newark on the corner of the left of
22 the photograph, and then a residential development,
23 not actually on Willow, but the next street over.
24 Willow is the DPW yard, which of course, has no
25 buildings on it.

1 Then the lower right photograph is
2 directly across from the site showing the Jefferson
3 Trust Building, the trees that John had referred to
4 earlier. Obviously it is springtime, and then the
5 Jefferson Trust Building, which is 80 stories in
6 height, so within that context we have several
7 variances.

8 We have a use here, which is unique,
9 because we have a parking garage --

10 (Mr. Galvin sneezes.)

11 COMMISSIONER GRANA: God bless you.

12 MR. GALVIN: Thank you.

13 THE WITNESS: -- which is actually a
14 permitted use in the I-2 Zone here, so we have a
15 parking garage, which is a permitted use in the I-2
16 zone, and we have a proposed residential
17 development, 14 units, which are not permitted in
18 the I-2 zone.

19 So we have a use variance for the
20 residential use --

21 (Mr. Galvin sneezes.)

22 CHAIRMAN AIBEL: Bless you.

23 COMMISSIONER GRANA: God bless you.

24 COMMISSIONER MURPHY: God bless you.

25 MR. GALVIN: Thank you.

1 THE WITNESS: -- not for the garage
2 use -- which my mother said it must be true, so --

3 MR. GALVIN: Thank you.

4 (Laughter)

5 THE WITNESS: -- so we have a use
6 variance for that particular use. And because we
7 are in the I-2 zone, we have to go generally by the
8 I-2 standards with respect to other variances, so we
9 have a height variance, because in the I-2 zone only
10 two-story buildings are permitted, and we have a FAR
11 variance because, again, with the I-2 zone, the
12 maximum FAR, which is governed for industrial
13 buildings is 1.25, and we are proposing 6.65, so
14 these are the three D variances that are involved
15 with this application,

16 We have some bulk variances. We have a
17 lot coverage variance for a hundred percent versus
18 less than a hundred percent, 60 percent, and then
19 the side yard, rear yard, yard variances since the
20 parking garage structure will cover the entire
21 parcel of land.

22 So within this context and having in
23 mind the special reasons with respect to the D-1,
24 particularly the suitable criteria of the D-1
25 variance, and also the relationship of that variance

1 to the master plan, this is Medici, which the
2 residential use is not inherently beneficial, so we
3 need to discuss these types of issues, and I think
4 there are several reasons that can support the
5 proposed residential use here.

6 One: If you look at the zoning map,
7 the zoning map splits Newark Street in the middle.
8 South of Newark Street we had the I-2 district, and
9 north of Newark Street we are in the R-3 district,
10 and the result of that is basically this:

11 We have on the north side Jefferson
12 Trust, and on the south side basically industrial,
13 old industrial buildings.

14 So we also know that on 301, there was
15 recent approvals for a seven-story building, 15
16 residential units, parking included, and so we have
17 established, if you will, a benchmark on the south
18 side of the street that is residential.

19 This site is in the I-2 zone as well,
20 and it is on the corner of Willow and Newark.

21 So one of the planning principles here
22 is to not split, have this kind of a split zone
23 effect, where you have totally diametrical uses on
24 each side of the street. You have residential on
25 the north side, and potentially industrial on the

1 south side. This is really not good planning per se
2 when you are dealing with the makeup of the zoning
3 plan, and what the residential development does here
4 is essentially it acts as a transition.

5 First of all, it sets up a street
6 scape, if you will, at least on the corner and the
7 property next to the corner, it sets up a street
8 scape, so you can have residential on both sides.
9 These are obviously compatible developments. They
10 have the same height. They have architecturally
11 unique features for each building, so each building
12 on both sides of Newark Street will now reflect each
13 other. We no longer have diametrically opposed land
14 uses with respect to the zoned plan.

15 Secondly, to an extent that this
16 residential area will act as a transition area, I
17 think that is exactly what will happen. At the
18 front properties along Newark Street, this one
19 included, will, in my view, either now or in the
20 future essentially act as a transition between the
21 Newark Street residential development and whatever
22 occurs on Neumann Leather. We don't know what that
23 is right now. We do know that there are things
24 happening, but we don't know exactly what.

25 My view would be that within this small

1 landscape here, that the residential component of
2 this building acts to support and acts as transition
3 between the residential, exclusive residential to
4 the north and the exclusive industrial appearance
5 and visual perspective to the south, so it acts as a
6 transition with respect to that.

7 I mentioned that because I also know
8 that, for instance, we did 89 Willow. That was my
9 first project ever in Hoboken. Thank you. And we
10 also know that we have 81 Willow, and 81 Willow is,
11 I will say more than likely to be residential
12 because that is part of the Jefferson Trust system
13 of properties.

14 Then we have the DPW redevelopment
15 area, which again supports residential. We don't
16 again know exactly what that is going to be, but it
17 certainly is going to be residential because it is
18 proposing eight to 12-story buildings, so we will
19 have residential here.

20 So this little corner here is basically
21 more suited to residential development. With
22 respect to parking, we need to have the parking, of
23 course, and the parking is a good thing with respect
24 to special reasons, because it not only takes care
25 of Jefferson Trust, but it also provides 80

1 additional off-street parking for the public.

2 But as a transition area, I think the
3 residential here is ideally suited and particularly
4 suited on this property to act as a transition and
5 also to face Jefferson Street, not to face Neumann.

6 If you look at the architectural, the
7 back of the building is nicely designed, but the
8 face of it is on Newark Street, and I think that is
9 what the traditional concept of planning here on
10 Newark Street has been and should continue to be.
11 Whatever happens to Neumann Leather will happen.
12 The master plan talks about Neumann Leather.

13 It doesn't really talk about the
14 property in question here or the corner, although
15 they just happen to be included in the discussion
16 because they are within the same zoning block,
17 zoning district, and the tax block, so these two
18 properties are always included in their discussion.

19 Now, the latest 2010 master plan
20 revision discusses Neumann Leather. Basically it
21 was -- it went from I-2 to B-3 in the old master
22 plan to generate use, other use, and then after the
23 major housing project was denied back to I-2 with
24 the provision, and I quote, it says: "For the
25 present time." So it is back to I-2 for the present

1 time, but clearly something will happen here. But
2 whatever happens on these two properties will not
3 govern what happens on Neumann Leather.

4 Neumann Leather is a three acre huge
5 dog, and these two properties, particularly this
6 one, is the little tail on that dog, so whatever
7 happens here will not affect Neumann Leather.

8 So I am really pretty confident about
9 the fact that this is a good plan for this property,
10 because it does relate directly to the corner. It
11 faces Jefferson, and it can certainly relate back to
12 Neumann in whatever configuration Neumann Leather
13 ultimately results in.

14 As far as the height is concerned, Mr.
15 Nastasi did a great job in showing you that the
16 height of the building matches the height of 301.
17 It matches the height of Jefferson Trust, and
18 clearly, I am going to say this for the industrial
19 zone with respect to the height -- building height
20 and with respect to the FAR, that their criteria,
21 which assumes there is industrial development,
22 manufacturing, warehousing and the like, this is
23 obviously not the proper set of criteria to use when
24 you are talking about a different land use,
25 residential land use and parking per se.

1 So with respect to that building height
2 and FAR, again, we are using the Coventry criteria
3 to show that the height can be accommodated. The
4 FAR can be accommodated, and the problems associated
5 with that can be accommodated.

6 So with respect to impact, again, we
7 are not impacting any portion of Neumann Leather.
8 There is only a minor impact on the traffic as was
9 described by Mr. Staigar and, again, with respect to
10 the visual perception, again, that building that we
11 are showing matches the street scape along Neumann
12 Leather as well as it relates well to Jefferson
13 Trust. So I feel that the Coventry criteria,
14 whether it's Grasso or Randolph in the case of the
15 FAR would be met with respect to that.

16 As far as the coverage requirement is
17 concerned, the old plan had a hundred percent
18 coverage. It is again a site where the open space
19 is met particularly on the residential side with
20 terraces and open areas within the building, and not
21 exterior to the building.

22 I think that this is sufficient to have
23 that as opposed to on the ground open space, which
24 at the present time does nothing for the block
25 because of the confusion of buildings and the

1 relationship of the Neumann Leather buildings, so I
2 think that is sufficient as well as the side yard,
3 front yard and rear yard exceptions.

4 So with respect to the negative
5 criteria, it would be my view that there would be no
6 substantial detriment. The impact is minor to be
7 sure, some shading across Newark Street at one time
8 of the year, but that in my view would not be
9 substantial.

10 And with respect to the relationship or
11 the impact on the zone plan and the zoning
12 ordinance, here again, I think we do have to
13 consider that eventually this whole area is going to
14 change. It is not going to be industrial, and maybe
15 this is just a precursor of what that is going to
16 be, but certainly I don't think we have to view this
17 as an ironclad zone, which will remain in place for
18 a number of years because clearly it is going to be
19 changing.

20 So, Mr. Chairman, that is it for now.
21 I will be happy to answer your questions.

22 CHAIRMAN AIBEL: Thank you.

23 MR. MATULE: Thank you, Mr. Ochab.

24 VICE CHAIR GREENE: Mr. Ochab, we often
25 hear in yours and other planners' testimonies about

1 how the proposed development compares to the
2 existing condition.

3 Well, in this case while it is not an
4 existing condition, it is an approved condition that
5 could be built. So how is this proposed development
6 better than the proposed development with the
7 existing variances that were approved here a few
8 years ago?

9 THE WITNESS: Well, of course, the
10 difference is adding the residential component to
11 the building, and I feel that because of, again, the
12 way the street sets up with Jefferson Trust
13 occupying the entire block on the north side of the
14 street from Clinton to Willow, that having a
15 building, which is just simply a parking garage and
16 nothing more than that, is not really compatible
17 with the Jefferson Trust Building, which, again, is
18 eight stories, and they're looking at each
19 essentially.

20 Adding the residential area softens
21 that and makes it more compatible, and then, as I
22 said, acts as that transition back to whatever the
23 industrial will be.

24 VICE CHAIR GREENE: Okay. Thank you.

25 CHAIRMAN AIBEL: Can I just follow

1 along?

2 COMMISSIONER GRANA: Sure.

3 CHAIRMAN AIBEL: I guess where I
4 thought Mr. Greene was going was our original
5 approvals provided for 487 parking spots, and as I
6 am doing the math, we are now going to be providing
7 378 parking spots to the public, so how is that a
8 benefit to the public?

9 THE WITNESS: 300 and --

10 MR. MATULE: 209.

11 VICE CHAIR GREENE: You're only
12 providing 86 public spaces --

13 CHAIRMAN AIBEL: My apologies. I
14 misspoke.

15 We approved 487, and as I heard the
16 math, 109 were dedicated to Jefferson Trust and
17 other uses, which left in 2011 under the original
18 approvals, 378 spots available to the public, and we
19 are now down to 86 spots for the public, so I'm
20 having --

21 MR. GALVIN: 88.

22 CHAIRMAN AIBEL: -- am I right?

23 MR. GALVIN: Isn't it 80?

24 MR. MATULE: No, 86, because the 14 for
25 the residential, so I mean, depending on which

1 category you want to put them in, there is either a
2 hundred available to the public or there's 86
3 available to the public.

4 CHAIRMAN AIBEL: To get to 378, so I am
5 having trouble reconciling how that is a benefit to
6 the public.

7 THE WITNESS: Well, I think the initial
8 proposal for the 387 -- whatever it was --

9 CHAIRMAN AIBEL: 487.

10 THE WITNESS: -- 487, thank you, was
11 very ambitious.

12 And notwithstanding that, although it
13 was a permitted use, it is not as good as adding the
14 one component to that building that will make it
15 more compatible with the adjacent zone and adjacent
16 uses and still provide 80 off-street parking spaces
17 for the public.

18 That is still quite a good number with
19 respect to what is here currently, knowing that
20 Neumann is going to come and hopefully DPW is going
21 to come, and there will be additional opportunities
22 for public off-street parking there as well.

23 CHAIRMAN AIBEL: Or this could serve as
24 a wonderful parking component for whatever happens
25 with Neumann Leather.

1 THE WITNESS: Well, it is hard to
2 predict what will happen with Neumann Leather.
3 Maybe that is true, but maybe not, because again,
4 this is at sort of the tail end of Neumann.

5 Again, we are speculating a whole lot
6 here, but I would anticipate that if you are going
7 to do parking for Neumann, you want it to be
8 centrally located within the Neumann complex and
9 have better access in out of Newark -- out of
10 Neumann Leather to Observer Highway than just on
11 Newark Street.

12 CHAIRMAN AIBEL: Mr. Grana?

13 COMMISSIONER GRANA: In the 2010
14 reexamination, the zoning was with the I-2, so it
15 was industrial use, or actually I won't even -- I'll
16 just -- we all know what is in the I-2, so I won't
17 quote that.

18 You talked about the split, which is
19 not necessarily good planning that Newark Street
20 creates, and this is in effect to be more compatible
21 with the residential zoning that's across the street
22 is what I heard.

23 Do you think if the -- in a city like
24 Hoboken, if that industrial use is desired in this
25 the zone, that it is possible to have a wide

1 transition of separations of zones?

2 Do you think it is possible, in a much
3 more less dense area, where we would actually
4 separate these uses, that may or may not be -- do
5 you think that is possible in Hoboken, and that
6 intent was actually to keep this area industrial and
7 not residential as is across the street?

8 THE WITNESS: That's a good question.

9 There's actually two responses. One is
10 that in a suburban setting, you would set up an
11 actual buffer, a green belt, if you will, that would
12 actually separate these. That is not possible in
13 any urban setting that I am aware of because there's
14 not a lot of land available.

15 The second question is I think what you
16 are asking is what is the actual viability of the
17 industrial zone as industrial, and I have actually
18 answered that several times when we had other
19 applications in the I-2 zone, which is basically
20 that the I-2 zone is essentially, as a zone,
21 obsolete, because it allows, if I am recalling
22 correctly, food, manufacturing, processing,
23 warehousing, and some other related uses, but those
24 are the three or four principal uses, including
25 public parking garages and the like. But as a core

1 group, the industrial group, it is basically an
2 obsolete zone, the industrial -- the evolution of
3 the industrial complex in the northeast has drifted
4 away from the urban areas, where it needed to be
5 close to the ports and close to the rail yards, it
6 is now everywhere else.

7 MR. GALVIN: Let me just follow up on
8 Mr. Grana's point.

9 You started to answer it, and then you
10 kind of drifted. You are allowed to give us the
11 testimony that you want to give us, but he was
12 asking you under what circumstances, how would we --
13 you're assuming we don't want any industrial
14 whatsoever. I don't think that that is a correct
15 thought, and so if we want to keep some uses that
16 may not be residential, how are we going to separate
17 residential from non-residential uses, and I think
18 that was your point, and how would we separate
19 those, and maybe separating them by a street, is
20 that --

21 COMMISSIONER GRANA: It is my question,
22 and if I need to clarify it, I will. But that is my
23 question.

24 MR. GALVIN: Uh-huh.

25 THE WITNESS: Okay. I was going

1 elsewhere as you saw.

2 COMMISSIONER GRANA: I can clarify it.

3 MR. GALVIN: I just wanted to bring you
4 back to where we were.

5 (Laughter)

6 THE WITNESS: Okay. I think it is
7 difficult to not have, when you have this kind of
8 zoning scheme, where you have residential and
9 industrial, I think it is difficult not to look at
10 the edges of those zones as transitional areas, and
11 I think that is the way appropriate planning should
12 be done here.

13 Now, the zoning doesn't set it up that
14 way. It doesn't say, well, we'll get a transition
15 or in the transitional zones, this is what should be
16 done in these areas. It leaves it up to the Boards
17 to determine that, but I think that is the proper
18 way to do it.

19 COMMISSIONER GRANA: Okay. I have a
20 follow-up question.

21 So in 2007, this Board approved a
22 variance that allowed for the permitted use, and in
23 2011 there was another variance that allowed for the
24 permitted use.

25 Are we saying that in 2014, that the

1 reason we want to add a non permitted use is because
2 we are at the edge of a zone, and this is a
3 transitional property?

4 Is that the argument?

5 THE WITNESS: I think that is what we
6 are saying today, yes.

7 COMMISSIONER GRANA: Okay. Thank you.

8 COMMISSIONER COHEN: Just a follow-up
9 on that point.

10 I mean, is there -- if I understand you
11 correctly, the neighboring property to the east, or
12 maybe it is two over from the east, was approved by
13 this body as a residential property. Is that
14 correct?

15 THE WITNESS: It is the adjacent
16 property to us to the east, and it's shown on Mr.
17 Nastasi's board, the development to the left side of
18 the building.

19 COMMISSIONER COHEN: That is not a
20 mixed use. That is a purely residential project.
21 Is that correct?

22 THE WITNESS: I believe it's 15 units
23 and seven stories.

24 MR. NASTASI: It starts right here.

25 COMMISSIONER MURPHY: Isn't that

1 commercial lower --

2 MR. MATULE: There may be some
3 commercial at grade. I'm not sure.

4 COMMISSIONER GRANA: I think it's
5 commercial grade --

6 COMMISSIONER COHEN: So commercial at
7 street level --

8 COMMISSIONER GRANA: -- at grade --
9 well, above flood, but yes.

10 COMMISSIONER COHEN: -- above flood,
11 okay, and with residential above it?

12 THE WITNESS: Right.

13 COMMISSIONER COHEN: Okay.

14 Now, I believe there was testimony at
15 the last hearing about the desirability of neighbors
16 to have more street life in the neighborhood.

17 I mean, is that a potential benefit of
18 having instead of cars living in the building,
19 having people, family-friendly units in that
20 building for that neighborhood?

21 THE WITNESS: Well, I think that is an
22 appropriate comment.

23 The question is: Can this development
24 be all things to all neighborhoods.

25 It is providing 80 public parking

1 spaces, and that is pretty -- a good amount of
2 parking to be providing to the public, so clearly it
3 is a public benefit with respect to that.

4 COMMISSIONER COHEN: Right.

5 But, I mean, would adding seven
6 three-bedroom family apartments and five two-bedroom
7 family apartments have any benefit for the
8 neighborhood as well?

9 That is what I'm asking you. I mean,
10 is there a value there for the community there?

11 THE WITNESS: Well, visually there is
12 because of the effect of having the Jefferson Trust
13 Building across the street, so you have residential
14 and residential, and you also have 301 and now 307,
15 both would be residential buildings, and obviously
16 on the ground floor there would be other uses and
17 there would be parking for us and retail for them.

18 So I think that is an appropriate plan
19 with respect to this little corner of Newark and
20 Willow.

21 COMMISSIONER COHEN: Thank you.

22 COMMISSIONER DE FUSCO: You testified
23 that, in your opinion, you didn't think that this
24 building would have any impact on whatever is in the
25 future for the Neumann Leather's development.

1 But, in your opinion, this is a hundred
2 percent lot coverage, but without knowing what is
3 going to be there, you know, is occupying all
4 hundred percent of this lot coverage, where 70 is
5 permitted, you know, prudent at this point in the
6 game?

7 THE WITNESS: Well, we had a hundred
8 percent coverage approved at the last application.

9 COMMISSIONER DE FUSCO: And not to
10 interrupt you, but just to follow-up on the
11 Chairman's point, that was for a considerable number
12 of more parking spots --

13 THE WITNESS: Correct.

14 COMMISSIONER DE FUSCO: -- which could
15 service the Neumann Leather's upcoming project.

16 THE WITNESS: It could.

17 My view on this is that we have short
18 of 9,000 square feet. Neumann Leather is three plus
19 acres, so what is our relationship going to be to
20 Neumann Leather, it is minuscule with respect to the
21 acreage involved, so Neumann will be a grand plan
22 of, you know, whatever Eileen is working on --

23 (Laughter)

24 -- so we hope to see soon, but it will
25 be grand, and it will be substantial.

1 This is, like I said, it's a little
2 tail on the big dog. It's a little 9,000 square
3 foot lot, which with respect to relating it to the
4 three acre lot, it's minuscule.

5 COMMISSIONER DE FUSCO: But just to
6 follow up on that, I don't disagree, but, you know,
7 there is no thought right now to the back of the
8 building, the back of the building that would be
9 facing the new development. So I think I disagree
10 with your assessment that it wouldn't have any
11 impact on Neumann Leather, because we don't know
12 what is happening there.

13 So if, you know, if we're look at
14 Neumann Leather as an entire planning destination,
15 if you will, the back of this building would
16 probably want to work with that. That is my
17 thought. I don't know if you have any thoughts on
18 it.

19 THE WITNESS: Assuming this building
20 gets built quickly within the next two or three
21 years or so, I would suspect that -- I will put it
22 this way: If I were doing the planning for Neumann
23 Leather, which I am not, knowing that this is here,
24 then my plan would need to conform to what this
25 approval is.

1 COMMISSIONER DE FUSCO: So it does have
2 an impact?

3 VICE CHAIR GREENE: Excuse me just a
4 second.

5 Isn't that like the tail wagging the
6 dog?

7 (Laughter)

8 CHAIRMAN AIBEL: I think you just said
9 that earlier.

10 THE WITNESS: I did. You are right

11 MS. BANYRA: Whose tail?

12 (Laughter)

13 COMMISSIONER DE FUSCO: So from a
14 planning perspective, that is having an impact on
15 whatever the larger plan for Neumann Leather will
16 be?

17 THE WITNESS: I don't view it as being
18 a substantial impact.

19 I mean, if you look the way the
20 building faces, it doesn't face directly into the
21 Neumann complex. It faces more towards the east,
22 and south and east, so from that perspective, in my
23 view, it wouldn't be a substantial impact, not
24 knowing what we're about to expect from the plan.

25 COMMISSIONER DE FUSCO: Sure, great.

1 Thanks.

2 CHAIRMAN AIBEL: Anything else?

3 Give me a half a second. I just want
4 to --

5 THE WITNESS: Last time I will use that
6 phrase.

7 (Laughter)

8 CHAIRMAN AIBEL: -- I just want to make
9 a couple comments on your testimony first about 301
10 Newark, because I was among the other Board members
11 who sat on that, and it is quite different. The
12 planner at the time was very persuasive in laying
13 out the fact that the corner lot was regularly
14 shaped. It was unique. He used words like it was
15 an orphan site.

16 What did he say?

17 It was isolated, and it was already a
18 mixed use, so there was a residential component. We
19 eliminated some bad uses on the street front, so,
20 you know, I do think that is a far different case,
21 and I would hate to think that that was going to be
22 the tail that was going to be wagging the rest of
23 this.

24 I see 307 is considerably a different
25 issue. I also have concerns about your comments

1 about the I-2 zone being obsolete.

2 You know, I could go through the list
3 of permitted uses from retail and personal services,
4 establishments, such as appliance sales, services,
5 banks, bakeries, fruit services, supermarkets,
6 barber shops, beauty -- it goes on for lines and
7 lines.

8 So at this point, the zoning I think in
9 some sense is not obsolete. There are permitted
10 uses that could be built here. You had a permitted
11 use that was granted a couple of years ago as a 487
12 parking lot, and I am having a little trouble
13 reconciling your request tonight with existing
14 variances -- with the existing zoning.

15 Eileen, I don't know if now is the time
16 to make a comment about Neumann Leather and where we
17 are.

18 MS. BANYRA: Because I do know what is
19 going on with Neumann Leather, so just a couple of
20 things I will just point out to you.

21 So we are in the process of preparing
22 the zoning ordinance as we speak for that site. I
23 don't know, it wasn't clear from Mr. Ochab's
24 testimony whether or not he knew that both this site
25 as well as the corner property were in the area of

1 in need of rehab. So while we say Neumann, because
2 Neumann is the big property, this property at 309 --
3 307-309 was included in the area in need of rehab as
4 was the corner property,

5 The corner property, which I wasn't
6 here when that was first approved, but we heard I
7 guess a few months ago was the final approval, and
8 they came back to change it.

9 I think you will recall, the Board
10 indicated that they would be coming in with a new
11 application, if they were modifying it at all.

12 So they came in, and they were only in
13 for a final approval, and the final approval, as
14 everybody probably recalls, is basically if you have
15 your preliminary approval, a final approval is kind
16 of a rubber stamp. So there was nothing we could do
17 in terms of final approval, whether the Board wanted
18 to change that or not wanted to change that.

19 But relative to what the Chairman said,
20 I did remember in reviewing the transcript that,
21 yes, that site was an auto body shop with apartments
22 above that had parking on the sidewalk and backing
23 in and out of that sidewalk, and the auto body shop
24 was pretty much taking up the parking, taking up the
25 sidewalk on Willow Avenue, so I think that was a

1 little bit different situation than this.

2 But there were a couple of other things
3 that I don't agree with what Mr. Ochab said, and one
4 I think, Mr. Ochab, you indicated the zoning was
5 changed to B-3, and I don't know if you said it was
6 changed or if it was noted in the master plan, but
7 the zoning never changed to B-3.

8 THE WITNESS: I know that.

9 MS. BANYRA: Oh, okay, so maybe you
10 meant that it was indicated in the master plan,
11 okay, because it didn't actually get changed to B-3.
12 We actually at the Planning Board looked at the B-3
13 zone and did not change it at one point.

14 The I-2 and I-3 transitional zone, you
15 know, this isn't a suburban area, and classically,
16 you know, Euclidean zoning used to really separate
17 all kinds of uses into their own little compartment.
18 You know, planning has gotten away from that a
19 little bit more, and Hoboken is classic in terms of
20 mixed use. Almost everywhere, we have allowed
21 commercial and residential in every zone.

22 Industrial is a little bit different,
23 but a zone line has to be struck somewhere. It
24 happens to be struck right here. It is a big
25 street. It's a two-way street. This was the old

1 part of the city where industry and the workers
2 worked on one side of the street, and the industry
3 was on the other side of the street, so I don't find
4 anything incongruent about the zone line being
5 struck there.

6 A lot of the residential buildings
7 across the street is a residential zone, so
8 residential buildings are going to be somewhere
9 across a zone line. A lot of things happened in
10 that zone pursuant to use variances, as some of the
11 Board members may remember, but in terms of the
12 industrial zone, and as Mr. Ochab indicated, he has
13 worked on a few of those. So, you know, whether
14 there is a zone line there or not, I don't find the
15 issue.

16 The other thing relative I think there
17 was a question regarding open space, and a hundred
18 percent lot coverage, and Mr. Ochab said that, you
19 know, he didn't think that because it was already a
20 hundred percent open space, that it didn't really
21 matter or it didn't do anything on the block.

22 You know, to that comment, and I think
23 back to the Commissioner's comment was, you know,
24 this is one of our major flood areas, so I think
25 coverage is a big issue, and what was approved

1 before was approved before, and maybe there were
2 benefits, you know, inferred by giving additional
3 parking, so I think coverage is an issue that you
4 will see in all of my reports. I think we have to
5 be very cognizant of, even as much as we can do for
6 flooding in the city, we should do.

7 You know, we are talking about green
8 roofs, coverage, storage tanks, you know, as much as
9 we can do, so I think that that is a question there.

10 Relative again, going back to Neumann
11 Leather, so the ordinance is being prepared now.
12 This property and 301, we actually met with 301. We
13 knew they had final approval, and I still met with
14 them to indicate to them should they choose not to
15 go forward, and they were taking the building down
16 as I spoke with them, I said, you know, the zoning
17 ordinance is being written. It's anticipated for
18 mid September for the draft ordinance to be out, and
19 I said, you know, you may end up getting something
20 possibly more than what you asked for, maybe not,
21 but we would love to have you in the plan, so we can
22 kind of incorporate it, and, you know, they
23 obviously weren't interested in that.

24 But this application, while it is an
25 application before the Board, and you have to review

1 it, you know, maybe in the same case, because the
2 zoning that may be for Neumann and then overlain on
3 this property may be advantageous to the property
4 owner and different from what is being proposed.

5 What they have approval for is a
6 parking garage. What may be proposed maybe -- and
7 again, we haven't identified all of the different
8 spots yet, but may be different than what is
9 approved here right now, and maybe, you know, may
10 have some residential component.

11 We haven't assigned it to particular
12 parcels yet, but there will definitely be a
13 different zoning ordinance or a different zoning for
14 this property, I would say, you know, this year, and
15 hopefully that will be adopted this year. But
16 definitely it will be out in September at least the
17 draft.

18 And then regarding changing the zoning
19 and the master plan, saying, you know, keeping the
20 I-2, the I-2, the master plan talks about keeping
21 the I-2 and adding, you know, a few additional uses.
22 It suggests not changing it back, and it is
23 referenced in the reexamination report, that that
24 was based on a decision that the Council made on a
25 Kane property when we went through the Planning

1 Board exercise and had public meetings and were
2 deciding about whether or not to talk about the I-2
3 industrial transition zone, should we actually do
4 that or not.

5 We came back to the I-2 zone instead,
6 because we felt that the I-2 zone with some
7 modifications in the uses and some enhancements to
8 that, that we actually could serve the Board still
9 and serve the community in a way that we thought was
10 appropriate, so I think that is it in summary.

11 CHAIRMAN AIBEL: Thank you.

12 Let me keep it up open to the
13 Commissioners for questions.

14 COMMISSIONER GRANA: Well, just having
15 heard that, the challenge here is that I have heard
16 testimony from Mr. Ochab that this is a -- I don't
17 remember the exact words -- it was transitional
18 zoning, but that the zoning in this location was not
19 kind of the destiny of -- the future destiny of the
20 area, but in fact --

21 MR. GALVIN: Mr. Grana --

22 COMMISSIONER GRANA: -- I didn't say it
23 correctly?

24 MR. GALVIN: -- no, no. What I wanted
25 to jump in and say is: We have to be careful when

1 we are questioning the witness, that we want to ask
2 the witness questions that elicit -- that give him
3 an opportunity to persuade you.

4 When you are asking those kind of
5 questions, it's appropriate we should do that, but
6 sometimes there is a fine line between asking
7 questions that help them respond to your questions,
8 and then it starts to bleed into deliberations.

9 I'm not saying that that's what you're
10 doing, but it would be better off, you know, if you
11 got to the point, if you got your answers, then to
12 wait for deliberations.

13 COMMISSIONER GRANA: Okay.

14 MR. GALVIN: If you don't agree -- Mr.
15 Ochab has -- there's some things that professionals
16 have to tell us. They have to present their case --

17 COMMISSIONER GRANA: I understand, so
18 I'll get to the question because it was related to
19 that testimony. And the question is: But do we, in
20 fact, have other viable businesses or other viable
21 activities in this zone that actually conform to the
22 use of this zone?

23 THE WITNESS: You are talking about the
24 entire I-2 zone?

25 COMMISSIONER GRANA: Yes.

1 THE WITNESS: Well, the Neumann Leather
2 complex itself has a myriad of different uses, and I
3 would suspect from past history that most of them
4 are conforming.

5 It wasn't necessarily the issue. The
6 issue was to look at the I-2 zone and morph it into
7 an updated representation of itself. In other
8 words, get rid of food processing and outright
9 warehousing, for instance. In other words,
10 modernize the I-2 zone. I think that is the intent
11 of where Neumann is going with respect to that.

12 My thinking was that the site, the
13 residential component fits nicely into that
14 morphing, because, again, the location of the site,
15 where the site is located at the extreme south end
16 of the entire Neumann complex.

17 MR. NASTASI: If I can just add to that
18 being a tenant of Neumann Leather for 25 years.

19 All of the talk since the Trammel Crow
20 scheme with the Neumann Leather tenants association,
21 with the planners who have been in my office for
22 many hours, has always been about reinventing what
23 industrial zoning is, and it's industrial arts, like
24 the Tom Neumanns, the furniture makers, the Shapos,
25 who build pianos, and that is what is going on

1 inside of Neumann Leather, but there has always been
2 talk that you mix that industrial art with
3 restaurants, shops and residential. And residential
4 is always -- since Trammel Crow left here in 2008,
5 whatever it was, we have always concisely between
6 the city and the tenants association have talked
7 about mixing residential with the industrial arts to
8 make a vibrant community at that end of town.

9 So I think Mr. Ochab's presentation is
10 spot on, because this site looks north at
11 residential, and everything that we have been doing
12 in the tenants association and with the planners is
13 bringing residential around those edges to
14 transition, and then have this enclave of industrial
15 arts and this vibrant community of restaurants and
16 shops and Tom Neumanns and Shapos, and there's a
17 great mix in a vibrant community.

18 So I think for that reasoning, I think
19 this building, and I am privy to Neumann Leather for
20 a quarter of a century, I think this building is
21 right in keeping with all of the vibe going with
22 what's happening in Neumann Leather right now.

23 I think a 500-car parking garage across
24 from a residential building is alien to what is
25 happening with the Neumann Leather complex from a

1 vibrant community standpoint.

2 COMMISSIONER GRANA: Thank you.

3 CHAIRMAN AIBEL: Any other questions?

4 Let me open it up to the public.

5 Anybody have questions for Mr. Ochab?

6 MR. SELTZER: Not a question.

7 CHAIRMAN AIBEL: This is just questions
8 of the planner. Public comment will be --

9 MR. GALVIN: Public comment can be any
10 minute.

11 CHAIRMAN AIBEL: -- at any moment.

12 Seeing no questions of Mr. Ochab --

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

15 CHAIRMAN AIBEL: Thank you.

16 All in favor?

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

19 MR. MATULE: That is all of my
20 witnesses. I will reserve my summation until the
21 closing of public comments.

22 CHAIRMAN AIBEL: Okay.

23 Open it up to public comment.

24 MR. GALVIN: He keeps raising his hand,
25 so I think that seems right.

1 MR. SELTZER: Thank you very much.

2 My name is Richard Seltzer, Montclair,
3 New Jersey.

4 I am the attorney for Seth Martin, a
5 resident of Hoboken, at 931 Hudson Street and a
6 contract purchaser for 81-83 Willow Avenue.

7 The reason I am here tonight is just to
8 clarify that in the event this plan is approved,
9 that the language provided to you by Mr. Matule is
10 accepted as a condition, a strictly enforced
11 condition to the applicant.

12 My client --

13 MR. GALVIN: I want to read it and see
14 if you think I got it right.

15 MR. SELTZER: Okay.

16 MR. GALVIN: Okay.

17 I have: The applicant agreed to
18 dedicate a hundred parking spaces to the Jefferson
19 Trust Buidling for 89 Willow Street.

20 The applicant is to record a deed
21 restriction restricting the specific 109 parking
22 spaces, a hundred by the Jefferson Trust Building,
23 and nine for 89 Willow Street.

24 The deed restrictions are to be
25 reviewed and approved by the Board's attorney prior

1 to recording, and it must be recorded prior to the
2 issuance of a building permit.

3 MR. SELTZER: When we -- on behalf of
4 my client, because under the various court cases I
5 have --

6 MR. GALVIN: Which we are not a part
7 of.

8 MR. SELTZER: I know. But there is a
9 consent order apparently from predecessors in title
10 that obligates my client to provide the interim
11 parking prior to the construction of the parking
12 facility for the benefit of the Jefferson Trust.

13 So the condition that you just stated
14 is accurate as far as it goes.

15 I would respectfully request that the
16 additional language be inserted that Mr. Matule
17 said, that upon completion of the facility, of the
18 parking facility, the obligation for the hundred
19 spaces shall be the responsibility of the owner of
20 307 Newark, and any obligation of 81-83 Willow shall
21 cease. That was the language of Mr. Matule.

22 MR. GALVIN: Well, let me speak to
23 this.

24 I think that I can restrict a hundred
25 spaces, as Mr. Matule suggested, and we don't have

1 the other application before us. We don't have
2 jurisdiction to do what you are asking, That is
3 beyond the scope of what I think the Board can do.

4 MR. SELTZER: Well, then I would
5 respectfully request a representation from the
6 attorney for Jefferson Trust that there are no other
7 agreements that exist between the applicant and
8 Jefferson Trust.

9 MR. GALVIN: Come on up. Put your name
10 on the record.

11 MR. ZIPKIN: Hi, everybody.

12 Thanks for your time.

13 It's Mitch, M-i-t-c-h, Zipkin,
14 Z-i-p-k-i-n. Griffin Alexander, 415 Route 10, Suite
15 6-8, Randolph, New Jersey.

16 My firm represents Jefferson Trust
17 Condominium Association. Excuse me. It is an
18 association for buildings adjacent to the site at
19 issue. I am here tonight on behalf of the
20 association.

21 At the last meeting, my colleague,
22 Robert Griffin, was here. It is my understanding he
23 elaborated extensively for what Jefferson Trust's
24 position was with respect to the project, and he
25 gave his support to the project. I am not here to

1 rehash Jefferson Trust's position. I am here to
2 give my overwhelming support to the project.

3 I am also here to advise the Board that
4 the association has reached an agreement with the --
5 with Gold Coast Parking, who is the owner of the
6 site, and I have a copy of the agreement to present
7 to the Board, if the Board so chooses, and I ask
8 again, if the Board wishes to include it as part of
9 any resolution that it might adopt with respect to
10 same --

11 MR. GALVIN: I don't. The Board is not
12 going to get entangled in this action.

13 MR. ZIPKIN: So as to counsel's
14 assertions, I cannot make any sort of
15 representations as to what will go on in the future.
16 All that I can say with respect to the consent
17 agreement, which you referenced, it is an amended
18 consent agreement. It's dated June 6th, 2008.

19 My client will do no more or no less
20 than what is referenced in that agreement, so I
21 can't make any further representations, and that is
22 our position.

23 MR. GALVIN: And what does the
24 agreement say?

25 MR. ZIPKIN: The agreement essentially

1 fixes rates for parking for residents of the
2 Jefferson Trust for a period of time.

3 MR. GALVIN: Does it talk about when
4 the hundred parking spaces are going to be provided?

5 MR. ZIPKIN: It says commencing at a
6 time following the issuance of a certificate of
7 occupancy for the new parking facility, which Gold
8 Coast has applied to the Hoboken Zoning Board.
9 Application bid September 24th, 2013, but only after
10 association residents commence parking at the
11 property, and then it goes on to discuss what Gold
12 Coast shall charge the association members for a
13 period of five years.

14 MR. GALVIN: But Mr. Seltzer is talking
15 about at some point in that document it talks about
16 his client no longer having to provide their 30
17 parking spaces.

18 MR. ZIPKIN: No. His client is not a
19 party to this, and it is also my understanding that
20 his client is not the owner of 81-83 Newark, that
21 there is actually pending litigation with respect to
22 that, and there might be a standing issue with
23 respect to his contentions.

24 MR. SELTZER: I stated we were a
25 contract purchaser. My client is a resident

1 taxpayer, and the contract purchase -- the fact that
2 the seller, we believe, reached a contract, we have
3 a lawsuit for specific performance with a trial
4 scheduled in September.

5 MR. GALVIN: Let me just say this.

6 I think you should take a high level of
7 confidence in what I'm saying. I don't think we
8 have jurisdiction over this, and I don't think the
9 Board should get themselves into this action.

10 What I will do is I am going to protect
11 the status quo by ensuring that we have a deed
12 restriction on these hundred parking spaces, because
13 that is what the parties are all agreeing that at a
14 minimum has to come out of this parking arrangement,
15 and that is what we are going to do.

16 Otherwise, you know, this is a judicial
17 forum, but not that kind of judicial forum, so I
18 don't think we can do anything more than that.

19 MR. SELTZER: Thank you very much.

20 MR. ZIPKIN: Thank you.

21 MR. GALVIN: Pleasure seeing both of
22 you.

23 MR. ZIPKIN: I just wanted to
24 reiterate, we are supporting the project.

25 MR. GALVIN: I understood that from the

1 last hearing when whoever it was that was here from
2 your firm got up and said they supported it as long
3 as the hundred spaces are dedicated, and I actually
4 wrote this condition prior to tonight's meeting --

5 MR. ZIPKIN: Okay, great.

6 MR. GALVIN: -- not the nine, but the
7 hundred.

8 MR. ZIPKIN: Okay. Thank you.

9 MR. GALVIN: Okay.

10 MR. ZIPKIN: That's all.

11 MR. GALVIN: Thank you, sir.

12 Anybody else want to be heard on this?

13 Mr. Matule wants to be heard on this.

14 (Laughter)

15 MR. MATULE: Nobody else wants to talk?

16 Thank you, Mr. Galvin, for your
17 attention to that matter.

18 As I am sure you all know, there is an
19 approval extant for a seven-story parking garage
20 with a hundred percent lot coverage on all seven
21 floors.

22 We are now proposing, if you will, a
23 modification to that approval, where we take half of
24 the garage and leave it at four stories at a hundred
25 percent lot coverage, and then have the other

1 stories, three out of, I believe, 75 percent
2 approximately lot coverage, and the top floor is
3 about 35 percent.

4 There would still be a substantial
5 number of spaces available to the public, and we
6 can't I think turn a blind eye to the fact that
7 there is also, even though there is 109 parking
8 spaces spoken for with respect to Jefferson Trust,
9 they are still public parking spaces in the sense
10 that those 109 people who are parking some place
11 else are going to park in this garage, and that is
12 going to presumably free up spaces for somebody else
13 to park in.

14 There was, I guess, a question or
15 comment during Mr. Ochab's testimony about the fact
16 that the building as proposed does not address the
17 potential future development of the Neumann Leather
18 site, and in Mr. Nastasi's book on Page 6, and I
19 know he testified to this when he previously
20 testified, they have done the south side, if you
21 will, or southeast side of the building in such a
22 way that it does try to, you know, interact with the
23 Neumann Leather site in the sense that the first
24 four floors, you know, have a heavy industrial brick
25 look that the existing buildings do while the upper

1 floors get lighter and more open, the residential
2 floors. So I would have to say it is not like Mr.
3 Nastasi didn't think about that when he was
4 designing the building.

5 I don't think anybody can disagree with
6 the fact that the building is in keeping in scale
7 with the other residential buildings across the
8 street and, of course, down the street on the other
9 side of the Neumann Leather project is the whole
10 big -- I think it is called Observer Highway Plaza,
11 a big residential complex, which is much higher.

12 I appreciate the fact that there might
13 be a plan coming for Neumann Leather. I know based
14 on the prior history of the operators of Neumann
15 Leather, the owners of Neumann Leather, the fact
16 that there might be a plan doesn't necessarily mean
17 that it is going to be a viable one for a long time.
18 I know they are already talking about litigation,
19 and they don't even know what the plan is.

20 But we are traveling under now the time
21 of application rule, if you will, and so I think
22 that that is why Mr. Ochab was talking about the
23 industrial zone not being as -- certainly being in
24 transition, not being the old fashioned industrial
25 zone that you think of.

1 What I would suggest is that what the
2 Board has to do is look at this application in the
3 context of: Is this a better zoning and planning
4 alternative to what we presently have approved for
5 the site.

6 Is a mixed-use building that still
7 provides a substantial number of parking spaces to
8 the community, but also adds a large residential
9 element to it, which I might add, including one
10 affordable unit, a better planning alternative for
11 the site, or would, you know, a seven-story,
12 400-and-some car monolithic parking garage be the
13 better choice, and I believe that really is the
14 choice or the context that the Board should look at
15 this in when they are deliberating granting these
16 variances that we are requesting.

17 I am certainly not ruling out -- this
18 is preliminary site plan approval, if between now
19 and assuming it was approved, and when we come back
20 for final site plan approval, the Neumann Leather
21 plan, such as it may be adopted, and the applicant
22 thinks it is a better alternative use for the
23 property, we could always either withdraw or come
24 back and modify our application or whatever, but I
25 guess we have to sort of travel on what is now as

1 opposed to what may be. Again, I think we have to
2 look at it in that context. You know, is Choice A
3 or Choice B a better use for the site as opposed to
4 a potential Choice C.

5 So on that note, I would ask, and I
6 would suggest that what we are proposing is a much
7 better use than strictly a parking garage on the
8 site, and I would ask that the Board approve it.

9 Thank you.

10 CHAIRMAN AIBEL: Thank you.

11 Anybody want to start off?

12 Mr. Cohen?

13 COMMISSIONER COHEN: You know, if you
14 look at the resolution for approval of this project,
15 which I think has to be the starting point from June
16 of 2011 that was unanimously approved, a hundred
17 percent lot coverage, 487 parking spots, nothing
18 else, the words "Neumann Leather" don't appear
19 anywhere in this resolution, and neither do any of
20 the other possible uses that seem to be getting the
21 imagination of certain Commissioners on the Board.

22 There is no reference to anything other
23 than parking here. And while I think there is
24 nothing wrong with going through the ordinances and
25 thinking about all of the other possible permitted

1 uses, with all due respect, this is not our
2 application. It's the applicant's application, and
3 they are coming forward with something that's in
4 scale with the neighborhood, that matches the height
5 of the neighboring properties, that seems to be
6 something that people who live in the neighborhood
7 want to see built there to have additional street
8 life in the community.

9 We are talking about family-friendly
10 units. We're talking about less traffic that is
11 going to be generated. We have seen that there is
12 going to be -- people are expressing concerns about
13 traffic by having hundreds of fewer cars coming in
14 and out every day, you are going to have less
15 congestion, plus we're still going to get the
16 benefit of having the parking spots.

17 You know, and the other thing is, that
18 I am seeing a pattern of having Commissioners make
19 suggestions or comments or concerns to applicants,
20 and then having the applicants through great effort
21 come back to the meeting weeks later to address
22 those concerns by making whole scale modifications
23 to their plans, and then having other Commissioners
24 say, well, you know, let's not give acknowledgement
25 or credit to that.

1 I think we should. I think we should
2 be sending messages to developers who are working
3 with us, that we respect those efforts.

4 So I respect the efforts of this
5 application. I think it's a worthwhile application
6 that I would support.

7 CHAIRMAN AIBEL: Anyone else?

8 COMMISSIONER DE FUSCO: You know, I
9 understand it's about that. You know, I played
10 devil's advocate with the planner. I think that a
11 transition in a transition zone or a transition
12 development, a mixed-use development is really
13 important for this particular area.

14 I think that whatever is to come with
15 Neumann Leather is going to -- it's a large swath of
16 land. This building transitions well. It's adds
17 street life, and quite frankly speaking, I think a
18 huge benefit is the architecture, and it is not the
19 only positive criteria, but it is a beautiful
20 building. It appreciates the industrial nature of
21 the zone and then transitions in with
22 family-friendly units.

23 So I think it is absolutely in the size
24 and the scope, and I think it definitely has my
25 support.

1 I am curious, though, to see what
2 everyone else has to say, because I know there is
3 some concern about how it will work with Neumann
4 Leather, and I think that there are going to be
5 other Commissioners who may see it differently than
6 myself and Phil.

7 COMMISSIONER MC ANUFF: I will speak.

8 I am also in support of the project. I
9 was present at the first hearing. I think, as Phil
10 said, Mr. Nastasi came back and addressed all of the
11 concerns put forward by the Board.

12 I also don't agree with hypothesizing
13 what is going to happen with Neumann Leather and
14 possibly holding up this building until something is
15 decided.

16 My only comment on the revised design
17 is I felt the original -- the colors were fine the
18 way it was, and it stood on its own. It should be a
19 gem and should stand out from the neighboring
20 buildings. I don't think it is necessary to have
21 red brick, and that is it.

22 COMMISSIONER MURPHY: Hum, the other
23 thing that I guess I am concerned about is the loss
24 of the public parking, and I am trying to weigh that
25 against the idea of making it a mixed-use building.

1 I had to answer a survey for parking
2 the other day, and it talked about, you know,
3 possibly having hubs that people would be shuttled
4 to wherever they live by parking, and I'm thinking,
5 so, again, we have this situation, where we are
6 losing, you know, a hundred or so parking spots for
7 the public.

8 I do like the look of the building. I
9 think that I personally like the red brick in that,
10 but I am concerned about the Neumann Leather. I do
11 understand that we are at a place where we have to
12 decide now rather than wondering what is going to
13 happen with that in the future.

14 MR. GALVIN: Can I comment on that?

15 I just want to add to it when you done.
16 Are you done? I don't want to cut you
17 off.

18 COMMISSIONER MURPHY: No, go ahead.

19 MR. GALVIN: I was going to say that I
20 think that the point needs to be understood that we
21 have to take the zoning the way it is, and that cuts
22 both ways.

23 We can't base our decision based on the
24 fact that we know Neumann Leather redevelopment is
25 coming, and by the same token, when people say to

1 us, well, ignore the zoning, you know, you can't do
2 that either. You have to take the zoning as it is,
3 and what the applicant has to do is they have to
4 prove their case.

5 When you have the difference between
6 what we approved the last time and this time to be
7 fair, so it's said, is that the last time they
8 needed a D-3 variance, which is a conditional use
9 variance, which means that there are conditions that
10 they didn't comply with, but the use is otherwise
11 permitted in the zone.

12 Now, the introduction of the families,
13 whether it's good or bad, is a use that is not
14 permitted in the zone, then you have to meet the
15 Medici standard, which is a very high standard to
16 satisfy, and they have given you some really good
17 reasons that you can listen to and weigh, you know,
18 but that information needed to be on the record.

19 I apologize.

20 I am not trying to weigh in for or not,
21 you know. It is up to you guys.

22 CHAIRMAN AIBEL: Okay.

23 Mr. Grana?

24 COMMISSIONER GRANA: I am just going to
25 offer the same. I don't think we can -- I don't

1 think Neumann is a factor, in the sense that we have
2 to weigh the case that is in front of us.

3 I think also that we -- well, we have
4 to weigh the zoning that exists, and the only reason
5 I pressed with the number of those questions is
6 because the biggest thing we are asking for here is
7 the change of use, and that is what one of the most
8 difficult proofs are.

9 We heard a great deal of testimony, and
10 you should cast your vote accordingly on whether or
11 not you think the proofs have been made.

12 COMMISSIONER TREMITIEDI: I think the
13 key word is "transitional." The planners said it
14 and several members of the Board. Transition is the
15 word.

16 My experience in Hoboken is I work in a
17 shipyard where I live. I went to U.S. Testing
18 Company, which is being developed, and I loaded
19 trucks in the Tea Building, so this is a good
20 mixed-use for an industrial complex. I would just
21 like to add that for the record.

22 Thank you.

23 CHAIRMAN AIBEL: Do you want to go,
24 Elliot, or do you want me to go?

25 VICE CHAIR GREENE: No. I will go.

1 I am torn by the application. On the
2 one hand, I think it is a very handsome building.
3 Frankly, I like it better than the already approved
4 use. I think the reduced parking is actually a
5 benefit, although I am sure some people will
6 disagree, but I am not totally convinced that adding
7 the residential use on this site, the need for it
8 has been proven, but I am withholding judgment.

9 CHAIRMAN AIBEL: All right. Well, let
10 me go.

11 I will just make a short correction.
12 The resolution of approval that Mr. Cohen referred
13 to did not provide for a hundred percent lot
14 coverage. That was an approval granted in 2007.

15 The approval a couple of years ago
16 increased the parking component from 170 spots to
17 487. That just corrects the record.

18 I am looking at this very narrowly. We
19 have a standard of proof that we have to, you know,
20 that the applicant has to meet. It is a very
21 substantial standard of proof for four D-1 -- four D
22 variances, seven C variances.

23 The proof shows substantial deviations
24 from the permitted uses in the zone. The 40-foot
25 height restriction, two-story permitted, 92 feet,

1 eight stories requested, there has been no showing
2 that this property can't be developed for a
3 conforming use within the zone, and that is one of
4 the special reasons that is required of the
5 applicant. I don't think that showing has been made
6 or can be made.

7 There are many, many uses in the zone
8 that are permitted. There is a laundry list of them
9 a mile long. We are not talking about smoke stack
10 industry. This is the I-2 zone, and I believe
11 that -- my view or my role tonight is to apply the
12 zoning that applies today. Everybody seems to agree
13 on that. But when we talk about what is a better
14 plan, I am not sure I am the right person to be
15 talking about what is a better plan. I think there
16 is another redevelopment authority in town that is
17 responsible for changing zoning, if it wanted to.
18 It hasn't changed this I-2 zone.

19 I don't think this site is particularly
20 suitable to the use. It is not like the 301 Newark
21 site, where it was a unique, very narrow property.
22 We had reasons at the time for carving that out as
23 an orphan or an isolated property.

24 This is a large chunk of property. It
25 has no open space component, a FAR that is 6.25

1 versus a 1.25 permitted in an industrial zone, and I
2 recognize that, you know, that is not where it would
3 be. But I keep coming back to the fact that it is
4 hard for me to reconcile the application tonight
5 with the master plan and the zoning ordinance. It
6 is just so substantially an impairment, and I think
7 a decision by us to in effect apply a new zoning
8 standard for this particular piece of property is
9 beyond what we ought to be doing.

10 I am looking at the parking component
11 that was granted in 2011. It might not be perfect,
12 and maybe this applicant talks to the City Council
13 or talks to the planners on Neumann Leather
14 rehabilitation, and they come to some agreement that
15 is not a benefit. But as I sit here today, I am
16 looking at a huge benefit to the public, and we all
17 recognized, and we recognized in the prior
18 resolution, that the additional parking was a
19 substantial benefit to the public. That is being in
20 effect taken away in a major, in a major degree in
21 favor of a residential component, which does not
22 benefit, in my view, the public, and is totally
23 inconsistent with the current zoning.

24 The lack of open space is a problem for
25 me, and I think Ms. Banyra talked about the

1 importance of addressing open space and drainage in
2 a flood zone. That is not part of this. It wasn't
3 a part of the 487 parking spot development, but
4 perhaps there is an opportunity, you know, to make
5 something that is a better match for the community,
6 but I am not the planner, and I don't think my role
7 tonight is to be the planner, so I could not support
8 this.

9 MR. GALVIN: Want me to start working
10 on the conditions?

11 CHAIRMAN AIBEL: If you want to.

12 MR. GALVIN: Here we go:

13 1: In exchange for the approval, the
14 applicant agreed to abandon its prior approval.

15 2: If the generator is placed on the
16 roof, it will have the maximum baffling provided by
17 manufacturer and will only be tested weekdays
18 between the hours of noon and three.

19 I might need some help.

20 I have the stormwater detention and
21 retention with a question mark.

22 Anybody?

23 COMMISSIONER MC ANUFF: It was shown on
24 the plan on the slab --

25 COMMISSIONER COHEN: As shown on the

1 plan --

2 MS. BANYRA: As shown on the plan

3 MR. GALVIN: Well, I don't need to
4 write it, if it is shown on the plan. I think I
5 have it down because maybe I thought there was
6 something more there.

7 All right.

8 3: The bicycle rack is to be
9 maintained as shown on the plans.

10 4: The plan is to be amended to show
11 the installation of conduits for electric car -- for
12 a car charging station or for a car charging
13 stations?

14 MS. BANYRA: Plural.

15 COMMISSIONER COHEN: Stations.

16 MR. GALVIN: If you use one conduit,
17 and it goes different places, right?

18 The applicant is to provide trash and
19 recycling on each floor.

20 I think that plan needs to be further
21 flushed out when we go to final site plan.

22 MR. MATULE: I think that was --

23 MS. BANYRA: They did --

24 MR. NASTASI: I think that's on the
25 drawings. Each garbage can is numbered. It's shown

1 on each floor.

2 MR. GALVIN: I have: It accumulates on
3 each floor.

4 Is that right?

5 MR. MATULE: Correct.

6 MS. BANYRA: The plan was revised to
7 reflect that.

8 MR. GALVIN: Okay.

9 HVAC, I have question marks.

10 Anybody have any thoughts on that, or
11 that is not important?

12 Okay. I just wanted to make sure on
13 that.

14 COMMISSION MC ANUFF: I think the HVAC
15 question referred to the unit for the common area as
16 being kept in one of these rooms on the second floor
17 in the front of the building, if I remember
18 correctly.

19 Can anybody recall that?

20 MR. GALVIN: I am looking to the
21 applicant also.

22 What floor did you have it on?

23 COMMISSIONER MC ANUFF: The second
24 floor, where the mechanical space is. I think Mr.
25 Branciforte brought up where was it going to be.

1 COMMISSIONER COHEN: Z-3.

2 COMMISSIONER MC ANUFF: Yes. It's Z-3,
3 second floor.

4 MR. NASTASI: On the front of the
5 facade on the second floor, there is a mechanical
6 room space that could be allocated to that.

7 MR. GALVIN: But it isn't, so that is
8 why I am bringing it up, because it is something
9 that's missing from the plan, right?

10 COMMISSIONER MC ANUFF: Yes.

11 MR. GALVIN: So the plan is to be
12 revised to show -- to show what? To show the --

13 MR. NASTASI: Mechanical equipment on
14 the second floor in the mechanical drawings.

15 MR. MATULE: You have all of the
16 residential --

17 (Counsel confers.)

18 MR. GALVIN: I guess the idea is up out
19 of the area where it could get wet.

20 The plan is to be revised to show -- I
21 wrote down: The green roof details at the time of
22 final site plan.

23 Is that right?

24 The plan is to show at least one
25 two-bedroom affordable housing unit.

1 9: The affordable compliance plan is
2 to be submitted to Shirley Bishop for her review and
3 approval prior to submission for final site plan.

4 I want to reread the condition that I
5 read off earlier on the deed restriction. Everybody
6 understand that?

7 Okay.

8 11: There shall be a minimum of -- I
9 have been hearing 80 and 86 all night long.

10 MR. NASTASI: It's 86.

11 MR. GALVIN: Okay. So there shall be a
12 minimum of 86 --

13 COMMISSIONER COHEN: Does that include
14 six handicapped spots?

15 MR. NASTASI: Yes.

16 MS. BANYRA: It's included.

17 MR. GALVIN: -- which includes
18 handicapped.

19 Okay. This approval is contingent on
20 the plan being constructed as described to the Board
21 at the time of hearing.

22 But let's ask a question.

23 Are the Board members who liked this
24 plan, are you favoring the red brick or the --

25 COMMISSIONER DE FUSCO: If this went to

1 final, would we have to decide the color now?

2 MR. GALVIN: No. I think there is a
3 probability that there might be some changes between
4 here and there, because that is what happens in
5 Hoboken, but it is up to you. It doesn't matter.

6 If you are deciding to do this, and
7 your special reasons is you find the building
8 attractive, then you could be saying you find the
9 design attractive regardless of whether it's the red
10 or non red.

11 COMMISSIONER MC ANUFF: Color to be
12 determined.

13 MR. GALVIN: But we don't need to bring
14 it up. They are listening, and they will figure it
15 out.

16 COMMISSIONER COHEN: Is that it?

17 MR. GALVIN: Yes. That is all I had
18 unless you guys want to add something else.

19 COMMISSIONER DE FUSCO: I mean, I do
20 have a question for Mr. Nastasi specifically,
21 because I mean, this hundred percent lot coverage
22 drainage situation on water retention, the green
23 roof was brought up in the first meeting. It is a
24 nice addition, but I am wondering, is there any way
25 we could increase this to make it more attractive

1 from a green perspective?

2 MR. NASTASI: Well, we have our
3 retention/detention tanks underneath the slab that
4 hold all the water and then let it go once all of
5 the -- for an extended period of time after the
6 storm.

7 We can expand the green roof to cover
8 every aspect of the roof that's not covered by
9 mechanicals, and really make it a lush green roof.

10 COMMISSIONER DE FUSCO: I think that I
11 personally would like to see that as a condition, if
12 this gets approved, just because --

13 MR. GALVIN: Don't hold back, because
14 this is a big approval, and if you want something,
15 you ask for it --

16 COMMISSIONER DE FUSCO: -- 100 percent.
17 I think that the lot coverage dictates that there be
18 as much green infrastructure as possible on this
19 building.

20 MR. GALVIN: So say it differently.

21 COMMISSIONER COHEN: Maximize the green
22 roof to every portion of the roof that does not have
23 mechanicals on the surface of the roof.

24 MR. NASTASI: Well said.

25 MS. BANYRA: Mr. Nastasi, did you also

1 testify to the building being a specific LEED
2 certification?

3 I don't remember. Did we -- we talked
4 about LEED and --

5 MR. NASTASI: We did not talk about
6 that only because it is half parking garage and half
7 residential building. I don't even know if there is
8 a LEED category for that.

9 What we can do is we can take the
10 residential portion of the building and comply with
11 residential LEED standards for that aspect. With
12 LEED, you always have to fall under a category.

13 COMMISSIONER COHEN: Can you say gold
14 LEED?

15 MR. GALVIN: I think it is unnecessary,
16 guys. I see no advantage.

17 (Board members confer)

18 MR. GALVIN: The green roof is to be
19 well landscaped and cover all but the --

20 MS. BANYRA: To the greatest extent
21 possible. All surfaces of the roof to the greatest
22 extent possible, and it will be reviewed at the time
23 of final.

24 COMMISSIONER DE FUSCO: That, in my
25 opinion, guys, becomes a substantial benefit to what

1 we had with the monolithic parking structure. I
2 mean, to my knowledge, when we approved it, I could
3 be wrong, we didn't have any sort of green
4 infrastructure with that. It was just a tar roof,
5 so the water retention here in a region that we all
6 know is prone to flooding is a substantial benefit.
7 Just add that.

8 MR. GALVIN: I am done, guys.

9 COMMISSIONER DE FUSCO: So that being
10 said, I would like to make a motion to approve with
11 the conditions that counsel outlined.

12 MR. GALVIN: Thank you.

13 COMMISSIONER COHEN: Second.

14 CHAIRMAN AIBEL: Pat?

15 MS. CARCONE: Commissioner Greene?

16 VICE CHAIR GREENE: No.

17 MS. CARCONE: Commissioner Cohen?

18 COMMISSIONER COHEN: Yes.

19 MS. CARCONE: Commissioner DeFusco?

20 COMMISSIONER DE FUSCO: Yes.

21 MS. CARCONE: Commissioner Grana?

22 COMMISSIONER GRANA: No.

23 MS. CARCONE: Commissioner Murphy?

24 COMMISSIONER MURPHY: No.

25 MS. CARCONE: Commissioner McAnuff?

1 COMMISSIONER MC ANUFF: Yes.

2 MS. CARCONE: Commissioner Aibel?

3 CHAIRMAN AIBEL: No.

4 MS. CARCONE: Three to four.

5 CHAIRMAN AIBEL: Thank you.

6 (The matter concluded at 11:30 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 6/30/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
SPECIAL MEETING OF THE : BOARD BUSINESS
HOBOKEN ZONING BOARD OF : June 24, 2014
ADJUSTMENT : Tuesday 11:50
p.m. ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner Owen McAnuff
- Commissioner Richard Tremittedi

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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5 (732) 364-3011
6 BY: STEVEN M. GLEESON, ESQUIRE
7 Acting Attorney for the Board.

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

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11 Hoboken, New Jersey 07030
12 (201) 659-0403

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1 CHAIRMAN AIBEL: Is there any more
2 business, Board?

3 MS. CARCONE: Those waivers, if you
4 want to hit those.

5 CHAIRMAN AIBEL: We'll do it next time.

6 MR. GALVIN: Well, let's take two
7 seconds on the waivers. Let's talk about the new
8 ordinance and the change.

9 Do you guys want to talk about it? It
10 will only take us a minute.

11 (Board members confer and are all
12 talking at once.)

13 MR. GALVIN: I need Jeff, Eileen, and
14 Pat to pay attention.

15 Pat, I need your attention. You need
16 to hear what we are doing.

17 MS. CARCONE: I'm sorry.

18 CHAIRMAN AIBEL: All right. We're
19 ready to go here.

20 MR. GALVIN: Okay. Pat, I need you.

21 MS. CARCONE: I'm listening.

22 MR. GALVIN: Okay.

23 MS. BANYRA: So the review of the
24 waiver request, as the Board -- should I just jump
25 in, Dennis?

1 MR. GALVIN: I think what I want to say
2 is the ordinance has been changed, and it has been
3 changed in a way that kind of matches the Planning
4 Board system and not the Zoning Board system.

5 There really isn't anything that I
6 could do to have prevented that, but I think the
7 bottom line is that what happens is we get an
8 application. We have 45 days to deem it complete,
9 and what we test it for is there is a checklist, and
10 do they have everything that they need that is on
11 that checklist.

12 MS. BANYRA: Quantitatively, not
13 qualitatively.

14 MR. GALVIN: Right. Not how great it
15 is, but just do they have it.

16 What is happening now is occasionally
17 somebody will ask for a waiver. In other words, we
18 don't want to provide something because it is silly,
19 because the project --

20 VICE CHAIR GREENE: Traffic report --

21 MR. GALVIN: -- yeah, the traffic
22 report. And what we were doing in the past is our
23 professionals were deciding whether or not we needed
24 these waivers, right? They weren't asking the Board
25 before.

1 MS. BANYRA: We didn't give them
2 waivers.

3 MR. MARSDEN: There wasn't an official
4 determination of waivers.

5 MS. BANYRA: We didn't give them
6 waivers --

7 MR. MARSDEN: The checklist --

8 MR. GALVIN: Yeah. So I think where we
9 are at is if they fully comply, they are going to be
10 deemed complete, and you are not going to hear about
11 it.

12 But if somebody makes a request for a
13 waiver, and if it's meritorious, then it has to come
14 back to you guys, and we are going to waste five or
15 ten minutes of precious Board time making the
16 determination on whether or not to grant or deny the
17 waiver of the traffic study or some detail in the
18 site plan.

19 Are you going to help?

20 MR. MATULE: Well, I am only listening
21 because I know it is in reference to an application
22 I have submitted.

23 MR. GALVIN: I am not -- I don't know
24 that. I am just trying to move the ball along.

25 So what we have to do, though, we have

1 to conduct that hearing within the 45-day period, or
2 they will get an automatic approval.

3 Now, what we could do is --

4 MS. BANYRA: On those items.

5 MR. GALVIN: -- we could initially deem
6 them incomplete, and then at some point in the
7 future make them resubmit, and then consider it.

8 But what I would like to do is if
9 during the 45-day period, we may have to take a few
10 minutes at the beginning of the hearing, and Eileen
11 and Jeff will tell us whether or not they recommend
12 that we grant a waiver. Then you will either adopt
13 what they are saying or you will disagree with what
14 they are saying.

15 CHAIRMAN AIBEL: Sounds fine.

16 MR. GALVIN: Is that an okay procedure?

17 MS. BANYRA: Yes.

18 MR. MATULE: May I make a suggestion?

19 MR. GALVIN: Sure.

20 MR. MATULE: One of the specific
21 waivers, and I know this is always an issue
22 typically is Hudson County site plan approval. As a
23 general rule, we don't submit to Hudson County until
24 we have an approval --

25 MR. GALVIN: Oh, let me stop you.

1 My official position is that is an
2 outside agency approval that we really technically
3 should not stop you on --

4 MR. MATULE: I don't disagree, but it
5 is now a checklist item, so we have to ask for a
6 waiver of showing proof that we applied to Hudson
7 County in order to be deemed complete, so --

8 MR. GALVIN: Does the Board give its
9 professional the right to waive the Hudson County --

10 MR. MATULE: I'm just --

11 MS. BANYRA: Let me -- it's not an
12 approval. It is about submission --

13 MR. MATULE: Right.

14 MS. BANYRA: -- but I think, Bob, in
15 fairness, I think that was always on the checklist,
16 and we didn't -- that you always had to --

17 MR. MATULE: We always wrote applied
18 for, or condition of final, and that was always
19 okay, but now --

20 MS. BANYRA: But in the Planning Board,
21 we didn't do that, so maybe because the Planning
22 Board was the Planning Board, at the Planning Board
23 level when you submit it to the Planning Board,
24 probably because it was a permitted use, you are
25 submitting to Hudson County at the same time. We

1 never waived that.

2 At the Zoning Board, it may be
3 appropriate to waive the submission, not an
4 approval, because that is a third-party approval,
5 but the submission of an application --

6 MR. GALVIN: Yeah. We want to know
7 that you're going to process --

8 MS. BANYRA: -- because -- because
9 particularly for a use variance application, if it
10 doesn't get anywhere, why waste your time going to
11 Hudson County.

12 MR. GALVIN: You know what, you will
13 bring it to us, and they will recommend and they
14 will bring it up at the beginning of the meeting,
15 and we will decide yes or no based on their
16 recommendation, and we'll try to comply with the
17 ordinance.

18 MR. MATULE: Yes. I will just ask for
19 them, because really in terms of time, money, and if
20 we submit something to them, and then it changes
21 here --

22 MR. GALVIN: Oh, no, no, no.

23 We are not talking about whether or not
24 it should be waived. We are talking about what our
25 procedure is to decide whether or not to waive it.

1 MR. MATULE: Yes, okay. That was my
2 only comment.

3 MR. GALVIN: If Jeff and Eileen say, in
4 this instance, where it is just like a, you know, a
5 church or something, and it doesn't make any sense,
6 it's a simple -- or a four-story basement is going
7 to be converted, clearly that is not something that
8 we need to say. But if it is major, like 307
9 Newark, it ought to be going to the --

10 MS. BANYRA: It could also be done at
11 the time of final is what Mr. Matule is saying, why
12 do they have to do it at the time of preliminary.

13 Hypothetically, they just denied. We
14 had to submit to Hudson County, and we just got a
15 denial, why can't we do it at final?

16 I think that's what he's saying.

17 MR. MATULE: And typically what has
18 been done at this Board is that if it is a project
19 that is big enough for preliminary and final, it has
20 always been made a condition of final. Then we go
21 to Hudson County after we get preliminary, and we
22 get that approval, and put that in our package when
23 we submit for final.

24 MR. GALVIN: One of our recommendations
25 to the governing body should be to change the

1 requirement that we have filing at preliminary for
2 the Zoning Board, just for the Zoning Board. Don't
3 complicate it with the Planning Board.

4 MS. BANYRA: Right. It's different
5 with the Planning Board.

6 MR. GALVIN: It's a different animal,
7 right, because you go to the Planning Board, you
8 know you are going to get approval, because that's
9 what we have to understand. At the Planning Board,
10 theoretically it is permitted unless they are
11 seeking C variances that are too much.

12 MS. BANYRA: Well, just relative to the
13 waiver items, you know, in some towns they allow
14 their professionals to make the decision to waive
15 them, or you can do it. I think if we get a sense
16 that the Board is always saying, "waive this," you
17 know, go with that, waive, waive, waive, then they
18 at some point --

19 MR. GALVIN: Why don't you bring a
20 couple to us.

21 MS. BANYRA: -- and go that way.

22 Okay. Then we can get a sense of where
23 we are going.

24 MR. GALVIN: I'm sorry, guys. We
25 needed to have that conversation.

1 CHAIRMAN AIBEL: Motion to close.

2 VICE CHAIR GREENE: Motion to close.

3 COMMISSIONER GRANA: Second.

4 CHAIRMAN AIBEL: All in favor.

5 (All Board members voted in the

6 affirmative.).

7 (The matter concluded at 11:40 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: 6/30/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.